

RESOLUTION TO AFFIRM THE HANCOCK COUNTY BOARD OF SUPERVISORS ADAMANT OPPOSITION TO LOUISIANA'S PROPOSED MID-BRETON BASIN LARGE-SCALE MISSISSIPPI RIVER DIVERSION PROJECT FOR THE ECONOMIC AND ECOLOGICAL PROTECTION OF COASTAL MISSISSIPPI AND THE BENEFIT OF THE STATE ECONOMY AS A WHOLE, AND RESPECTFULLY REQUEST THAT THE GOVERNOR OF THE STATE OF MISSISSIPPI TAKE ALL IMMEDIATE AND ARDENT ADMINISTRATIVE STEPS NECESSARY AND AVAILABLE TO OPPOSE THE ISSUANCE OF A FEDERAL PERMIT FOR AND CONSTRUCTION OF THE AFOREMENTIONED PROJECT.

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 coastal waters in the Mississippi Sound, and;

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

WHEREAS, this inundation has caused massive harm to Hancock County's economy and fisheries, as well as dire effects on the marine mammal population in and around the coastal waters of Hancock County, 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, scientific studies and traditional environmental knowledge of the Breton Basin recognizes that through flow rate, natural tidal and wind forcing and stratification of the water column, water outflow from this project will reach Chandeleur Sound, the Biloxi Marsh area, and upwards into the western end of the Mississippi Sound, and;

WHEREAS, scientific studies and actual occurrences in 2019 have already vastly 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 coastal areas for hurricane protection.

THEREFORE, BE IT RESOLVED, that the Hancock County Board of Supervisors hereby adamantly opposes the permitting for and construction of the proposed Louisiana Mid-Breton large-scale Mississippi River Diversion project, and;

BE IT FURTHER RESOLVED, that the Hancock County Board of Supervisors does hereby respectfully request that the Governor of the State of Mississippi take all immediate and ardent administrative 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, including, but not 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, 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 - including 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). Hancock County Board of Supervisors also respectfully requests that this letter request Mississippi’s Congressional Delegation to take immediate and ardent 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. Hancock County Board of Supervisors 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.

RESOLUTION TO RESPECTFULLY REQUEST THE CONGRESSIONAL DELEGATION OF THE STATE OF MISSISSIPPI TO TAKE IMMEDIATE AND ARDENT LEGISLATIVE ACTION TO REPEAL SECTION 20201, TITLE II, OF PUBLIC LAW 115-123, AND TO DEFEAT SECTION 409, HR3697, CURRENTLY IN THE LEGISLATIVE PROCESS OF THE 116<sup>th</sup> CONGRESS

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 coastal waters in the Mississippi Sound, and;

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

WHEREAS, this inundation has caused massive harm to Hancock County's economy and fisheries, as well as dire effects on the marine mammal population in and around the coastal waters of Hancock County, 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 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, scientific studies and traditional environmental knowledge of the Breton Basin recognize that through flow rate, natural tidal and wind forcing and stratification of the water column, water outflow from this project will reach Chandeleur Sound, the Biloxi Marsh area, and upwards into the western end of the Mississippi Sound, and;

WHEREAS, scientific studies and actual occurrences in 2019 have already vastly 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 coastal areas for hurricane protection, and;

WHEREAS, just prior to passage, Section 20201, a single paragraph inserted into a last-minute, large amendment to the Bipartisan Budget Act of 2018 (Public Law 115-123), mandated a very specific waiver of the Marine Mammal Protection Act review process for certain Louisiana projects, and;

WHEREAS, this waiver deliberately dismantled the important environmental review the Marine Mammal Protection Act affords during the Environmental Impact Statement phase of the projects' permitting process, and;

WHEREAS, HR3697, currently in the Legislative process of the 116<sup>th</sup> Congress, contains Section 409 which alters the definition of "Essential Fish Habitat" in the Magnuson Stevens Act in a way intentionally designed to exempt the aforementioned Louisiana proposed Mid-Breton large-scale Mississippi River Diversion project from yet another important environmental review during the Environmental Impact Statement phase of the project's permitting process.

