

Common Ground:  
A Shared Vision for Restoring the Mississippi River Delta

July 28, 2010



# **Common Ground: A Shared Vision for Restoring the Mississippi River Delta**

## **Executive Summary**

Environmental Defense Fund, the National Wildlife Federation, and the National Audubon Society have compiled an agenda for restoration that details specific actions that the federal government can take to restore the coast of Louisiana and make it less vulnerable to man-made disasters like the recent oil spill. These actions will make the entire area more resilient, protecting the people who live there, the industries critical to our national economy, and the wildlife that call the area home.

They include:

- Securing short- and long-term funding for restoration.
- Expediting strategic, already-authorized restoration projects and integrating the Federal Comprehensive Restoration Plan with the State Master Plan.
- Ensuring effective governance of coastal Louisiana restoration.

We can't go back now and prevent the oil spill from happening or undo the devastation unleashed by Katrina. What we can do is greenlight actions that will make this vital area stronger. Swift implementation of these actions is necessary; they are the right thing to do to protect and restore Louisiana's coast.

## **Introduction**

After 87 days of oil gushing into the Gulf of Mexico at unprecedented rates, the BP well was provisionally capped on July 15, 2010. This day marked what may be the beginning of the end of this terrible catastrophe. But the world will not soon forget images of birds so mired in BP oil that they could barely move. Nor the images of oil pooling in shallow estuaries and coating wetland plants. Nor the grief in the eyes and voices of Gulf Coast residents facing the loss of their ways of life. The BP oil spill has hit the wetlands, waterways and people of the Mississippi River Delta particularly hard. Here, the disaster will continue unfolding for weeks, even months, and effects may persist for years.

With the well no longer spewing as much as 60,000 barrels of oil per day, the most pressing question now becomes: how can this vital area recover and return to its full health and vitality?

Five years ago when Hurricanes Katrina and Rita ravaged the Gulf region, they destroyed more than 200 square miles of Louisiana's remaining wetlands. These wetlands serve as a natural barrier for coastal communities, protecting the Gulf region from storms, and their overall health and vitality makes the entire system better able to withstand an assault like the BP oil spill. Swift action after Katrina to restore the wetlands, by providing the natural sediment build up that keeps them strong, would have given the shoreline ecosystems a head start on recovering its natural resiliency. Instead, in its tattered state, it faces the oil washing ashore every day.

In recent addresses to the nation, President Obama and his advisors have committed to making the Gulf Coast better than it was before the oil disaster began. U.S. Navy Secretary Ray Mabus, President Obama's point man for Gulf recovery, said in early July that the nation needs the Gulf region to be healthy both environmentally and economically. Mabus also stated that it is the nation's responsibility to make the Gulf Coast whole.

We could not agree more.

The path to restoring the ecosystems of America's largest wetland complex begins with re-establishing the natural processes that sustain the coast, including reconnecting the long-severed connection between the Mississippi River and its delta. When the river and its sediment are reintroduced for restoration, the wetlands will be resupplied with sediment, enabling the lands to rebuild. It is time for us to commit to building this new common ground.

### **The Mississippi River Delta, Then and Now**

The Mississippi River Delta, which makes up much of southern Louisiana, is one of the world's largest and most productive river deltas. Its 3.4 million acres of marsh, swamp, forest and barrier islands constitutes the largest wetland complex in the contiguous United States.

- The delta is home to nearly two million people and supports rich, diverse communities whose culture, lives and livelihood are inextricably intertwined with the river and its resources.
- It provides critical breeding, wintering, and migratory stopover habitat for 100 million birds representing hundreds of species.
- Its wetlands are a vast nursery for Gulf of Mexico sea life, including many commercially important seafood species.
- Many threatened and endangered species make their homes in the delta's habitats, including the Louisiana Black Bear, the West Indian Manatee, the Piping Plover, and five species of sea turtles.
- It is the center of the vast coastal Louisiana and Gulf Outer Continental Shelf (OCS) oil and gas operation.
- It is the center of nationally critical navigation systems, including the lower Mississippi River and the Gulf Intracoastal Waterway.

Today, delta habitats in coastal Louisiana are reeling from the BP oil disaster. But the ecosystem was hovering on the edge of collapse long before the oil began to flow. Since the 1930s, more than 2,300 square miles of Louisiana's vital marshlands have disappeared – literally sinking into the sea.

And why? Levees built for flood control and navigation have prevented the river from spreading nutrient-rich sediment needed to build and sustain the delta and surrounding wetlands. Instead, the sediment funnels into the Gulf of Mexico. Channels dug for oil and gas extraction have allowed saltwater to destroy huge cypress forests and vast areas of marsh, further accelerating land loss in the region. These legacy channels continue to contribute to wetland destruction long after the companies that dredged them have disappeared, leaving no one to take responsibility for the continued impacts.

The disappearance of deltaic wetlands imperils human communities by removing a natural storm defense system. Historically, coastal wetlands and barrier islands offered homes and businesses some protection from storm surges and other effects of hurricanes. Some of the death and destruction wrought during Hurricane Katrina in 2005 could have been prevented had healthy wetlands remained intact around the city of New Orleans.

