

Report to Congress for Future Water Resources Development (WRRDA 7001) Submission Package

Proposal Name: Lower Mississippi River -- Integrated Flood Protection, Navigation, and Ecosystem Restoration Feasibility Study (LMR -- IFNotnow Feasibility Study)

Submission Date: 08/27/2019

Proposal ID Number: 5b8329ec-dfaa-440f-a436-766b1f143621

Purpose of Proposal: This study is requested to address the potential economic losses, ecosystem impacts and impacts to nationally significant navigation interests from the existing operational regime of the flood control system in the Lower Mississippi River given increased rainfall in recent years. Flooding along the Mississippi River has increased in both frequency and magnitude during the past three to five decades. During the 50-year period of 1970 to 2019, water level stages at Cairo, IL have exceeded major flood stage 17 times as opposed to 13 times during the previous 72 years. From 2011 to 2019, the Bonnet Carré Spillway (BCS) has been opened an average of every 1.6 years compared to an average of every 8.8 years over the previous 79 years. In 2019, the BCS was opened an unprecedented 123 days resulting in harmful algal blooms in southeast LA and coastal MS while drastically freshening a system already experiencing the effects of increased local inputs. This resulted in a negative impact to fisheries and the state economies. While the flood protection benefits of the Bonnet Carré Spillway are significant and undeniable, we recognize the opportunity exists to manage high water events on the river to benefit the environment and reduce flood risk. With regard to that opportunity, the Louisiana Coastal Master Plan proposes 2 diversions, the Maurepas & Ama, along the east bank of the River which would reconnect the River to forested wetland habitats in the Pontchartrain Basin. The Ama Diversion, located downriver from the BCS would divert freshwater and sediment into the Barataria Basin. Diversions into wetland habitats would result in greater uptake of nutrients compared to Lake Pontchartrain. Combined, these 3 diversions could direct up to 77,000 cfs of water, reducing the duration and magnitude of BCS operations. We propose expanding the “Room for the River” Concept. In the Vicksburg District, realignments of levees resulted in 43,000 acres of flood plain to be reconnected.

1. Administrative Details

Proposal Name: Lower Mississippi River - Integrated Flood Protection, Navigation, and Ecosystem Restoration Feasibility Study (LMR - IFNotnow Feasibility Study)

by Agency: Coastal Protection and Restoration Authority

Locations: AR,IL,KY,LA,MO,MS,TN

POC Name:

POC Phone:

POC Email:

Date Submitted: 08/27/2019

Confirmation Number: 5b8329ec-dfaa-440f-a436-766b1f143621

Supporting Documents

File Name	Date Uploaded
Alternate Outlets-Diversion Fact Sheets.pdf	08/27/2019
Map of Lower Mississippi River.jpg	08/27/2019
Toy Ltr 2019 07 23 - Mississippi High River Management.pdf	08/27/2019
Louisiana Edwards.pdf	08/27/2019
Mississippi Bryant.pdf	08/27/2019
Kay Ivey Alabama Disaster Request Letter.pdf	08/27/2019
Letter from Secretary Hosemann-7.11.19.pdf	08/27/2019

2. Provide the name of the primary sponsor and all non-Federal interests that have contributed or are expected to contribute toward the non-Federal share of the proposed feasibility study or modification.

Sponsor	Letter of Support
Coastal Protection and Restoration Authority (Primary)	On July 23, 2019, Louisiana Governor John Bel Edwards transmitted a letter to Major General Toy, Colonel Stephen Murphy, and the Louisiana legislative delegation requesting that the US Army Corps of Engineers consider the opportunities proposed in this requested feasibility study to better manage the lower Mississippi River for the benefit of the state of Louisiana, the state of Mississippi, and the needs of the nation. As of this time, the other six states which border the Lower Mississippi River (Illinois, Missouri, Kentucky, Tennessee, Arkansas and Mississippi) have not been notified of our intent to submit this request. Following submission of this request, it is our intent to notify them of this submission and seek active support of this initiative. Their expected participation in this effort will be critical to its success.

3. State if this proposal is for new feasibility study authority, a modification to an existing feasibility study authority, a modification to an existing USACE project authority, or a modification to an existing USACE Environmental Infrastructure Program authority. If it is a proposal for a modification to an existing study, project or program authority, provide the authorized water resources development feasibility study or project name.

New Feasibility Study Authority

4. Clearly articulate the specific project purpose(s) of the proposed study or modification. Demonstrate that the proposal is related to USACE mission and authorities and specifically address why additional or new authorization is needed.

