Shell dredging ban denied

By Betsy Cook

A temporary ban of shell dredging was refused by the Louisiana Coastal Commission on Friday, Feb. 25.

The request by several environmental groups to halt shell dredging until their appeal of the permits will be heard March 28 was turned down by a 10-4 vote.

Three witnesses spoke for the environmentalists, all claiming to have seen the dredgers operating in waters that are prohibited in the present permits.

Michael Kirby, a Plaquemines councilman who moved to deny the ban, said the environmentalists failed to show that dredging causes "irreparable harm."

"I think they made a weak showing," he said.

Ed Lennox, a spokesman for Radcliff Materials Inc., an Alabama-based shell dredging firm, estimated his company would lose $1.8 million each day a ban was in effect.

By telephone, Richard Hayes, president of Save Our Coastline, said that despite the vote, the hearing was a victory for environmentalists.

"We did provide testimony to the fact that shell dredging is detrimental, and basically the commission didn't vote for the stay for the simple reason that shell dredging has been going on for well over 50 years," Hayes said.

"So what is one more month, is the way they figured."

"We didn't look for a stay, it was just an avenue we had to pursue and close the door on," he said.

Hayes indicated the success of the hearing was getting the issue in the media and the fact that a representative of the State Attorney General's office was at the hearing in the audience.

"He, (the attorney general) has been asking for this type of information," Hayes said.

Hayes added legislators are "finding out about it" and the public, "which is where the decision will be made."

Hayes said he felt this hearing, and others will encourage people to get involved and contact their legislators and parish governments.

Several environmentalists have hinted privately that the attorney general will, in the near future, initiate some action regarding shell dredging, although none would be specific on the action that would be taken.

"The attorney general is in the process of investigating some type of action," Hayes said, "I can add any more to that, but he has been investigating it for some time," said Hayes.

The attorney general's office could not be reached for comment by press time.

Contacted by telephone, Lennox said he was curious as to why the media did not print why the commission, after hearing the petitioners' evidence, voted to deny the temporary ban.

Lennox said he was not allowed to present the defense of the shell dredging position because the testimony of the environmentalists was so weak. "That's okay I don't care how we win," said Lennox.

"If you could have been there, and heard their testimony, I would have hated to have been the prosecutor and rely on that kind of testimony in a court of law," said Lennox.

Lennox said he would not venture to guess what effect that vote will have on the March 28 hearing on the appeal.

Jean Phillips of New Orleans, a wetlands specialist with the Sierra Club, was one commission member voting in favor of the ban. The dredgers tried to prevent her from voting in an affidavit filed with the commission. A spokesman for four dredging companies said Phillips should either excuse herself or be prevented from voting because she spoke against the renewal of dredging permits at an Oct. 28 hearing in Jefferson Parish.

"My statement was that more study needed to happen before a permit was issued," Phillips said.

Evidence presented by the environmentalists included testimony from a wildlife and fisheries specialist who said he saw a dredge plowing through a newly forming delta in the Atchafalaya Swamp in Sept. 1979.

"It bothered me to think that in a wildlife management area, where land was being created, there was a giant shell-dredging machine coming through and eating up the marsh," testified Ken Tuminello, who studied that case for the U.S. Fish and Wildlife Service.

The witnesses were called by Osborne and Henry Bernard Jr., attorney for the Iberia Rod and Gun Club, in an attempt to document abuses.

Voting with Phillips in favor of a dredging ban were Bethlyn McClosey, Oliver L. DeGraville Sr. and Bruce Wright.

Jefferson Parish's representative, John Ulhiv, voted with Donald Grimes of St. Charles Parish, Kirby and seven others against the ban.

Other shell-dredging companies involved are Louisiana Materials Inc., Ponchartrain Materials Inc. and Lake Charles Dredging and Towing.