Shell dredging firm to appeal permit limit of 2 dredges in lake

By BOB ANDERSON
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A shell dredging firm has served the state with an appeal of a permit that limits the company to two dredges in Lake Pontchartrain.

Pontchartrain Materials Corp. says the state abused its discretion and went beyond its authority in putting the limit on the company.

State permits put a similar limit on each of three firms that have authority to dredge in the lake.

“The limit was designed to provide an environmental safeguard,” said Winston Day, deputy secretary of the Department of Natural Resources.

Dredging kills bottom-dwelling organisms that are vital to the food chain and causes turbidity, Day said Monday after reviewing the appeal.

DNR decided on the limitation after 1,500 hours of review by experts, he added.

In its appeal, the company says the two dredge limitation amounts to the taking of the company’s “property rights without due process or just compensation.”

The company says its three dredges will have no greater capacity than the two dredges being operated by each of its two competitors.

Pontchartrain Materials is thereby being denied due process, equal treatment and equal protection by the state’s action, the appeal states.

“The decision on the two dredge limitation was arrived at without consideration, study or review and it is without rational basis,” according to the appeal.

Day said that the company has requested on several occasions that it be allowed to put another dredge to work in the lake, but that DNR has refused.

The permit was issued to Pontchartrain Materials and two other companies in January after a public hearing, which was marked by opposition to the permits by environmental groups.

Pontchartrain Materials appealed limits on the permit to the Louisiana Coastal Commission, which heard the matter and upheld the limitations on June 6.

Pontchartrain Materials filed an appeal in the 24th Judicial District Court at Gretna, but did not ask for the parties to be served at that time.

Day said DNR just became aware of the appeal, because Pontchartrain Materials asked last week for them to be served.

The companies are also permitted to dredge in Lake Maurepas but pulled their dredges out of that lake earlier this year after DNR cited high levels of turbidity and threatened to issue an order forcing the companies to leave.

Day said DNR will allow one dredge to return to Lake Maurepas during a period approved by the Louisiana Department of Wildlife and Fisheries to see if it is possible for some dredging to occur in that lake without causing water quality problems.