This study is requested to address the potential economic losses, ecosystem impacts and impacts to nationally significant navigation interests from the existing operational regime of the flood control system in the Lower Mississippi River given increased rainfall in recent years. Flooding along the Mississippi River has increased in both frequency and magnitude during the past three to five decades. During the 50-year period of 1970 to 2019, water level stages at Cairo, IL have exceeded major flood stage 17 times as opposed to 13 times during the previous 72 years. From 2011 to 2019, the Bonnet Carré Spillway (BCS) has been opened an average of every 1.6 years compared to an average of every 8.8 years over the previous 79 years. In 2019, the BCS was opened an unprecedented 123 days resulting in harmful algal blooms in southeast LA and coastal MS while drastically freshening a system already experiencing the effects of increased local inputs. This resulted in a negative impact to fisheries and the state economies. While the flood protection benefits of the Bonnet Carré Spillway are significant and undeniable, we recognize the opportunity exists to manage high water events on the river to benefit the environment and reduce flood risk. With regard to that opportunity, the Louisiana Coastal Master Plan proposes 2 diversions, the Maurepas & Ama, along the east bank of the River which would reconnect the River to forested wetland habitats in the Pontchartrain Basin. The Ama Diversion, located downriver from the BCS would divert freshwater and sediment into the Barataria Basin. Diversions into wetland habitats would result in greater uptake of nutrients compared to Lake Pontchartrain. Combined, these 3 diversions could direct up to 77,000 cfs of water, reducing the duration and magnitude of BCS operations. We propose expanding the “Room for the River” Concept. In the Vicksburg District, realignments of levees resulted in 43,000 acres of flood plain to be reconnected.

5. To the extent practicable, provide an estimate of the total cost, and the Federal and non-Federal share of those costs, of the proposed study and, separately, an estimate of the cost of construction or modification.

	Federal	Non-Federal	Total
Study	\$2,000,000	\$1,000,000	\$3,000,000
Construction	\$1,900,000,000	\$0	\$1,900,000,000

Explanation (if necessary)

Given the scope and scale of the Lower Mississippi River from Cairo, Illinois to the Gulf of Mexico, it is not possible to estimate the construction or modification cost until the feasibility study is complete. At this time, the cost of the feasibility study is estimated to be three million dollars given the boundaries of the US ACE 3x3x3 Feasibility Studies. It is estimated that there will be additional costs for the feasibility study by neighboring states participation beyond the cost of the USACE and the non-federal sponsor for the feasibility study. For purposes of this proposal, the construction costs submitted is the estimated costs of the three diversions described in this submittal at full federal cost. It is understood that additional alternatives will be reviewed and analyzed through the feasibility study.

6. To the extent practicable, describe the anticipated monetary and nonmonetary benefits of the proposal including benefits to the protection of human life and property; improvement to transportation; the national economy; the environment; or the national security interests of the United States.

The anticipated monetary benefits include potential reduced impact to fisheries in southeast Louisiana and the Mississippi Sound from extended operation of the BCS directly into Lake Pontchartrain. This location is responsible for a significant portion of the Louisiana and Mississippi harvest of both shrimp and oysters, both of which have shown dramatic decreases with the unprecedented increase in freshwater leading to requests for a Federal Fishery Disaster from Louisiana, Mississippi, and Alabama. The prolonged operation of the BCS impacted recreation and tourism in southeast Louisiana and Mississippi due to algal blooms resulting in beach closures and warnings along the Mississippi Coast and southeastern Louisiana. There were reports in the media of impacts to human health for individuals who came into direct contact with the harmful algal bloom. Access to outdoor recreation is important to both Louisiana and Mississippi residents and visitors. Additionally, this event showed how indirect impacts may affect the important summer tourism to these coastal areas.

Nonmonetary benefits include the reintroduction of the Mississippi River to tens of thousands of acres of critical forested and emergent wetland habitats in Louisiana through the operation of the Maurepas, Atchafalaya, & Union Diversions. Those environmental benefits are described in the 2017 Coastal Master Plan. While difficult to calculate, additional monetary and nonmonetary benefits would result from enhanced nutrient uptake in these diversion project areas reducing the load of nutrients delivered to the Gulf of Mexico and thereby reducing the dead zone. Finally, the potential benefits are incalculable of having alternatives to divert water either east or west from the Mississippi River when during high river events compounded by tropical system storm surges. A benefit that certainly would have been invaluable in protecting life and property had hurricane Barry taken an alternate track.

7. Does local support exist? If 'Yes', describe the local support for the proposal.

Yes

Local Support Description

The Louisiana 2017 Coastal Master Plan includes multiple Mississippi River Diversions at Ama, Union and Maurepas. The 2017 Coastal Master Plan was unanimously approved by the Louisiana legislature and the Louisiana Coastal Protection and Restoration Authority Board. Additionally, the various stakeholders within Louisiana, Mississippi, and Alabama have echoed calls for a modern look at flood-control of the lower Mississippi.

