



DELBERT HOSEMAN
Secretary of State

July 11, 2019

Major General Richard G. Kaiser
Commander, Mississippi Valley Division
President, Mississippi River Commission
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