Mid-Barataria Sediment Diversion (MBSD)

Background:

At 10:57 pm on a Friday night, February 9th, 2018, with no one paying attention to what is going on in Washington, Congress passed the Budget Act, which contained a special requirement that the Secretary of Commerce, issue a waiver of the Marine Mammal Protection Act (MMPA) moratorium and prohibitions for the Mid Barataria Sediment Diversion, and the Mid Breton Sound Sediment Diversion. The Marine Mammal Commission called attention to their inability to provide comment stating their concerns on the actions implemented by the Louisiana Congressional Delegation.

At the request of the Louisiana Congressional Delegation the waiver request was made under the U.S. Department of Commerce funding request portion of the bill, Title II, Section 20201*, S. Amdt. 1930. By eliminating Section 20201, Congress removed the National Marine Fisheries Service (NMFS), discretion and requirements to consider the statutory factors, provide the required statements or make required findings.

This changed the MMPA from studying the impacts to mammals before the project to simply monitoring the effects to mammals the diversion will have over a five year period.

What does the Louisiana delegation know they do not want us know? Why would we spend billions of dollars and not fully explore the impacts to our seafood industry and the marine mammals residing in the estuary? Why do we not want to know the impact before we spend $2 billion.

This waiver eliminated the agency’s discretion to consider the best available scientific evidence related to impacts on affected species or stocks.

“Why would they not want to know upfront what the impact will be. Even worse, what if after monitoring the impact to dolphins over a five year period results in the worst case scenario, what are we going to do? Stop the diversion? CPRA has been wrong before. It just makes no sense! No one in their right mind would spend $2 billion and want to know the effects after it is built. It seems logical you would want to know on the front end. Do we really think they will shut it down after they’ve $2B? It’s no wonder they waited until the dark of night on a Friday to pass this!”

Lt. Governor Billy Nungesser.

The Mississippi River is no longer the same river it once was. The diversion will not channel fresh water into the Barataria Basin, it will channel polluted water!
Dr. Moby Solangi, Director, Marine Mammal Institute, fears that these diversions will “kill marine life all the way to Gulfport.”

Louisiana and Mississippi are home to the largest shallow water bottlenose dolphin population in the world, and act as home base to dolphins recruited and trained to protect and secure our nation’s nuclear submarine bases.

Scientists and engineers have predicted the diversion will kill many marine mammals, especially shallow water bottlenose dolphins. In the Garrison et. Al study (NOAA) released in December 2020, it estimated a minimum 34% mortality rate to the shallow water bottlenose dolphin populations. However, data presented by the Marine Mammal Institute found that as a result of the numerous Bonnet Carre’ Spillway openings in the past two years that the mortality rates could be close to 70%.

NOAA has estimated that the gulf hypoxia zone (dead zone) on average is 5,700 sq. miles while having tidal flow movement of over ten feet in open waters. The marsh and rich estuaries of LA have an average tidal flow movement of less than 2’ feet, leaving high amounts of nitrogen and phosphorous pollutants within the estuary will be devastating and could destroy marine life as we know it today. What do you think this dead zone with little tidal flow will be like?
Even more concerning is that LDWF discontinued their contract with NOAA to pick up stranded dolphins before the Bonnet Carre’ spillway openings three years ago while also refusing to install a flow valve to measure river discharge in the Rigolets. LDWF lead marine mammal biologist Mandy Tumlin was allegedly let go for calling attention to voiding this contract.

At a timeline of 50 years, for a plan they hope will build land, for diverting river sediment into Mid Barataria and Mid Breton while retaining a tiny small percentage (2%) of sediment deposited (Draft EIS, Mid Barataria) is not the best use of our critical time and resources. **We won’t be here in 50 years to prove them wrong.** The effects of not pumping berms and ridges to save our coast will be even worse than what happened after Katrina. We need certified protection now. Otherwise, in 50 years “we will be having the Grand Isle Fishing Rodeo in Baton Rouge”

Lt. Governor Nungesser.