8. Does the primary sponsor named in (2.) above have the financial ability to provide for the required cost share?

Yes

Additional Proposal Information

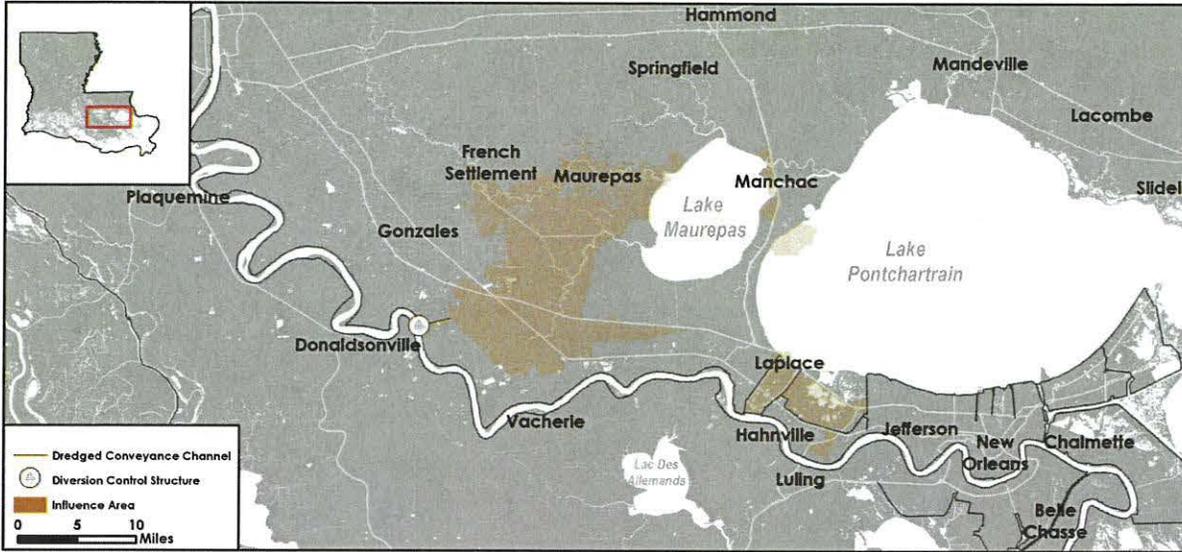
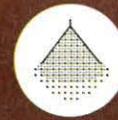
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Alternate Outlets_Diversion Fact Sheets.pdf

Union Freshwater Diversion

Sediment Diversion

Project ID: 001.DI.102



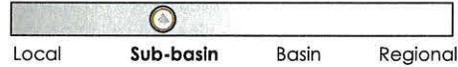
Description

Diversion into West Maurepas swamp near Burnside to provide sediment for emergent marsh creation and freshwater and fine sediment to sustain existing wetlands, 25,000 cfs capacity (modeled at 25,000 cfs when Mississippi River flow equals 400,000 cfs; closed when river flow is below 200,000 cfs or above 600,000 cfs; a variable flow rate calculated using a linear function from 0 to 25,000 cfs for river flow between 200,000 cfs and 400,000 cfs and held constant at 25,000 cfs for river flow between 400,000 cfs and 600,000 cfs).

Project Cost Estimate

	<i>Estimated Cost</i>
Planning/Engineering & Design	\$56,200,000
Construction	\$702,500,000
Operations & Maintenance	\$118,000,000
Total	\$876,700,000

Scale of Influence



Project Location

Ascension Parish

Project Duration

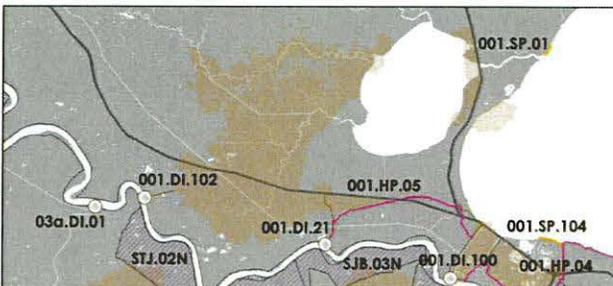
Planning, Engineering, and Design is estimated to take 5 years.
Construction is estimated to take 3 years.

Land Area Built or Maintained*

Near Term (Year 20)	6,007 acres
Long Term (Year 50)	141,824 acres

*Based on the high environmental scenario.

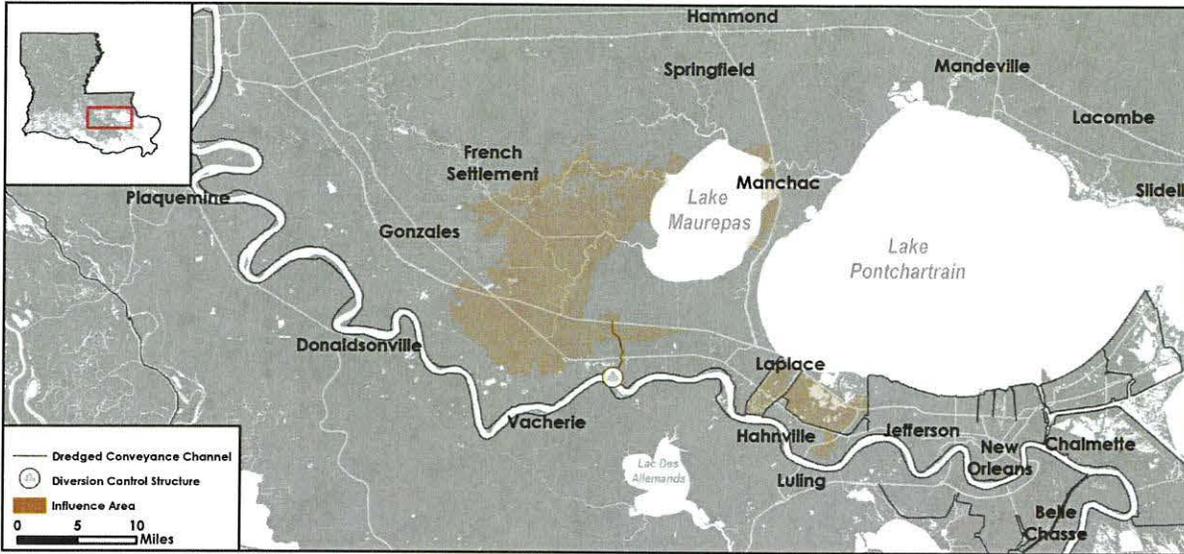
Other Nearby Projects in the Master Plan



East Maurepas Diversion

Sediment Diversion

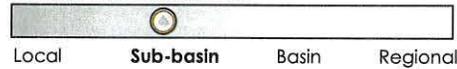
Project ID: 001.DI.21



Description

Diversion into East Maurepas near Angelina to provide sediment for emergent marsh creation and freshwater to sustain existing wetlands, 2,000 cfs capacity (modeled at a constant flow of 2,000 cfs, independent of the Mississippi River flow).

