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State-sanctioned land-grab?

Atchafalaya dredging questioned

Kevin Scrantz

A body can't swing a dead cat in the beleaguered Atchafalaya Basin without hitting controversy, and the dredging project at Bayou Postillion in Iberia Parish looms large as an example.

Bayou Postillion is a natural waterway on the western side of the Basin opening into vast cypress-tupelo swamps from the Intracoastal Waterway's alternate route to the Mississippi River.

A May 23, 2005, press release from the state Department of Natural Resources proclaimed the dredging project — which began in late December 2004 at a cost of \$766,000 of state money — “restores the natural depth and width of the bayou and will allow better access for recreational and commercial fishermen.”

According to Sandra Thompson, director of the Atchafalaya Basin Program, “There are a number of bayous in the Basin where sediment has completely closed off the bayou and the State Lands Office merely shows



BUILDING LAND — A dredge pulls mud off the bottom of Bayou Postillion in the Atchafalaya Basin and piles it along the bank. The gaps visible beyond the dredge are supposed to allow rising water to spread out across the swamp, but commercial crawfishermen like Jody Meche (below) say the gaps soon fill in and the banks inhibit the natural sheet flow that replenishes the cypress and tupelo swamps. (Top photo courtesy DNR; Staff Photo by Sally Angelle)

a straight line where a bayou used to be... Bayou Postillion was about to be in that category, you could walk across it.”

The project remedied the situation by dredging a three-mile stretch and, according to the DNR release, “removing approximately 480,000 cubic yards of sediment from the channel and placing dirt on the banks of the bayou.”

And there, as they say, is the rub.

Henderson Town Councilman and com-

mercial crawfisherman Jody Meche compares the current situation to what has already happened at Buffalo Cove in the wake of a previous water quality project, pointing out that high spoil banks left by the dredging will inhibit the seasonal sheet flow of water through the swamp, resulting in stagnant pools incapable of sustaining life.

Why, he wonders, weren't those 480,000 cubic yards of sediment taken to the state's evapo-

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Jody Meche

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Bayou

rating coastline, where it could do some good?

Immediately after the dredging was completed, oil company barges appeared serendipitously on the horizon followed in short order by the drilling of an astonishing six wells with a daily production veteran landman Dan Collins described as "incredible."

Collins and others believe the Corps of Engineers might not have granted a permit for oil and gas dredging without extensive permitting, mitigation and lengthy studies. But in the name of water quality, the process was streamlined.

It's a situation that has left Collins and other opponents of the project scratching their heads and questioning the legality of what they consider a land-grabbing free-for-all and a disastrous precedent for the Basin.

At best, they say, the project resembles an oil and gas access channel more than it does a water quality project.

At worst, it's a giveaway of state lands to the adjacent private landowners. According to land manager Paul Maclean of Maclean Land Services, Inc., of Houma, what was once an approximately 300-foot-wide waterway has been reduced to a 100-foot-wide channel, resulting in an approximate 60-acre decrease in public lands.

Moreover, the spoil deposited on those 60 acres — the 480,000 cubic yards of sediment Jody Meche wondered about — has been leveled to form, by all appearances, waterfront lots.

So, if the critics are correct, the landowners get usable land that had once been a public waterway. The increase adds to their oil and gas royalties. And public funds were used to facilitate the oil and gas production.

Thompson argues that the landowners were about to get the whole bayou through the process of accretion — land buildup on the banks of a stream accrues to the owner of the adjacent land. But according to environmentalist

and sportsman Harold Schoeffler, a longtime and frequent visitor to the area, Bayou Postillion was far from becoming land.

"It's getting shallower but it's not accretion," he said. "Accretion has to be out of the water."

Schoeffler said the combination of rise in the sea level of nine-tenths of a foot and 1.6 feet subsidence means the whole area has sunk 2.5 feet.

"Some of the deep waterway like Postillion, they become almost to swamp level, but they're not coming above the water. They'll get shallower but that doesn't mean they're going to rise out of the water and willow trees are going to grow on them. There's a big difference."

Maclean, one of the dredging project's most vocal critics, explains that he's not against oil and gas drilling — only the use of taxpayer dollars to facilitate it.

"I am against oil and gas canals being dredged by the Atchafalaya Basin Program, with public funds, under the veil of being called a supposed 'water quality' project when, in fact, apparently no real science drove the pre-project engineering design of the subject canal, as it was dredged," Maclean said.

"There apparently were no hydrologic models before the project to

assess the degree of water quality improvements to be expected by the project as it was designed," he said.

Maclean, who is still searching public records for proof of his suspicions, says it appears to him that the same level of improved water quality may well have been achieved in that area with a much smaller project designed strictly for water quality.

"Anything above a correctly-designed water quality project could well be said to be for other purposes such as, but not limited to, oil and gas activity — in my opinion, purposes not necessarily to be funded by the public under the name of water quality," he said.

Maclean notes that in its agreement with the landowners, the state acknowledges that the newly dredged bayou will be utilized as "an access route by oil and gas operators conducting exploration and development activities on the adjacent lands of private owners."

One state employee familiar with the project since its inception and who agreed to speak on condition of anonymity said, "This administration was duped into signing off on the project. Gov. Blanco and (DNR Secretary) Scott Angelle inherited this problem from the Foster administration."



RAISON D'ETRE? — Oil and gas operations in full swing on Bayou Postillion. Activity began soon after the channel was deepened with state funds, ostensibly to improve water quality for fishermen. *(Staff Photo by Sally Angelle)*