RESOLUTION REQUESTING GOVERNOR BRYANT TAKE IMMEDIATE ACTION REGARDING THE PROPOSED MID-BRETON BASIN LARGE-SCALE MISSISSIPPI RIVER DIVERSION PROJECT TO PREVENT HARM TO THE ECOSYSTEMS OF THE CHANDELEUR SOUND, THE BILOXI MARSH, THE MISSISSIPPI SOUND, AND THE FISHERIES, TOURISM AND WAY OF LIFE THAT DEPEND UPON THEM

WHEREAS, the Bonnet Carre' Spillway was opened for flood control purposes for a total of 123 days in 2019, releasing approximately 10 trillion gallons of Mississippi River water from the structure, and;

WHEREAS, the Mississippi River water released from the structure - through flow rate, natural tidal and wind forcing in the Pontchartrain Basin, and stratification of the water column - inundated Mississippi and Louisiana coastal waters in the Biloxi Marsh and Mississippi Sound, and;

WHEREAS, this inundation of Mississippi River water caused a total freshening of most of the Biloxi Marsh and Mississippi Sound and throughout Mississippi coastal waters, and;

WHEREAS, this inundation also dispersed inordinate amounts of chemicals and nutrients from upriver human uses that caused algae blooms in the Biloxi Marsh and Mississippi Sound and other Mississippi Coastal waters that did great harm to the ecosystem of the Biloxi Marsh, the Mississippi Sound, other Mississippi Coastal waters and the fisheries, tourism and way of life that depend on them;

WHEREAS, this inundation has caused massive harm to the economy and fisheries throughout all the communities of the Mississippi and eastern Louisiana coastal counties and cities, as well as dire effects on the marine mammal population in and around the coastal waters of the Mississippi Sound, and;

WHEREAS, the State of Louisiana's Coastal Protection and Restoration Authority (CPRA) has filed Permit Application WQC 190227-01 with the US Army Corps of Engineers for construction of a large-scale Mississippi River Diversion project, and;

WHEREAS, this Louisiana project is proposed for construction in Breton Sound in Plaquemines Parish, LA, near Mississippi River Mile 68 (Wills Point) and extending into the Mid-Breton Sound Basin, and;

WHEREAS, this proposed Louisiana project is designed to be capable of releasing 75,000 cubic feet/second of Mississippi River water, and;

WHEREAS, under the Louisiana CPRA's own published operating regime of this Mississippi River water diversion project, this structure will operate non-stop and continuously throughout the year in various ranges and could have operated at full 75,000 cubic feet/second release capacity for over 200 days from January – July 2019, releasing approximately 9.74 trillion gallons of Mississippi River water into the Breton Basin, similar to the amount of the aforementioned Bonnet Carre' Spillway release, and;

WHEREAS, there is significant reason for concern that Mississippi River water from this diversion project will reach Chandeleur Sound, the Biloxi Marsh area, and upwards into the Mississippi Sound, and;

WHEREAS, scientific studies and actual occurrences in 2019 have already demonstrated the potential for harm caused by released Mississippi River water including, but not limited to, hypoxic conditions, harmful algae blooms, high marine mammal mortality, extreme devastation to commercial and recreational fishing resources, beach closures, and other extended economic and ecological effects, and;

WHEREAS, scientific studies, letters from multiple federal agencies to the Louisiana CPRA, and actual occurrences in receiving basins of Mississippi River water have confirmed the potential for harm caused by inundation of Mississippi River water to salt and brackish marsh grasses, their soil strength and root system

compositions, and their ability to withstand scouring from storm fronts and storm surge which is vital to Mississippi and Louisiana coastal areas for hurricane protection; NOW THEREFORE,

BE IT RESOLVED BY THE Mayor and City Council OF THE City of Diamondhead, MISSISSIPPI, AS FOLLOWS:

SECTION 1. The City of Diamondhead opposes the permitting for and construction of the proposed Louisiana Mid-Breton large-scale Mississippi River Diversion project until and unless a full and complete Environmental Impact Statement and related, reliable scientific studies, reasonably confirm that the construction, operation, and water flow from this Diversion project will not harm the natural ecosystems of the Chandeleur Sound, the Biloxi Marsh, the Mississippi Sound and the fisheries and tourism economies which depend upon them.

