La. won't void shell dredging leases

By BOB ANDERSON
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The state will not void shell dredging leases that have come under fire from environmental and fishing groups, the Department of Wildlife and Fisheries announced Wednesday.

The leases should be voided, because they were not advertised for public bid, the Sierra Club said earlier in the week in a letter to the department.

Both McFadden Duffy, the department's spokesman, and Don Puckett, the department's attorney, said they do not know whether the leases were advertised.

Jesse Guidry, head of the department, has been unavailable for comment for two days.

Jesse Knowles, who chaired the Wildlife and Fisheries Commission when the leases were granted, said Wednesday that he is not sure whether the leases were advertised, but he feels all of the companies capable of handling the work were aware that the leases were being renegotiated.

There are just a few companies that have the equipment needed to do the work, he said.

The matter received a good bit of public attention because it was discussed over a period of three monthly commission meetings, he said.

"Shell dredging always has been handled a little odd," said Knowles.

But the former commission chairman said the matter did receive "a lot of sunshine," and he received no pressure.

"If they feel strong enough, they ought to get with it," Knowles said of the Sierra Clubs notice to the department that they may take legal action if the dredging is not stopped.

The Sierra Club, along other environmental groups and fishing interests, opposed the granting of the permits alleging that the dredging harms aquatic life, degrades water quality and worsens coastal erosion.

Long-term studies have indicated that shell dredging does not cause such problems, the department said in its release Wednesday.

The Sierra Club's letter was carefully reviewed by the department's legal council, Duffy said.

"We feel that the department's position on shell dredging is on a sound basis and we intend to continue (See DREDGING, Page 8-B)

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operating under terms of those shell dredging leases," he read from a departmental release.

He also noted that the wildlife commission has adopted additional regulations to provide closer monitoring of dredging.

In addition to not advertising the leases, the department overstepped its authority by issuing leases in areas where such leases are not authorized by state law, the Sierra Club said in its letter.

"We always comply with the law, and if we don't it's unintentional," Guidry said when asked about the allegations Monday.

At that time he declined further comment on the matter, because he said he had not yet read the letter.

Last May the Louisiana Wildlife and Fisheries Commission approved renegotiation of leases to dredge shells in Lake Pontchartrain, Lake Maurepas and several coastal areas. The companies have since been granted the needed permits by the Department of Natural Resources and the U.S. Army Corps of Engineers.

The groups were successful in getting DNR to put various environmental restrictions on the dredgers, but not in stopping the permits.

"We think it's past time for Wildlife and Fisheries to begin taking seriously its responsibility to protect these vital fisheries areas from the damages caused by indiscriminate shell dredging," Dr. Jonathan Lee said in announcing the Sierra Club's letter.

Lee, who is chairman of the club's Delta Chapter, charged that the department has ignored increasing scientific evidence of environmental damage resulting from shell dredging.

He noted that Wildlife and Fisheries receives some $1.5 million annually in royalty payments from dredging companies.

Last week the dredging companies complained about some of the permit restrictions that have been placed on them, and said they have discussed appealing the permits.

The companies wrote letters to DNR accusing them of being unreasonable in the restrictions it has written into the companies' permits.

In letters to DNR the dredgers ask that many of the restrictions be changed.

DNR says it is not going to back down on any environmentally important restrictions it placed on the companies when it issued the permits on Dec. 29.

In their letters to DNR the dredgers accused the department of being "unreasonable, arbitrary or capricious in nature."

The companies alleged that the permit requirements "place an inequitable burden on the applicants."

Among the things the dredgers objected to is a provision under which they can be required to use some of the shells they dredge for restoration as a compensation for disturbance of water bottoms.

The dredgers also say a restriction prohibiting dredging within a half a mile of the existing shoreline in Atchafalaya Bay and Four League Bay "is not supported by any evidence and is contrary to recommendations from all state and federal agencies."

Winston Day, deputy secretary of DNR, said the department is still reviewing the complaints by the dredgers.

DNR is willing to be flexible in any areas where it can make matters easier on the companies without lessening the strength of the permit requirements, he said.