THEREFORE, BE IT RESOLVED, that the Hancock County Board of Supervisors hereby respectfully requests that the entire Congressional Delegation of the State of Mississippi take immediate and ardent legislative action to repeal section 20201, Title II, of Public Law 115-123, and;

BE IT FURTHER RESOLVED, that the Hancock County Board of Supervisors does hereby respectfully request that the entire Congressional Delegation of the State of Mississippi take immediate and ardent legislative action to defeat Section 409 of the proposed HR3697 which is currently in the Legislative process of the 116<sup>th</sup> Congress.

RESOLUTION AUTHORIZING A COOPERATIVE ENDEAVOR AGREEMENT BETWEEN HANCOCK COUNTY GOVERNMENT AND GULF COAST RESOURCE COALITION, INC.

WHEREAS, Hancock County Government, a Mississippi Coastal County, endeavors to utilize and preserve its coastal resources to the fullest extent possible for the benefit of her citizens and local economy, and;

WHEREAS, Gulf Coast Resource Coalition, Inc, as a nonprofit organization, has as its mission the protection of and advocacy for the Gulf Coast Region's resources, communities and economies, and

WHEREAS, there currently exists proposed coastal projects by the State of Louisiana which could extremely and negatively impact Hancock County's coastal resources, communities and economy, and;

WHEREAS, Gulf Coast Resource Coalition's personnel have years of extensive experience in the issues and processes involved in the aforementioned Louisiana projects, and this experience could greatly assist Hancock County in preventing harm to her communities, resources and economy.

THEREFORE, BE IT RESOLVED, that the Hancock County Board of Supervisors does hereby enter into a Cooperative Endeavor Agreement with Gulf Coast Resource Coalition, Inc., as outlined in Exhibit A attached hereto.

**EXHIBIT A**

**COOPERATIVE ENDEAVOR AGREEMENT**

**BY AND BETWEEN**

**HANCOCK COUNTY, MS, GOVERNMENT**

**AND**

**GULF COAST RESOURCE COALITION, INC.**

WHEREAS, Hancock County Government endeavors to utilize and preserve its coastal resources to the fullest extent possible for the benefit of her citizens and local economy, and;

WHEREAS, Gulf Coast Resource Coalition, Inc, as a nonprofit organization, has as its mission the protection of and advocacy for the Gulf Coast Region's resources, communities and economies, and

WHEREAS, there currently exists proposed coastal projects by the State of Louisiana which could extremely and negatively impact Hancock County's coastal resources, communities and economy, and;

WHEREAS, Gulf Coast Resource Coalition's personnel have years of extensive experience in the issues and processes involved in the aforementioned Louisiana projects, and this experience could greatly assist Hancock County in preventing harm to her communities, resources and economy.

NOW THEREFORE BE IT AGREED that the following Cooperative Endeavor Agreement shall be enacted by and between Hancock County Government and Gulf Coast Resource Coalition, Inc.

**AGREEMENTS**

Gulf Coast Resource Coalition, Inc (GCRC) and Hancock County Government (HCG) hereby enter into this Cooperative Endeavor Agreement, which authorizes GCRC to assist HCG in planning coastal resource and economic protection, and public education on HCG requested coastal issues.

GCRC shall be authorized to speak on behalf of HCG on select coastal issues with any accompanying resolution duly passed by the HCG Board of Supervisors.

GCRC will utilize its own resources, to the extent possible, to assist HCG with planning and advice on measures for the protection of its coastal areas, resources and economy.

GCRC agrees to assist HCG, to the extent possible, in educating the public on HCG's position on coastal issues for the protection of HCG's coastal areas, resources and economy.

GCRC agrees, to the extent possible, to assist HCG in gathering and disseminating information involving coastal projects and/or legislation at the federal, state and local levels which may affect Hancock County.

HCG, with any duly appropriated resources, may assist GCRC in completing HCG-requested tasks to be performed for the benefit of Hancock County's citizens, resources and economy.

GCRC shall not be authorized to indebted HCG in any manner without express written authorization passed legislatively by the HCG Board of Supervisors.

This agreement shall remain in effect until such time that either HCG or GCRC serves written notice to the other of any intent to dissolve the agreement. There shall be a 30-day notice given for intent to dissolve this agreement. For purposes of this agreement, a resolution passed by HCG Board of Supervisors or GCRC's Board of Directors and properly delivered via electronic mail to the address of record shall serve as written notice. Any amendments to this agreement shall be agreed upon via resolutions by both HCG's Board of Supervisors and GCRC's Board of Directors.