Scale of Influence



Project Location

St. John Parish

Project Duration

Planning, Engineering, and Design is estimated to take 4 years.
Construction is estimated to take 2 years.

Project Cost Estimate

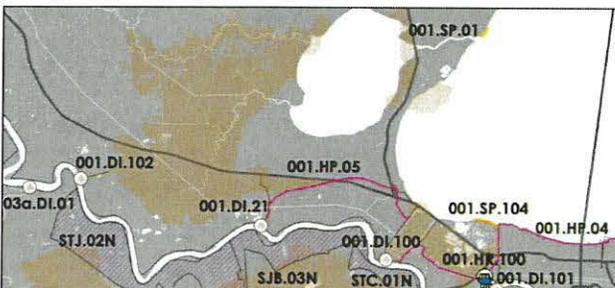
	Estimated Cost
Planning/Engineering & Design	\$11,800,000
Construction	\$147,200,000
Operations & Maintenance	\$25,900,000
Total	\$184,900,000

Land Area Built or Maintained*

Near Term (Year 20)	4,351 acres
Long Term (Year 50)	100,874 acres

*Based on the high environmental scenario.

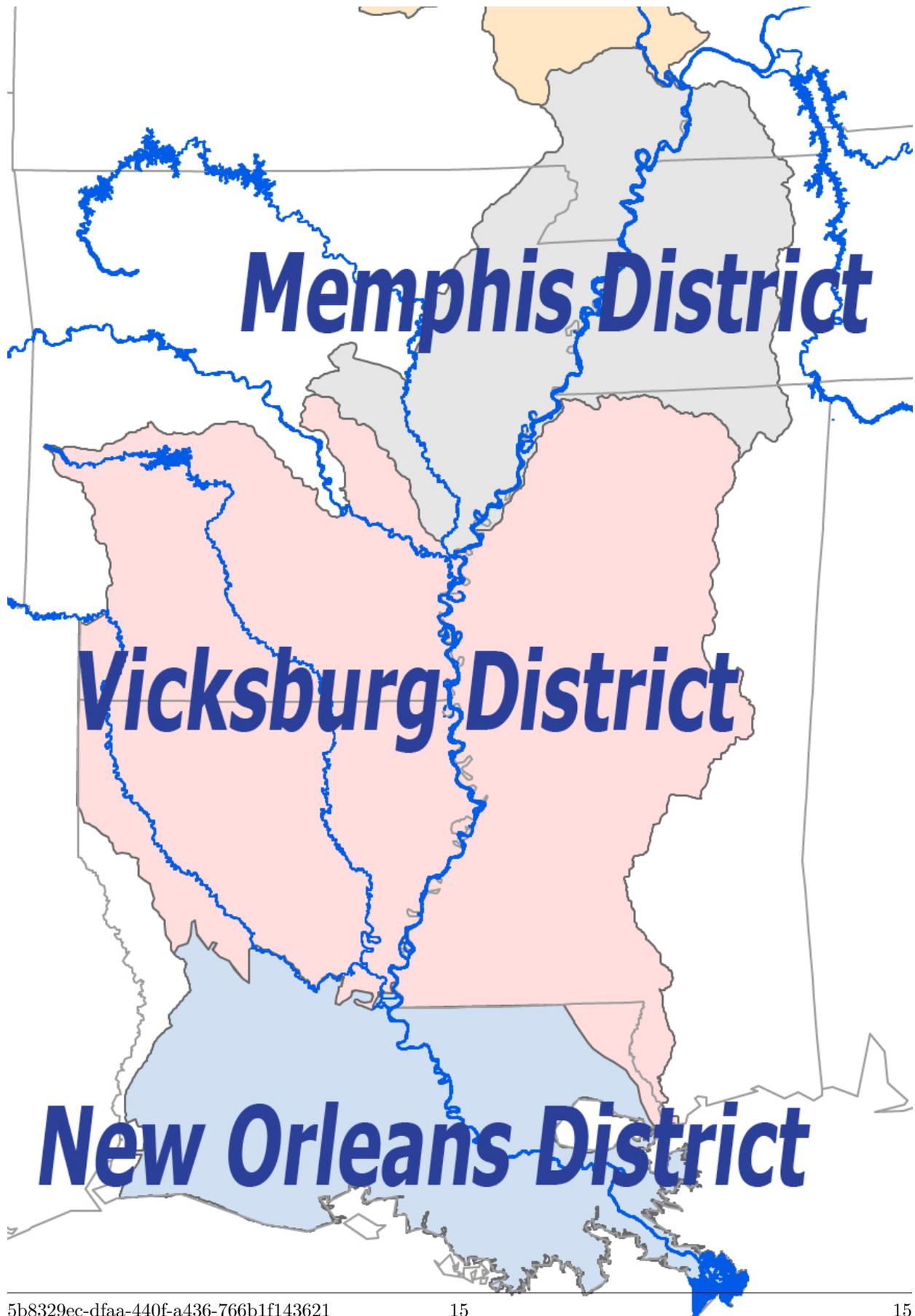
Other Nearby Projects in the Master Plan



