

Following an in depth discussion on the

Governor's Advisory Commission on Coastal Protection, Restoration and Conservation
Committee on MRGO

Final Report
February 21, 2006

The members of the Committee are:

Mark Davis, Chair
Dr. Paul Coreil
Dr. Robert Stewart
Paul McIllhenny
John Williams

Stephanie Desselle
Windell Curole
Jim Tripp
Joe Cocchiara
Ted Beaulieu

Background:

The committee was formed by the Governor's Advisory Commission on Coastal Protection, Restoration and Conservation at the behest of the State Coastal Protection and Restoration Authority. Our charge from the CPRA was set forth in the following resolution:

Whereas, the Mississippi River Gulf Outlet (MRGO) has been responsible for direct wetland loss through shoreline erosion and saltwater intrusion, which has resulted in the loss of buffering wetlands protecting areas of St. Bernard Parish from storm surge, and

Whereas, the MRGO has been partially filled by storm debris from Hurricanes Katrina and Rita, and

Whereas, the US Army Corps of Engineers has issued an indefinite moratorium on dredging and maintenance of the MRGO,

Be it Resolved, that the Coastal Protection and Restoration Authority (CPRA) is requesting that the Governor's Advisory Commission on Coastal Protection, Restoration and Conservation utilize their expertise to develop a policy recommendation for the CPRA and the State of Louisiana regarding the future of the MRGO, considering economic, environmental and social implications

We were also directed to report back to the CPRA on February 23.

Summary of the Committee's Work:

The Committee held meetings on February 9 and February 16, 2006. Our work initially focused on reviewing our charge, taking stock of the history of policy recommendations concerning the MRGO and reviewing the current state of the MRGO and the area around it. With regard to our charge, we were clear that our task was to assess the current situation, consider the variety of public interests implicated by any decision on the MRGO and focus on the policies and decisions that might be made to best advance the public interest. The committee agreed that it was not its charge to design and site "closure" structures.

As part of our work we reviewed a number of documents that we considered to be foundational. Among the documents we reviewed were:

- HCR 34 (2005), urging MRGO not be dredged and that process to return MRGO to precanal conditions be initiated
- HCR 32 (2006), urging Congress to take such actions as are necessary to close the MRGO
- Guidance document from Governor's Advisory Commission on Coastal Protection, Restoration and Conservation (November 2005)
- HCR 266 (1999), urging creation of task force to develop closure plan for MRGO within 12 months
- SCR 207 (1992), urging Congress to order Army Corps of Engineers to evaluate the federal interest in maintaining the MRGO and that if no overriding federal interest exists for continuing MRGO to develop a plan for discontinuing MRGO as a deep-draft channel.
- Supplemental Appropriation language regarding MRGO including prohibition on use of funds for dredging of MRGO
- Draft MRGO Information Paper, provided by the Army Corps of Engineers summarizing MRGO reevaluation initiated in 1999 (no final report issued)
- New Framework for Planning for the Future of Coastal Louisiana after the Hurricanes of 2005 (by Working Group for Post-Hurricane Planning for the Louisiana Coast)

In addition to these documents brief presentations were made by William Marchal of the Bring New Orleans Back Committee Infrastructure Subcommittee and by John Lopez on the Multiple Lines of Defense proposal of the Lake Pontchartrain Basin Foundation., the Louisiana Department of Natural Resources URS and Dr. Sherwood Gagliano for St.

Bernard Parish. We also took note of the extensive record of discussion before the Commission regarding the MRGO.

Central to our discussions was the reality, as noted in our charge, that the status quo had changed. Previously, the MRGO was open and maintained and served by operational facilities along the MRGO and in the Inner Harbor. Any discussion about a different future had to begin with those facts. Following the storms, the MRGO is closed “in fact”, there is a moratorium on dredging it, and many of the facilities that served it were damaged or destroyed. Indicative of this new reality is the effort by the Port of New Orleans to secure \$360 million for the relocation of port facilities to the river. Also indicative of this new reality are the needs to provide far greater storm protection and coastal restoration efforts in order to provide the margin of safety that citizens and business will require if they are to stay or return to the area.

Against this backdrop the Committee developed the following recommendations. First, with regard to the concept of deauthorizing the MRGO the committee noted three critical factors to keep in mind:

1. In order to plan a different future for the channel and the region it is necessary for a decision to be made regarding its current status. At a minimum this will require the deauthorization of the channel or the modification of the authorization to achieve a different purpose. This is also consistent with the recent resolutions of the Louisiana Legislature calling on Congress to close the MRGO. The only act Congress can take to affect that is to deauthorize it for its current authorized purpose.
2. Finally, there are distinct reaches of the MRGO that need to be considered when planning for the future of the channel. The area south of the Gulf Intracoastal Waterway is what many people consider to be the MRGO and there is no disagreement about the need to deauthorize this as a deep draft channel. The area including the GIWW and the Inner Harbor Canal has different uses that must be considered. Nonetheless the status of the upper reach of the MRGO needs to be reconsidered particularly in light of the role it may have played in the flooding of portions of New Orleans.
3. Deauthorization alone will not achieve any purpose other than eliminating the channel from the list of projects that the Army Corps of Engineers has responsibilities for maintaining. Accordingly, it is imperative to couple any deauthorization of the channel with other steps to achieve the state's goals of addressing the degradation caused by the channel, enhancing storm protection, facilitating coastal restoration and conservation. In short, the concept of deauthorization is no more self defining than is the meaning of “closure”. Both require an appreciation of not only what we want to put a stop to but also an appreciation for what we want to achieve.

Policy Recommendations:

With those points in mind the committee developed the following recommendations:

1. **Guiding Purposes:** The driving purposes for planning and actions concerning the future of the MRGO should be enhanced storm protection and facilitating coastal restoration and conservation including restoring coastal marsh and forests and minimizing or reversing salt water intrusion..
2. The MRGO should be deauthorized as a deep draft channel.
3. Concurrent with the deauthorization of the deep draft channel Congress should authorize or modify the current authorization to provide for the planning, design, construction or implementation of such features as may be necessary to mitigate the damages caused by the channel, enhance storm protection for the communities of the area and facilitate coastal restoration and conservation in Southeast Louisiana and the Mississippi Sound areas. Specifically this should, at the least, include the constriction of the channel (in terms of depth and /or width) and the reintroduction fresh water to benefit the area, including Mississippi Sound.
4. Support the relocation of deep draft facilities from the MRGO and the Inner Harbor to the river. This is a vital component of the overall recovery of the area and the authorization of this assistance should be pursued as part of the closure of the MRGO as a deep draft channel. The Port of New Orleans estimates the cost of this relocation to be \$360 million.
5. Support future navigational use of the MRGO up to a channel depth of 12 feet provided that such a channel and uses are consistent with the Guiding Purposes set forth above and that they are otherwise economically and environmentally justifiable.
6. These are matters of great urgency and decisions need to be made concerning them as clearly and soon as possible.

Additional Views:

Mr. Cocchiara did not agree to the 12 foot depth limitation on future possible navigation on the MRGO. He preferred that no depth preference be set and that any future navigational use or configuration of the channel be governed by their consistency with Guiding Purposes and their economic and environmental justification based on the facts and science pertinent to any given proposal. He also sought to have the committee consider supporting the lock expansion project at the Inner Harbor. The chair ruled that to be outside the scope of our charge. Pursuant to the procedures of the committee Mr. Cocchiara will submit a statement setting forth his views on that matter.