



LOUISIANA WILDLIFE FEDERATION

"... conserving our natural resources and your right to enjoy them."

affiliated with



Resolution No. 7B, 2013

SUBJECT: DECLARATION OF MARDI GRAS PASS AS A NAVIGABLE WATERWAY

WHEREAS, in 2011 and 2012, due to abnormally-high flooding conditions especially in 2011, a new distributary of the Mississippi River was created through natural processes in an area within the Bohemia Spillway on the east bank of the river in Plaquemines Parish located at approximately 42.5 miles above Head of Passes; and

WHEREAS, this new water body has been named "Mardi Gras Pass" by the Lake Pontchartrain Basin Foundation; and

WHEREAS, the natural formation of Mardi Gras Pass cut a channel through the bed of an unimproved road known locally as "Potash Road" that provided access to an oil and gas production facility on the south end of the Bohemia Spillway owned by Sundown Energy; and

WHEREAS, Mardi Gras Pass, after spring flooding along the Mississippi River in 2012, is currently estimated to be as much as 24 feet deep, 80 feet wide and can transport as much as 10,000 cubic feet per second of sediment-laden water during high water events from the river and into marshes along the rim of the Breton Basin and Black Bay area; and

WHEREAS, several conservation organizations including National Audubon Society and Lake Pontchartrain Basin Foundation have asked the U.S. Army Corps of Engineers (Corps) to conduct a navigability determination for Mardi Gras Pass which the Corps has not; and

WHEREAS, Sundown Energy has submitted a Coastal Use Permit to both the Corps and the Louisiana Department of Natural Resources to install four 6 foot by 46 foot culverts in Mardi Gras Pass where Potash Road has been washed out and to fill in the remainder of the pass on either side of the culverts with dirt and rip rap material and repair the road; and

WHEREAS, the Corps has indicated a willingness to approve the permit and allow Sundown Energy to install the culverts and use other materials to alter Mardi Gras Pass; and

WHEREAS, the installation of culverts and the blocking of the pass with additional materials could have a negative impact on Mardi Gras Pass' ability to help maintain and restore essential fisheries and wildlife habitat and deliver sediments from the Mississippi River necessary to build and sustain wetlands within the river's delta; and

WHEREAS, a full, rigorous examination of the impacts to wildlife and fisheries habitats in the outflow area of Mardi Gras Pass resulting from the installation of the culverts and placement of rip rap and sediment has not been conducted, a violation of Section 404 of the Clean Water Act; and

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WHEREAS, officials with the Louisiana Coastal Protection and Restoration Authority have expressed concerns that any culvert installation will only be a temporary repair and other washouts of Potash Road are certain in the future; and

WHEREAS, Sundown Energy can continue to access its facility by water via both the Mississippi River and through canals located east of the river as it has since 2011 and during previous high water periods that blocked Potash Road; and

WHEREAS, the Southeast Louisiana Flood Protection Authority-East has resolved on multiple occasions to oppose the alteration of Mardi Gras Pass with techniques listed in the coastal use permit applied for by Sundown Energy; and

WHEREAS, NOAA has questioned the Corps as to whether or not a rigorous enough examination of the impacts to fisheries and wildlife habitat have been conducted as required by law with the submission of this permit application; and

WHEREAS, the State of Louisiana's 2012 Coastal Master Plan calls for and specifically lists several projects along the lower Mississippi River on both the east and west side of the river designed to deliver sediment-laden water from the main channel of the river into surrounding wetlands to help restore coastal wetlands; and

WHEREAS, there exists the potential that Mardi Gras Pass could deliver the sediment and freshwater resources to area wetlands naturally, eliminating the need to use hundreds of millions in state and federal coastal restoration dollars to construct planned man-made diversions along the eastern bank of the Mississippi River; and

WHEREAS, the need to restore Louisiana's imperiled and rapidly-disappearing coastal wetlands and other habitats is going to necessitate changing some current coastal-use practices.

THEREFORE BE IT RESOLVED that the Louisiana Wildlife Federation joins with the Southeast Flood Protection Authority-East, Lake Pontchartrain Basin Foundation and other concerned organizations in urging the Corps and the Louisiana Department of Natural Resources to deny the coastal use permit to block the naturally-occurring waterway now known as Mardi Gras Pass.

BE IT FURTHER RESOLVED that the Louisiana Wildlife Federation requests that the Corps conduct a navigability study and determination and follow all appropriate provisions of Section 404 of the Clean Water Act and all other appropriate federal and state laws.

BE IT FURTHER RESOLVED that a full and rigorous examination of the impacts of Mardi Gras Pass on fisheries and wildlife habitat be examined in accordance with comments submitted to the Corps regarding the coastal use permit application submitted by Sundown Energy and that a public meeting be conducted by the Corps and potentially the State of Louisiana to discuss the impacts of changing Mardi Gras Pass as is permitted in any coastal use permit application process.

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BE IT FURTHER RESOLVED that the Louisiana Wildlife Federation implores the Corps to end the practice of issuing coastal use permits that do not take into full consideration the necessity of using the Mississippi River to help restore Louisiana's imperiled coastal habitats.

Adopted by the Louisiana Wildlife Federation in Convention Assembled, February 24, 2013 in Baton Rouge, Louisiana.

The Louisiana Wildlife Federation is a statewide conservation education and advocacy organization with more than 8,500 members and 25 affiliate groups. Established in 1940, it is affiliated with the National Wildlife Federation and represents a broad constituency of conservationists including hunters, fishers, campers, birders, boaters, and other outdoor enthusiasts.