Map Document

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Map of Lower Mississippi River.jpg



Memphis District

Vicksburg District

New Orleans District

Primary Sponsor Letter of Support

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Toy Ltr 2019 07 23 - Mississippi High River Management.pdf

Office of the Governor
State of Louisiana

JOHN BEL EDWARDS
GOVERNOR



P.O. Box 94004
BATON ROUGE, LOUISIANA 70804-9004
(225) 342-7015
GOV.LA.GOV

July 23, 2019

Major General Mark Toy
United State Corps of Engineers
Commander, Mississippi Valley Division
President, Mississippi River Commission
1400 Walnut Street
Vicksburg, MS 39180

Dear General Toy:

As you are aware, over the last year the Mississippi River watershed has received the highest level of precipitation in recorded history resulting in a high water event on the Mississippi River of unprecedented duration. As a result of the extended high water on the river, the Bonnet Carré Spillway has been operated for an unprecedented period of time this year to keep the volume of the Mississippi River flows at New Orleans from exceeding 1.25 million cubic feet per second (cfs). While we whole-heartedly support the operation of the Bonnet Carré Spillway to protect lives and property, we also recognize that an opportunity exists to manage the water resources during high water events on the Mississippi River to benefit the environment and reduce risk of flooding.

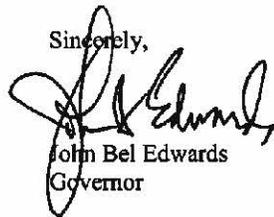
With regard to that opportunity, the 2017 Coastal Master Plan currently has authorized two freshwater diversions along the east bank of the Mississippi River – the Maurepas Diversion and the Union Diversion – which would divert water into swamps and bottomland hardwood habitats upriver from Spillway in the Pontchartrain Basin. The planned Ama Diversion, which is also in the 2017 Coastal Master Plan, is located just downriver from the Bonnet Carré Spillway on the west bank and would divert freshwater into the Barataria Basin. By diverting freshwater through the proposed diversions higher up in the basins, a higher level of nutrient uptake would occur in the swamps and bottom land hardwood resulting in increased production to these habitats. Combined, these three diversions could divert up to 77,000 cfs from the Mississippi River as part of a regional water management strategy, reducing the duration and quantity of water required to be diverted through the Bonnet Carré Spillway directly into Lake Pontchartrain. We encourage inclusion of the Ama and Union Diversion Projects in the next Water Resources Development Act as part of a strategy of regional management of the lower Mississippi River.

Major General Mark Toy
July 23, 2019
Page 2

In addition, the state of Louisiana currently operates the Davis Pond Diversion on the west bank of the Mississippi River into the Barataria Basin with a goal of reducing saltwater intrusion in order to create ecosystem improvements and bring about environmental and related commercial and recreational benefits. While Davis Pond has been effective in meeting its original project authorization, it's possible for Davis Pond operations to be modified to achieve more project benefits including a more regional management of the lower Mississippi River water during flood events. We recommend inclusion of a study to evaluate the increased operation of the Davis Pond Diversion in the next Water Resources Development Act as part of a strategy of regional management of the lower Mississippi River.

We are also aware that there may be other opportunities along the Mississippi River at Lake St. Joseph, a naturally separated oxbow north of Old River Control Structure in Tensas Parish, and along the Ouachita River to capture river water during high water events and reduce both flooding and nutrient loads down river. The Mollicy Farms floodplain restoration project implemented by the Nature Conservancy and the US Fish and Wildlife Service has helped alleviate flooding downstream and improve water quality by reconnecting 25 square miles of floodplain back to the Ouachita River. We encourage the inclusion of a project at St. Joseph and other projects along the Ouachita River, as Section 1135 Projects, in the next Water Resources Development Act as part of a strategy of regional management of the lower Mississippi River in order to further investigate projects that would reconnect the Mississippi, Ouachita and Red Rivers to their historic floodplain.

We appreciate your leadership and your thoughtful consideration of these opportunities to better manage the lower Mississippi River for the benefit of the state of Louisiana and the nation. If you have any questions or would like to meet to further discuss these opportunities, please feel free to contact me at your earliest convenience.

Sincerely,

John Bel Edwards
Governor

cc: Colonel Stephen Murphy
Senator Bill Cassidy
Senator John Kennedy
Representative Steve Scalise
Representative Cedric Richmond

Representative Clay Higgins
Representative Mike Johnson
Representative Ralph Abraham
Representative Garret Graves

Additional Proposal Information

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Louisiana Edwards.pdf

13-066841

Office of the Governor
State of Louisiana

JOHN BEL EDWARDS
GOVERNOR



June 13, 2019

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JUN 20 11 08 AM '19
GOV. STATE OF LA.

