Crawfishermen at odds with landowners over access to areas of Atchafalaya Basin

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CATAHOULA — Roy Savoy eases his aluminum skiff through a tangled curtain of vines and saplings to check the first crawfish trap.

"Watch your ears," Savoy advises as the bow of the boat slides under low-hanging limbs. He stops at a string tied to a limb where a wire mesh trap is submerged.

"That water don't look too healthy," observes his friend, Mike Bienvenu.

The water level has dropped since Savoy put his traps out two days ago, they agree, and the result is a dark, tannin-colored water with low oxygen that turns crawfish off.

The first trap confirms their doubts. Only a handful of crawfish. Most are small.

"How you going to raise a family with that?" Bienvenu asks.

Bienvenu has asked that question often for the past few years as the harvest from the basin has gotten smaller and smaller. But this year might be a change for the better.

The promise of high water from flooding up north could bring a bumper crop of crawfish this year, according to Jay Huner, director of the Crawfish Research Center at the University of Louisiana at Lafayette. And the U.S. Army Corps of Engineers has said it will consider diverting more water from the Mississippi River into the Atchafalaya River to maintain a water level of nine feet at Butte La Rose.

But the bright outlook from high water has been clouded by a proposal from a consortium of large corporate landowners in the basin who wanted the crawfishermen to give up access to areas of the Atchafalaya Basin.
fishermen to buy permits for access to a prime area of the spillway.

The proposal has riled up crawfishermen like Bienvenu, galvanizing them into a defiant organization threatening a lawsuit to press their argument that they should be allowed to fish wherever their boats can take them. How can a corporation claim ownership of an area usually covered by water, they ask.

The conflict between private property claims and public access isn’t new, said Charles R. Osborne, administrator of the State Land Office.

"That’s a problem we’ve had for years," R. Ronan said.

Accreted land built up from sediment in a lake is considered public property, according to R. Ronan, but land that forms in a stream can be claimed by the landowner whose property adjoins the waterway.

He also said that a similar distinction exists between the starting point for public and private areas.

The low water mark on the bank of a stream, determined by water levels in late summer and early fall, is the demarcation between public and private land, R. Ronan said. But on a lake or bay, he said, the high water mark is the boundary.

Waterways in the basin could be private if they were man-made, such as a pipeline canal, he said, but channels, streams and bayous that were navigable when Louisiana entered the union in 1812 are considered public waterways. If changes in a waterway were made, the public still has a right of passage, he said.

Bienvenu said that, if crawfishermen are shut out of prime areas of the basin, other would be denied public use, including sports fishermen and hunters.

"It’s not just us. It’s everybody," he said.

"When they stop us, they’re coming after everyone," Bienvenu recently was elected president of the Louisiana Crawfish Protection Association, an organization formed as a result of the permit proposal.

"We just want to make a living," Bienvenu said. "We’re not hurting anybody. We built this industry, and now we get the shaft."

Rudy Sparks, a representative of Williams Inc., a land company that owns acreage in the basin, said he tried to pool 5,000 acres north of Buffalo Cove from several companies for leasing to crawfishermen. The proposal fell apart, however, because the crawfishermen refused to meet with the landowners to work out an arrangement.

He said a definitive price for the permits was never determined because the crawfishermen refused to discuss the proposal.

Sparks said Williams Inc. wouldn’t be pressuring charges against crawfishermen for trespassing at present.

"If we and when we lease property, then these individuals have exclusive crawfishing rights," he said.

Sparks said he encountered the same resistance 10 years ago when he made the same proposal to crawfishermen to lease them acres. He offered leases for $500 acres. He offered leases for $300 for a season, but had few takers.

He said the proposal is intended to improve the crawfish industry, not to make big profit from selling permits.

"What we are looking to do was to build a fishery resource," he said.

"Let’s face it, we believe the best way to manage the resource is through a cooperative agreement between the landowner and fishermen," he said. "To this point, we just haven’t gotten there, and so to this point the crawfish industry has suffered and suffered miserably.

He said the permitting proposal has not been accepted by crawfishermen because of their distrust of landowners and the suspicion that an ulterior motive exists behind the leasing.

"As a result, both sides have spent time and energy fishing over crawfish, rather than trying to manage it," he said.

Sparks and the low bounty harvest from the past few years is the result of too many crawfishermen pursuing a finite amount of crawfish with trap mesh that’s too small and for too long of a season.

"Crawfish is the only natural resource in the state that has no regulation," he said.

But R. Ronan disagreed with Sparks’ argument that crawfish are depleted by overharvesting or by a small mesh size, which catches smaller crawfish.

"That’s not defensible on the basis of the biology of the animal," R. Ronan said.

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"It’s a classic case of who owns the rights to the land," R. Ronan said. "It needs to go to court and be settled once and for all."

Lafayette attorney Buzz Durio said he’s preparing a class-action lawsuit to protect crawfishermen from trespassing prosecutions.

"I think of the basin as the Wild West," Durio said. "This is like a range war from a hundred years ago."

Several cases of trespassing have been prosecuted through the years with mixed results.

"I think we’re working up to something that’s going to be definitive," Durio said of the lawsuit.

Environmentalist Harold Schoeffler of Lafayette is encouraging crawfishermen to stand their ground, to speak, and resist any permitting efforts.

"If we fail, then we will see more of this kind of thing," Schoeffler said.

"We’re not going to get the shaft."

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