



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpg.net

#12

Kerri Callais
*Councilmember
at Large*

Richard "Richie" Lewis
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
District A*

Joshua "Josh" Moran
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

Wanda Alcon
*Councilmember
District D*

Fred Everhardt, Jr.
*Councilmember
District E*

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A SPECIAL MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON WEDNESDAY, APRIL 15, 2020 AT FOUR O'CLOCK P.M.

On motion of Mr. Everhardt, seconded by Mr. Moran, it was moved to **adopt** the following emergency ordinance:

EMERGENCY ORDINANCE SBPC #2235-04-20

SUMMARY NO. 3802

AN **EMERGENCY ORDINANCE** REQUIRING THE PARISH PRESIDENT TAKE EMERGENCY ACTION TO ALTER THE ROCK DAM IN THE MISSISSIPPI RIVER GULF OUTLET (MRGO) FOR THE PURPOSE OF RESTORING HYDROLOGY AND IMPROVING WATER QUALITY IN THE SURROUNDING WATERWAYS, THEREBY MITIGATING THE IMPACTS OF THE MISSISSIPPI RIVER FLOODING/FEDERAL FISHERY DISASTER, CURRENT BONNET CARRE SPILLWAY OPENING, AND FUTURE BONNET CARRE SPILLWAY OPENINGS.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, St. Bernard Parish and its citizens have suffered tremendously as a result of catastrophic coastal land loss and environmental degradation over the past century, and is currently being threatened with the exacerbation of coastal land loss and environmental degradation resulting from the ongoing and unprecedented influx of Mississippi River water into St. Bernard Parish's waterways and estuaries, which will adversely impact the viability of the Parish's economically and culturally significant commercial and recreational industries as well as the health, safety, welfare, and resilience of its citizens; and,

WHEREAS, St. Bernard Parish observed significant damage to its valuable fish, oyster, shellfish, aquaculture crops and wildlife production, including unexplained death and disease among the local dolphin population and undetermined damage to other species since the Bonnet Carre Spillway was opened last year, which led to the declaration of a state of emergency in May of 2019; and,

WHEREAS, the United States Army Corps of Engineers has opened the Bonnet Carre Spillway for the third time in fifteen months, resulting in a significant increase in water from the Mississippi River throughout the Pontchartrain Basin; and,



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpgr.net

Page -2-

Extract #12 continued
April 15, 2020

Richard "Richie" Lewis
*Councilmember
at Large*

WHEREAS, the resulting intrusion of water from the Mississippi River into surrounding waterways is severely damaging the commercial fishing, oyster and aquaculture industries located in St. Bernard Parish and surrounding areas; and,

Gillis McCloskey
*Councilmember
District A*

WHEREAS, when the Bonnet Carre Spillway is open, the MRGO rock dam prevents water from passing through the MRGO into the Chandeleur Sound, thereby intensifying and prolonging the negative impacts of poor water quality between the dam and spillway; and,

Joshua "Josh" Moran
*Councilmember
District B*

WHEREAS, The MRGO rock dam structure has adversely impacted hydrology and water quality in adjacent waterways since its construction; and,

Howard Luna
*Councilmember
District C*

WHEREAS, the MRGO rock dam was not designed or constructed for the purpose of storm surge risk reduction, and the channel itself has become shallow between the rock dam and Chandeleur Sound; and,

Fred Everhardt, Jr.
*Councilmember
District E*

WHEREAS, the United States Department of Commerce has already declared a federal fishery disaster (2019 Gulf of Mexico Freshwater Flooding) in Louisiana, Mississippi, and Alabama due to the 2019 Bonnet Carre Spillway openings; and,

Roxanne Adams
Clerk of Council

WHEREAS, the Parish of St. Bernard is under a state of emergency due to the COVID-19 virus, which is also damaging the commercial fishing, oyster and aquaculture industries located in St. Bernard Parish and surrounding areas.

SECTION 1. The Parish Council, the governing authority, hereby ordains and decrees that the Parish President shall take emergency action to lower the height of the Rock Dam in the MRGO to twelve feet at low tide to allow the interchange of Gulf of Mexico water and Mississippi River water to restore hydrology and improve water quality in the surrounding waterways.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. If the proposed ordinance is not signed or vetoed by the Parish President within Twelve (12) hours after receipt it shall be considered adopted. As an emergency ordinance, the provisions shall remain valid for a time period of sixty (60) days.



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpsg.net

Page -3-

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Joshua "Josh" Moran
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

Fred Everhardt, Jr.
Councilmember
District E

Roxanne Adams
Clerk of Council

Extract #12 continued
April 15, 2020

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

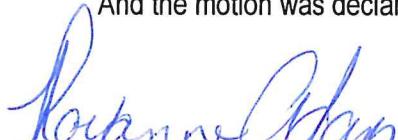
YEAS: Moran, Luna, Everhardt, Lewis

NAYS: None

ABSENT: McCloskey, Alcon

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 15th day of April, 2020.


ROXANNE ADAMS
CLERK OF COUNCIL

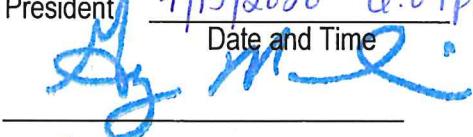

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President

4/15/2020 6:07pm

Date and Time

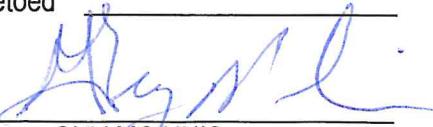
Received by



Approved



Vetoed


GUY MCINNIS
PARISH PRESIDENT

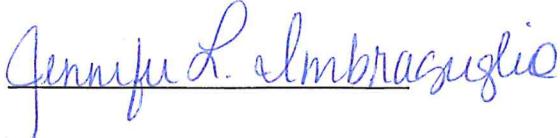
Parish President

Returned to Clerk of the Council

4/15/2020 6:10pm

Date and Time

Received by


JENNIFER L. IMBRAGUGLIO