People also lose their livelihoods as the wetlands disappear, and wildlife habitats shrinks, leaving birds like the Brown Pelican with fewer and fewer places to reside.

Now, barrier islands, estuaries, wildlife, fisheries and thousands of acres of remaining fragile marsh grasses are covered in oil. The loss of coastal wetlands to oil contamination may speed up today's alarming land loss – leaving an already-weakened ecosystem even more vulnerable to storms and other man-made assaults. Without restoration, every disaster will sow the seeds of a more devastating disaster down the line, and the region will continue on a path to eventual destruction.

But there is hope – and lots of it. The Mississippi River, for all its fetters and bondage, remains one of the most powerful natural forces on the continent. Again, the path to restoring its precious delta begins with re-establishing the river's long-severed connection to the delta. It is time for us to commit to renewal, to building this new common ground.

### **Existing Federal Policy Sets the Stage for a Strong Response**

The only way to address the coastal ecosystem disaster is to rebuild the system's resilience by restoring the river and coastal processes that sustain it. This project requires re-establishing long-severed connections between the Mississippi River and its delta so that sediment and sand from the river rebuild the land and make the marshes resilient to stressors such as the oil. Tools to restore the ecosystem – such as river diversions, beneficial use of sediments, marsh creation, barrier island and oyster reef restoration and plugging of unused canals – must be employed immediately. Healthy and resilient coastal wetlands will create a critical line of defense to storm surge and oil spills by rebuilding fragmented wetlands, keeping saltwater at bay and protecting interior wetlands, and restoring the river's natural land-building functions.

Long before the BP oil spill, in response to Hurricane Katrina, Congress authorized the U.S. Army Corps of Engineers to begin restoring this battered ecosystem through a suite of restoration projects called the Louisiana Coastal Area (LCA) ecosystem restoration program. The LCA program includes barrier-island restoration, land-building sediment diversions, and beneficial use of dredged material. Despite Congress' clear and urgent direction in the Water Resources Development Act of 2007 to implement restoration and construct specific projects, planning and design are moving at a snail's pace. Congress itself has yet to appropriate any money to construct these projects, and the Corps, charged with building these projects, has missed every pre-construction deadline set forth by Congress.

Now, faced with the additional destruction of the oil spill, these congressionally-authorized projects can immediately give restoration efforts a strong start.

### ***I. Secure Short- and Long-Term Funding for Restoration***

Moving the restoration of coastal Louisiana forward requires significant and expedited funding. Current sources of federal and state funding are insufficient to meet the enormous challenge.

Furthermore, construction of projects in the LCA program depends on yearly appropriations to the Corps. The uncertainty of such appropriations creates difficulty and delay. We must act immediately to guarantee the substantial funds needed over the long term to sustain the system and the program to restore it.

### **Actions:**

- Immediately negotiate with BP a \$5 billion down payment on what they will ultimately be assessed for natural resource damages from the spill and create a separate escrow account for that money.

- Amend the Oil Pollution Act to create a separate fund for Gulf Coast and Mississippi River Delta restoration that includes:
  - Payments from BP for natural resource damages under the Oil Pollution Act;
  - Penalty payments from BP under the Clean Water Act; and
  - A dedicated per-barrel tax.
- Seek a supplemental appropriation of \$500 million from the Oil Spill Liability Trust Fund for LCA projects and raise the amount available under the Trust Fund for this disaster, and include at least \$155 million for the LCA construction program in FY12.
- Ensure that expedited revenue sharing is dedicated to coastal restoration.

***II. Expedite strategic, already-authorized restoration projects and integrate the Federal Comprehensive Restoration Plan with the State Master Plan.***

**A. Expedite WRDA-authorized restoration projects.**

In the 2007 Water Resources Development Act, Congress authorized many restoration projects that would be strategic now in the face of the oil disaster. These projects require an immediate investment in design and engineering. They include the following:

- To the east of the river, Congress directed the Corps to restore coastal wetlands destroyed by the construction and operation of the Mississippi River-Gulf Outlet through a suite of projects that reintroduce water, sediment and nutrients. Also related to Mississippi River-Gulf Outlet restoration, Congress authorized the Violet Diversion that will primarily provide fresh water to the Biloxi marshes, therefore rehabilitating marshlands by reducing salinity levels and also improving fish and wildlife habitat. Finally, the WRDA-authorized diversion at White's Ditch will provide freshwater and sediment to the wetlands east and south of New Orleans.
- To the west of the river, Congress authorized the construction of a suite of projects that will start the process of restoring the Barataria Basin, including the Barataria Shoreline Restoration project, modification of the existing Davis Pond diversion and the Myrtle Grove sediment diversion. Together with strategically-placed dredged sediment, these two projects will rebuild land in an area that has suffered high rates of wetland loss in recent decades and is being battered by oil.
- In the Terrebonne Basin, Congress authorized the Terrebonne barrier island restoration project and reintroduction of larger amounts of Atchafalaya River water and sediment into northern Terrebonne marshes. These two projects will begin the complex task of strengthening wetlands and barrier islands in this Basin.
- Congress directed the Corps to design a program to use dredged sediment from the river for restoration. Sediment that settles out in or close to the mouth of the Mississippi River must be dredged and removed for navigation. Every year 22 million cubic yards of life-giving sediment are irretrievably dumped off the continental shelf to make way for shipping, most of which is disposed of in deep water. These same sediments are the lifeblood of coastal restoration. The sand portion can be used for building up land substrate, and the finer-grained material can be effectively used to bolster existing or restored wetlands.