The Honorable Wilbur Ross
Secretary of Commerce
U.S. Department of Commerce
14th and Constitution Avenue NW
Washington, DC 20230

Secretary Ross:

The extreme duration of high Mississippi River levels since December 2018 has necessitated unprecedented efforts by the U.S. Corps of Engineers to mitigate the threat of levee failures in Louisiana. Such efforts have included the opening of the Bonnet Carré Spillway twice this year; first in late February and again in early May. That structure continues to pass large volumes of river water into Lake Pontchartrain which subsequently flows east into Lake Borgne and Mississippi Sound. The extreme influx of freshwater has greatly reduced salinity levels in our coastal waters and disrupted estuarine productivity.

Marine biologists with the Louisiana Department of Wildlife and Fisheries (LDWF) have been monitoring and documenting impacts to both the seafood species and fishing industries since early March 2019. Once salinities dropped below the threshold for oyster survival, weekly sampling began on the public oyster reefs of St. Bernard Parish. The most recent sampling of oyster reefs indicated a mortality range of 14% up to 100%. Private oyster leaseholders in nearby areas have indicated to LDWF they have suffered between 50% and 100% mortality on their oyster reefs, with additional mortalities still ongoing in multiple areas. With such extreme mortalities to the oyster resources, commercial harvests from the public grounds have declined as much as 88% for the March – April time period compared to previous years, and 34% from private leases.

Ongoing LDWF restoration efforts utilizing private oyster hatchery products have also been greatly impacted by low salinities caused by flood waters. Millions of baby oysters being staged at a nursery location in the marshes of St. Bernard Parish have been lost due to low salinity, and future restoration efforts have been put on hold until salinities rebound to levels that will support oyster survival. Such flood-induced impacts have delayed our ability to perform critical oyster recovery and recreational fishing reef projects. It will be important to utilize oyster hatchery capacity in the future to help jumpstart recovery of the oyster resources and provide valuable reef habitat for recreationally-important fish.

Other commercially-important species have experienced drastic impacts as well. Statewide shrimp landings (brown and white shrimp combined) declined by 30% for the month of March, and 61% for the month of April, when compared to the five-year average. Low salinity waters inhibit the growth and recruitment of larval brown shrimp and LDWF biological sampling has shown very few brown shrimp in our coastal bays and bayous giving an early indication of a poor commercial brown shrimp season. Blue crab productivity has also been impacted as landings have decreased by 37% for the month

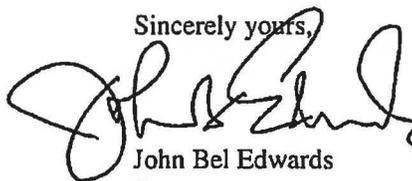
of March, and 42% for the month of April when compared to the five-year average across all of coastal Louisiana.

Impacts to our recreational fishing sector have also been felt as prized species such as spotted seatrout (speckled trout) and red drum (redfish) are being landed by anglers in much lower numbers. Statewide landings of speckled trout have dropped 40% when compared to the five-year average. Recreational anglers have landed 11% less redfish so far in 2019 as compared to the five-year average. Such low catches invariably lead to heavy economic impacts to those businesses that support the recreational fishing industry such as marinas and bait shops.

The Louisiana Department of Wildlife and Fisheries continues to document the impacts of the 2019 flood event on important fishery species and the fishing industry in Louisiana. Although the full impacts of this flood event will not be determined for some time, especially in light of the continued operation of the Bonnet Carre' Spillway, I respectfully request that your department begin the initiation of a federal fisheries disaster declaration. Such a declaration is consistent with federal law under both the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Interjurisdictional Fisheries Act (IJFA). We are extremely grateful for any assistance you and your department can provide as our state and our residents continue to suffer from the flooding impacts. Such a declaration of a federal fisheries disaster for Louisiana may help in obtaining federal financial assistance for our fishers, processors, docks, and for the state to help rehabilitate the important fishery species upon which our seafood industry relies.

Thank you for your thoughtful consideration of this request. If needed, please contact LDWF Secretary Jack Montoucet at 225.765.2806 or via email at jmontoucet@wlf.la.gov to discuss further. Both he and his staff stand at the ready to provide any additional information you may need as we all work together on behalf of the seafood industry and coastal resources to recover from this challenging flood event.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Bel Edwards". The signature is stylized with a large initial "J" and "B".

John Bel Edwards
Governor

Additional Proposal Information

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Mississippi Bryant.pdf



PHIL BRYANT
GOVERNOR

May 31, 2019

2019 JUN -7 PM 12:31
US EXECUTIVE SECRETARIAT

The Honorable Wilbur Ross
Secretary of Commerce
U.S. Department of Commerce
14th and Constitution Avenue NW
Washington, DC 20230

Dear Secretary Ross:

On February 27, 2019 the United States Corps Engineers opened the Bonnet Carré Spillway to relieve the pressure from the Mississippi River waterway system. The Bonnet Carré Spillway was closed on April 11, 2019. Subsequently this structure was, for the first time in its operational history, reopened on May 10, 2019, and remains open for the foreseeable future. As I am sure you are aware, the Bonnet Carré Spillway acts to divert the waters of the Mississippi River into Lake Pontchartrain, which ultimately flow into the Mississippi Sound. The large releases of fresh-water from the actions of the Spillway inundates the salt-waters of the Mississippi Sound and greatly disrupts the unique eco-system, and subsequently, all sea-life of this region.