SECTION 2. The City of Diamondhead respectfully requests that the Governor of the State of Mississippi take all steps necessary and available to oppose the issuance of a Federal permit for and construction of the proposed Louisiana Mid-Breton Large-Scale Mississippi River Diversion project, until and unless a full and complete Environmental Impact Statement and related, reliable scientific studies, reasonably confirm that the construction, operation, and water flow from this Diversion project will not harm the natural ecosystem of the Chandeleur South, the Biloxi Marsh, the Mississippi Sound, and the fisheries and tourism economies which depend upon them; the City of Diamondhead respectfully requests that the Governor's opposition efforts include, but not be limited to, the following:

1) In accordance with Mississippi Code Title 49 and other applicable laws of the State of Mississippi, issuing letters/memorandums/executive orders to all applicable Mississippi Administrative Department Directors that, for the economic and ecological protection of coastal Mississippi and the benefit of the state economy as a whole, the Office of the Governor of the State of Mississippi has taken a position of adamant opposition to Louisiana's large-scale Mississippi River Diversion project to be located in Mid-Breton Basin until and unless a full and complete Environmental Impact Statement and related, reliable scientific studies, reasonably confirm that the construction, operation, and water flow from this Diversion project will not harm the natural ecosystems of the Chandeleur Sound, the Biloxi Marsh, the Mississippi Sound, and the fisheries and tourism economies which depend upon them, and;
2) Issue letters to all applicable Federal agencies that the State of Mississippi exerts its territorial jurisdiction over certain waters that can and will be impacted by Louisiana's proposed large-scale Mississippi River Diversion project to be located in Mid-Breton Basin, and as such, in accordance with Mississippi Code Title 22 and other applicable Mississippi laws, asserts its privilege to review and require any necessary permitting for potential effects on Mississippi jurisdictional waters for Louisiana's proposed large-scale Mississippi River Diversion project to be located in Mid-Breton Basin, and;
3) Issue a letter to the US Army Corps of Engineers and all applicable parties that the State of Mississippi asserts, with the possibilities of Louisiana's proposed Mid-Breton large-scale Mississippi River Diversion project gravely impacting the State of Mississippi – most specifically the southernmost portion of the Vicksburg District of the Mississippi Valley Division – that coordination with the Vicksburg District for review of public benefit should also be required in any permission and permitting packages, as outlined in existing USACE procedures, and;
4) In accordance with the Natural Resource Damage Assessment (NRDA) Deep Water Horizon (DWH) Trustee Council Memorandum of Understanding and the Trustee Council Standard Operating Procedures, as well as the RESTORE Council, issue official Trustee Resolutions in the Administrative Records affirming opposition to present or future consideration of Louisiana's Mid-Breton Large-Scale Mississippi River Diversion project for funding until such time as procedures are promulgated by the full

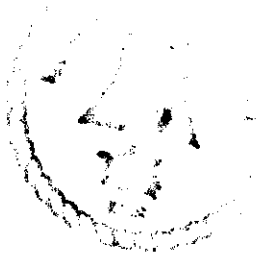
Councils that recognize the aforementioned project would or could possibly gravely impact the State of Mississippi, and:

a) should require joint review with the State of Mississippi and its TIG throughout the project process if funding from the bodies is to be authorized now and in the future, including all scientific data and modeling data inputs, to ensure the requirements of "best science available" are being utilized and incorporate possible State of Mississippi impacts, and;
b) an inclusion of State of Mississippi stakeholders in any previous or required scoping procedures for an Environmental Impact Statement.

5) In light of recent ecological and economic impacts in the State of Mississippi resulting from the inundation of Mississippi River water from the 2019 Bonnet Carre' Spillway opening, issue a letter to the State of Mississippi's Congressional Delegation expressing the State of Mississippi's condemnation of the Marine Mammal Protection Act waiver which was a single paragraph inserted into a last-minute, large amendment to the Bipartisan Budget Act of 2018 (Public Law 115-123). The City of Diamondhead also respectfully requests that this letter request Mississippi's Congressional Delegation to take immediate legislative action to overturn Section 20201 of Title II of the aforementioned Act. This waiver, specifically granted to Louisiana's Mid-Breton large-scale Mississippi River Diversion project as well as two other Louisiana projects, deliberately dismantled the important environmental review the Marine Mammal Protection Act affords during the permitting process.
6) In light of recent ecological and economic impacts in the State of Mississippi resulting from the inundation of Mississippi River water from the 2019 Bonnet Carre' Spillway opening, issue a letter to the State of Mississippi's Congressional Delegation expressing the State of Mississippi's condemnation of Section 409 of HR3697 currently in the legislative process in the US Congress. Section 409 alters the definition of "Essential Fish Habitat" in the Magnuson Stevens Act in a way specifically designed to exempt Louisiana's proposed Mid-Breton large-scale Mississippi River Diversion project from this important environmental review during the permitting process. The City of Diamondhead also respectfully requests that this letter request Mississippi's Congressional Delegation to take immediate and ardent legislative action to prevent what is yet another deliberate attempt to circumvent and dismantle important environmental review steps during the permitting process for this project.

SECTION 3. This resolution shall take effect and be in force from and after adoption.

	Aye	Nay	Absent
Mayor Schafer		✓	
Councilmember Depreo	✓		
Councilmember Morgan	✓		
Councilmember Moran			✓
Councilmember L'Ecuyer	✓		
Councilmember Koenenn	✓		

ATTEST: _____ APPROVED: _____

CITY CLERK THOMAS SHAFER, IV MAYOR