## **Actions**

- Move authorized LCA projects – barrier shoreline restoration, beneficial use of dredged sediment, and river diversions at Myrtle Grove, White’s Ditch and Violet – to construction within a year by prioritizing the completion of environmental review and by fully funding them and complete these projects within five years.
- Create within the Corps of Engineers a program to deliver sediment to priority areas in the Barataria and Breton basins.
- Change the current Corps policy requiring dredged material to be disposed of in the least costly manner because it wastes millions of tons of sediment each year that are needed for restoration.

### **B. Complete the Federal Comprehensive Restoration Plan containing priorities and deadlines for action.**

Congress has directed the Corps to prepare a comprehensive plan for coastal restoration and to integrate that plan with the State’s Comprehensive Master Plan for a Sustainable Coast (State Master Plan) created by the Louisiana Office of Coastal Protection and Restoration. The State Master Plan and the Corps LACPR report both utilize the Multiple Lines of Defense Strategy to integrate coastal restoration and protection. The Corps’ plan is to consider strategies to make maximum, feasible use of the sediment from the Mississippi and Atchafalaya Rivers for environmental restoration through, among other means, large-scale sediment diversions at the head of major basins, consistent with flood control and navigation. The comprehensive plan must include proposed projects in order of priority determined by their potential to contribute to the creation of coastal wetlands and flood protection as well as utilize Multiple Lines of Defense.

Now, with oil coating thousands of acres of wetlands, this plan will serve as the necessary comprehensive planning document to guide storm risk reduction and coastal restoration in a holistic, efficient manner. In addition to integrating the restoration plan with the Corps’ plan for 100 year flood protection called the LaCPR, WRDA requires that the plan be developed in coordination with state planning efforts including, the State Master Plan. Louisiana is currently developing the 2012 State Master Plan.

## **Actions**

- Direct the Corps to use appropriate investigation funds to complete the Federal Comprehensive Restoration Plan (WRDA 2007, Section 7002).
- Include all appropriate federal agencies in the Federal Comprehensive Restoration Plan process and integrate it with the State Master Plan.
- Incorporate into the comprehensive plan assumptions about regional land sinkage and about sea level rise through the year 2100 contained or referenced in the U.S. Global Change Research Program’s June 2009 report, *Global Climate Change Impacts in the United States*.

### **III. Ensure effective governance of coastal Louisiana restoration**

#### **A. Create a federal interagency entity.**

Restoring an environmentally and economically healthy delta will take the combined effort of several state and federal agencies working in concert with one another. This requires an immediate change in the government's approach to restoration and protection.

In August 2009, President Obama set up the Gulf Coast Ecosystem Restoration Working Group to begin to create a common federal vision and a coordinated restoration program. In March 2010, the Council on Environmental Quality and Office of Management and Budget unveiled the Obama administration's 18-month plan to expedite construction of near-term projects, while creating a long-term vision and governance structure for restoring coastal wetlands in Louisiana. This plan is called the "roadmap."

To meet the challenges of this battered ecosystem and to manage the challenges of responding to the oil spill, the federal government must work urgently in concert with Louisiana's Office of Coastal Protection and Restoration to revive these efforts. A new federal management structure must drive progress on a vision and plan projects in the short-term. The federal entity must have a clearly defined goal, for example, such as "stopping the deterioration of the Louisiana coastal ecosystem and restoring the natural function of the Mississippi River and its delta, while reducing flood risk and maintaining the river's navigability."

The interim federal coordinating authority must use existing statutory authority under WRDA, Coastal Wetlands Planning, Protection, and Restoration Act (also called the Breaux Act), and the Estuary Restoration Act to implement existing authorized projects.

With oil continuing to come ashore, the coastal ecosystem does not have the luxury of time – action that gives a new structure to the federal agency effort must be taken immediately.

### **Actions**

- Within the next 30 days, issue an executive order to reorder the federal effort in Louisiana for better coordination across agencies and with the state.
- Pass federal legislation to create a new Coastal Louisiana Restoration and Protection Task Force to direct the federal agencies' efforts.

### **Conclusion**

With the oil spill hopefully capped in the Gulf, the nation must turn its considerable resources toward responding to the oil damage by restoring one of our most precious and critically important ecosystems. There is a very specific window of opportunity to start correcting the damage that has been done, and to mitigate damage caused by future storms and man-made disasters by acting now to rebuild and restore the Mississippi River Delta.

Restoration now will bring greater predictability for businesses that rely on coastal resources for commerce. A healthy ecosystem will better protect the region, its people, businesses, and wildlife.