We are currently observing significant adverse impacts to all components of Mississippi's marine resources including, but not limited to: oysters, crabs, shrimp and finfish. These adverse impacts are most observed in the oyster resources as they are immobile organisms. The current oyster mortality rate is being estimated at 70% and we anticipate this increasing over time as the Bonnet Carré Spillway remains open. Crab landings are currently estimated at a 35% loss; and as with oysters we foresee this figure increasing as we move through this event. The 2019 shrimp season has historically opened the first week of June. We are anticipating a much later date for this opening and much lower shrimp landings; this is directly the result of the freshwater intrusion into the Western Mississippi Sound. We are currently assessing the impacts of this event on marine finfish. A massive influx of freshwater typically impacts larval growth and juvenile recruitment into the fishery which could have lasting impacts over many years.

The state of Mississippi is initiating its own assessments of impacts to marine resources as well as other ecosystem impacts due to the opening of Spillway. I have directed The University of Southern Mississippi, host to one of the Gulf's premier ocean science and engineering programs, to lead on this effort and in partnership with the Mississippi Department of Marine Resources. We will not only understand current impacts from this effort, but will be in a position to model and track future impacts as well.

I am writing to you to request that you initiate the process to implement a federal fisheries disaster declaration as outlined in the Magnuson-Stevens Fishery Conservation and Management Act. We will continue to monitor the influence of the Mississippi River freshwater as it continues to adversely impact the Mississippi Sound and update you with our findings from the assessment.

The declaration of a federal fisheries disaster for Mississippi may assist in obtaining financial assistance for all negatively impacted ecosystems, fishermen and related businesses in a timely manner.

Thank you for your consideration and this request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Phil Bryant", written in a cursive style.

Phil Bryant
Governor

Additional Proposal Information

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Kay Ivey Alabama Disaster Request Letter.pdf

OFFICE OF THE GOVERNOR



67136
STATE CAPITOL
MONTGOMERY, ALABAMA 36130

(334) 242-7100
FAX: (334) 242-3282

KAY IVEY
GOVERNOR

STATE OF ALABAMA

July 10, 2019

The Honorable Wilbur Ross
Secretary of Commerce
U.S. Department of Commerce
14th and Constitution Avenue NW
Washington, D.C. 20230

Dear Secretary Ross:

The fisheries of Coastal Alabama, Mississippi and Louisiana have been adversely affected by the tremendous and unprecedented amounts of freshwater that have inundated the bays, bayous and estuaries in the Central Gulf Coast states this year. The Tombigbee River in Alabama reached a major flood stage in late February and March of 2019 and continued at near-record levels for many weeks, leading to salinity levels on the Cedar Point Oyster Reef in Mobile Bay of near zero part per thousand liters for the entire month of March 2019.

In addition to the local river freshwater discharge, the Bonne Carre Spillway in Louisiana was opened on February 11, 2019, and closed April 11, 2019. The spillway was reopened on May 10, 2019 and remains open to this day. The Bonne Carre Spillway empties into Lake Pontchartrain and then into Mississippi Sound. The prolonged release of the millions of gallons of freshwater has disrupted the marine ecosystem in the Mississippi Sound and has recently led to the outbreak of Harmful Algal Blooms in the Mississippi Sound. The Mississippi Sound comprises the western coastal waters of Alabama.

The biologists of the Alabama Department of Conservation and Natural Resources are monitoring the impacts of this prolonged freshet on our fisheries and estuarine productivity. Extremely low salinities for prolonged periods generally have an adverse effect on the production and harvest of oysters, blue crab, and white, brown and pink shrimp. Alabama's shrimp season opened June 1, 2019, and we are in the process of evaluating the 2019 season.

Additionally, Alabama crab, shrimp and oyster processors receive most of the seafood product that they process from Louisiana and Mississippi. Any impact to fisheries in Louisiana and Mississippi has a direct and pronounced impact on the ability of Alabama processors to obtain seafood products for processing and distribution.

I am aware that Louisiana Governor John Bel Edwards has requested the initiation for a fishery disaster declaration to be issued for Louisiana fisheries. I am also aware that Mississippi Governor Phil Bryant has requested the same for Mississippi fisheries.

Secretary Ross

July 10, 2019

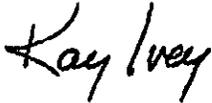
Page 2

I join with my two distinguished colleagues and request that the U.S. Department of Commerce initiate the process to evaluate and implement a fishery disaster declaration for Alabama, Mississippi and Louisiana, as outlined in the Magnuson-Stevens Fishery Conservation and Management Act and the Interjurisdictional Fisheries Act. I further request that any declaration also consider the impact on seafood processors in Alabama in relation to the loss of production not only in Alabama waters, but in Louisiana and Mississippi waters as well.

The Alabama Department of Conservation and Natural Resources will continue to monitor and document any adverse effects to the sea-life, seafood landings and other estuarine impacts related to the previous and ongoing influx of freshwater into the marine waters of Alabama.

I ask that you give every consideration to this request.

Sincerely,

A handwritten signature in black ink that reads "Kay Ivey". The signature is written in a cursive, slightly slanted style.

