



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
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www.sbpgr.net

#9

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 REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, FEBRUARY 7, 2023 AT SEVEN O'CLOCK P.M.

On motion of Mr. Everhardt, seconded by Ms. Callais, it was moved to adopt the following resolution:

RESOLUTION SBPC #2284-02-23

A RESOLUTION EXPRESSING SUPPORT OF PLAQUEMINES PARISH ORDINANCE NO. 23-17, AN ORDINANCE REAFFIRMING PROHIBITION OF ANY PLAQUEMINES PARISH-ISSUED PERMIT FOR AUTHORIZATION, CONSTRUCTION AND/OR OPERATION OF ANY MISSISSIPPI RIVER SEDIMENT DIVERSION PROJECT, AND DIRECTING AND AUTHORIZING ANY AND ALL LEGAL STEPS NECESSARY TO PREVENT HARM TO PLAQUEMINES PARISH, ITS CITIZENS, ITS INDUSTRIES, ITS NATURAL RESOURCES, ITS ECONOMY AND ITS ENVIRONMENT FROM AFOREMENTIONED MISSISSIPPI RIVER SEDIMENT DIVERSION PROJECTS AND OTHERWISE TO PROVIDE WITH RESPECT THERETO.

WHEREAS, the Plaquemines Parish Council adopted Ordinance No. 23-17 on January 26, 2023 with a unanimous vote; and,

WHEREAS, the St. Bernard Parish Council is in full support of said ordinance as attached.

NOW THEREFORE BE IT RESOLVED by the St. Bernard Parish Council that they support Ordinance No. 23-17 reaffirming prohibition of any Plaquemines Parish-issued permit for authorization, construction and/or operation of any Mississippi River Sediment Diversion Project, and directing and authorizing any and all legal steps necessary to prevent harm to Plaquemines Parish, its citizens, its industries, its natural resources, its economy and its environment from aforementioned Mississippi River Sediment Diversion Projects.



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Extract #9 continued
February 7, 2023

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

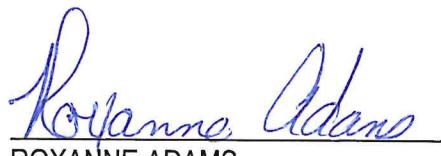
The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of February, 2023.

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, February 7, 2023.

Witness my hand and the seal
of the Parish of St. Bernard on
this 7th day of February, 2023.


ROXANNE ADAMS
CLERK OF COUNCIL

ORDINANCE NO. 23-17

The following Ordinance was offered by Council Member Jurisich who moved its adoption:

An Ordinance reaffirming prohibition of any Plaquemines Parish-issued permit for authorization, construction and/or operation of any Mississippi River Sediment Diversion project, and directing and authorizing any and all legal steps necessary to prevent harm to Plaquemines Parish, its citizens, its industries, its natural resources, its economy and its environment from aforementioned Mississippi River Sediment Diversion projects; and otherwise to provide with respect thereto.

WHEREAS, the US Corps of Engineers (USACE) has recently issued necessary permit approvals to the Louisiana Coastal Protection and Restoration Authority (CPRA) for construction and operation of the Mid-Barataria Sediment Diversion (MBSD); and

WHEREAS, the aforementioned permit approvals by USACE contain a list of permitting conditions; and

WHEREAS, this list of conditions contains requirement #20 which states:

Many local governing bodies have instituted laws and/or ordinances in order to regulate dredge and/or fill activities in floodplains to assure maintenance of floodwater storage capacity and avoid disruption of drainage patterns that may affect surrounding properties. The authorized project involves dredging and/or placement of fill, therefore, the permittee must contact the local municipal and/or parish governing body regarding potential impacts on floodplains and compliance of your proposed activities with local floodplain ordinances, regulations, or permits.