Kay Ivey
Governor

Additional Proposal Information

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Letter from Secretary Hosemann_7.11.19.pdf



DELBERT HOSEMANN
Secretary of State

July 11, 2019

Major General Richard G. Kaiser
Commander, Mississippi Valley Division
President, Mississippi River Com
mission
U.S. Army Corps of Engineers
4155 Clay Street
Vicksburg, MS 39183

RE: Bonnet Carré Spillway Impacts on Mississippi Sound

Dear General Kaiser:

As Land Commissioner and Trustee of Public Trust Lands for the State of Mississippi, I write concerned about the detrimental effects occurring in the Mississippi Sound due to the freshwater intrusion from the repeated opening of the Bonnet Carré Spillway this year coupled with the U.S. Army Corps of Engineers' (USACE) decision to not open the Morganza Floodway.

My staff and I appreciate the conversations which have occurred with you and your staff and we also welcome the USACE's recommendation for state and federal leaders to testify before the Mississippi River Commission in hopes that Congress will authorize a study to include the effects of freshwater intrusion in the Mississippi Sound. I will testify before the Mississippi River Commission; however, our natural and economic resources have been damaged and will continue to be damaged long after the Bonnet Carré Spillway is closed, and the USACE's recommendation will not provide Mississippians any relief if we find ourselves in a similar flooding situation in the future.

I respectfully request the USACE and the Mississippi River Commission (MRC) to conduct an immediate study of the operating manuals and procedures for both the Morganza Floodway and the Bonnet Carré Spillway, and whether they should be revised based on changes in the Mississippi River's flow and flooding patterns since the implementation of the operating

manuals and procedures. Further, I request that the ecological effects and economic impacts of freshwater intrusion in the Mississippi Sound as a result of the current operating procedures be included and considered as part of the study. If the USACE refuses to conduct such study, please provide the specific reason(s) as to such a refusal.

Furthermore, I respectfully request the USACE and MRC to provide detailed explanations to the following questions:

- 1) What is the reason(s) why the Morganza Spillway has not been opened in 2019?
- 2) What is the reason(s) why the Bonnet Carré Spillway has been opened twice in 2019 as opposed to opening the Morganza Spillway?
- 3) Has the USACE ever deviated from the operating manual at either the Morganza Floodway or Bonnet Carré Spillway?
- 4) What is the specific criteria used by the USACE to determine when to open the Morganza Spillway? Where does the USACE's operating authority for the Morganza Floodway come from?
- 5) If the USACE believes there is no flexibility in operation of the Morganza Spillway, would the USACE support legislation to provide flexibility in operation and utilization of the Morganza Spillway?
- 6) When was the operational criteria for the Morganza Spillway established? Please provide the statutory provisions and any engineer reports, water control manuals, or related documents adopted or referenced in the legislation.
- 7) What considerations were used to establish this criteria?
- 8) Have any studies been conducted to see if the requirements for opening the Morganza Spillway should be adjusted?
- 9) House Document 90, in paragraph 115, anticipates the Bonnet Carre's operation once every five years. As the USACE has opened the Bonnet Carre four times in four years, has the USACE considered the impacts of more frequent openings than was anticipated in House Document 90?
- 10) Could the USACE open a limited number of the 125 gates at the Morganza Spillway to reduce the rate of discharge of freshwater at the Bonnet Carré Spillway? Would this not also allow the USACE to control and limit the amount of flooding in the Morganza Floodway and Atchafalaya Basin?
- 11) If a limited number of the Morganza Spillway's gates were opened, would this not lessen the number of days the Bonnet Carré Spillway remains open thereby discharging freshwater into the Mississippi Sound?
- 12) Does the USACE have flowage and/or development easements for any of the properties in and surrounding the Morganza Floodway?
- 13) Does the USACE have any flowage and/or development easements for any property located within the Atchafalaya Basin, which is subject to flooding when the Morganza Spillway is operated?
- 14) If the USACE does have flowage easements on any properties in the Morganza Floodway and Atchafalaya Basin, do the easements contain provisions prohibiting the

- construction or maintenance of any structure for human habitation, regardless of whether temporary or permanent in nature, on the land subject to the easements?
- 15) If the easements do contain the abovementioned provision, have these landowners followed the USACE's regulations and obtained a release allowing them to construct a structure for human habitation?
- 16) Did the actions of opening the Bonnet Carre Spillway by the Corps comply with the federal consistency requirements of the Coastal Zone Management Act?

If the USACE refuses to provide detailed responses to any of the above questions, please provide the specific reason(s) as to such a refusal. Please provide your responses to the above questions within thirty (30) days following receipt of this letter.

I appreciate your efforts in this matter. Please feel free to contact me with any questions or concerns.

Sincerely,



Delbert Hosemann
Secretary of State
State of Mississippi

Cc: Honorable Jim Hood, Attorney General, State of Mississippi
Rear Admiral Shepard Smith, Mississippi River Commission
Major General Mark Toy, Mississippi River Commission
Brigadier General Paul E. Owen, Mississippi River Commission
Honorable Sam E. Angel, Mississippi River Commission
Honorable James A. Reeder, Mississippi River Commission
Honorable Norma Jean Mattei, Mississippi River Commission