WHEREAS, Plaquemines Parish Government has consistently opposed large-scale Mississippi River Sediment Diversion projects, including in its official Coastal Zone Management Plan and affirmed by its passage of Ordinance No. 14-52; and

WHEREAS, the Final Environmental Impact Statement (FEIS) released by USACE for the MBSD clearly delineates that operation of the MBSD will irreparably harm the natural resources of Plaquemines Parish, including, but not limited to, its commercial fishing industries, saltwater recreational fishing, and dolphins of the Barataria Basin; and

WHEREAS, the destruction of Plaquemines Parish natural resources in the aforementioned FEIS has been confirmed by numerous scientific studies as well as official resolutions and statements from Louisiana Government's Oyster and Shrimp Task Forces; and

WHEREAS, the aforementioned FEIS also clearly delineates that operation of the MBSD will cause massive land loss in the Birdfoot Delta; and

WHEREAS, the aforementioned FEIS also clearly delineates that operation of the MBSD will cause overtopping of levees in communities south of the diversion structure which wouldn't otherwise be overtopped due to bathymetry changes from the release of massive amounts of Mississippi River water into the Barataria Basin; and

WHEREAS, the aforementioned FEIS also clearly delineates that operation of the MBSD will produce a minimal amount of land over a 50 year period that will not reduce storm surge events or provide any additional protection to coastal Louisiana; and

WHEREAS, dredging, including long-distance piping of dredged material, and beneficial use of dredged material are methods proven to produce more land in a much quicker time period and are more cost effective than the MBSD (which is only anticipated to produce a dismal 21 square miles of land in 50 years);

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the Governing Authority of Plaquemines Parish reaffirms its opposition to large-scale Mississippi River Sediment Diversion projects, including the MBSD, and any further proposed diversion projects and hereby affirms that Mississippi River Sediment Diversion projects, including the MBSD, are not compatible with the best interests of Plaquemines Parish, its citizens, its economy, and/or its natural resources, and shall not be considered to meet any requirements for its official policies and ordinances, including its official Coastal Zone Management Plan and its Floodplain Management policies. No required permits for planning, research, construction or operation of any Mississippi River Sediment diversion project shall be issued by Plaquemines Parish Government.

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the Plaquemines Parish President is hereby authorized, directed to and shall immediately notify, in writing, all federal agencies involved in the permitting and environmental evaluation of the MBSD, the Louisiana Coastal Protection and Restoration Authority, and all agencies, including the LA TIG, involved in funding mechanisms for MBSD and the proposed river diversion for Mid-Breton, that Plaquemines Parish, in accordance with its policies and ordinances, will not issue any required permit for planning, construction or operation of any Mississippi River Sediment diversion project.

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the Plaquemines Parish President is hereby authorized, directed to and shall immediately request, in writing, that the Administrator of the US Environmental Protection Agency reevaluate the MBSD permit

approval and consider withdrawal based on an elevated status, pursuant to Title 33, Chapter 26, Subchapter IV, §1344(c) of the Clean Water Act, and in light of a newly finalized rule for Waters of the United States (WOTUS) announced December 30, 2022, and designed to restore fundamental water protections. §1344(c) specifically states:

The Administrator is authorized...to deny or restrict the use of any defined area for specification (including the withdrawal of specification)...whenever he determines...that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds, and fishery areas...

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT to protect the citizens, natural resources and economy of Plaquemines Parish, the Plaquemines Parish President is hereby authorized, directed to and shall immediately institute any and all legal measures available, including preparation for and filing of litigation, which may be available to prevent the construction and operation of MBSD.

- a) Upon the passage of this Ordinance, the Parish President shall prepare a proposed budget for initial legal remedies and/or litigation and present it to the Parish Council for approval at the next regularly-scheduled Council meeting.
- b) The Parish President shall provide the Council and the public a regular update on legal measure progress at all following Council meetings, except information properly held in Executive Session.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

With a unanimous second by all council members the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Tyronne Edwards, Brian Champagne, Chris Schulz, Stuart J. Guey, Patricia McCarty, Ronnie Newsom, Carlton M. LaFrance, Sr., Mitch Jurisich and Mark Cognevich

NAYS: None

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 26th day of January, 2023.

I hereby certify the above and foregoing to be a true and correct copy of an Ordinance which was adopted at a meeting held by the Plaquemines Parish Council in the Pointe-a-la-Hache Courthouse Council Chambers, 18055 Hwy. 15, Pointe-a-la-Hache, Louisiana, on Thursday, January 26, 2023.

Secretary