What Louisiana needs is a five to ten year plan to save our coast. The land the diversion builds over 50 years will never rise above the water line. This plan will not provide any benefit to lower storm surge like forested ridges would.

“**The diversion cannot build land above the existing water line.**

*Dr. Joseph Suhayda,*

*former director, LSU Hurricane Center,*

*currently Louisiana Water Resources Research Institute.*

Numerous non-profit environmental groups and Parish Presidents have been hesitant to speak out against the two diversion projects out of fear of losing coastal project funding from CPRA.

As Parish President of Plaquemines Parish, Lt. Governor Nungesser found out first hand when he was, personally reprimanded by then Governor Bobby Jindal’s team for speaking out against the diversion projects. If the proposed diversions are absolutely known to be the best option for coastal communities why reprimand coastal leadership for voicing concerns while implementing a media campaign that paints a picture of all stakeholders being supportive of the large scale diversions?

A recent high-water event was followed by substantially increased dolphin mortality rates in the Mississippi Sound. The unusual mortality event killed **337 bottlenose dolphins** which were stranded and killed along the coasts of Louisiana, Mississippi, and Alabama. Most of those deaths were linked to low salinity levels because of polluted Mississippi River water through the Bonnet Carre’ Spillway into Lakes
Pontchartrain and Borgne and the Mississippi Sound. In Plaquemines Parish the imminent threat of sea level rise and intrusion of water at the MS Rivers crest will compromise the flood protection afforded by the newly constructed levee system.

“The Essential Fish Habitat as defined in the Magnuson Stevens Act in layman’s terms is refered too as a nest or nursery for a species. Damage to this is a violation of the above Act. Basically, if you destroy the nest or nursery, there will be no fish or shrimp or oysters. Congressman Graves was unable to get a waiver from Congress for the Essential Fish Habitat. What the diversion will do is kill the goose that laisd the golden egg. Maybe this will help the public understand what is at stake”,

Dr. Moby Solangi
Director, Marine Mammal Institute

Why are we building this diversion? This will provide little or no flood protection or storm surge nor will it protect our marsh. Also, it can be washed away by a minimal storm or hurricane.

Figure 2 The MMPA Waiver does not cover sea turtles (NEPA), however the LA Cong. Delegation is actively working to change the definition of "essential fish habitat" under the Magneson Stevenson Act to address the adverse impacts to sea turtles.

How can we justify using our one time oil spill settlement funds acquired from the negative impact on marine life for two- billion dollar projects that increase the stress and mortality rates on the marine mammals along our coast? That is not what this money was intended for. This is not the best use of our storm protection dollars and certainly not the best option for our bottlenose dolphin population. Additionally, the BP money being used for diversion was mandated to be spent on improving mammal health in the gulf, yet CPRA will use this money to have the opposite effect of it’s intended use.

“I believe this is borderline criminal for us to go forward with this project,” Lt. Governor Billy Nungesser.
The bottleneck dolphin population within the Mid Breton and Mid Barataria Basins are the canary in the coal mine for all marine life in the Gulf of Mexico. Once the canary dies, everything else will follow. This project will be the beginning of the end to the estuaries on both sides of the Mississippi River.”

Dr. Moby Solangi.

The current report does not carefully consider potential changes in coastal ecosystem, including brown shrimp, commercial oysters and fishery species which provide the livelihood of many Louisianans. Over $300 million in mitigation funds are being allocated towards the fishing industry for lost earnings (equipment upgrades-freezers, generators, home relocation etc.). The Oyster and Shrimp Task Forces have publicly stated the mitigation funds are too little and only account for half of overall landings in the past two years. The task forces are not wrong in their concerns for the impacts to their livelihoods and the seafood industry.

“Shrimp grow in the rich estuaries of the basins and then go out into the open Gulf. Commercial fishermen won’t need freezer upgrades for their boats, they’ll need bigger gas tanks so they can fish the coast of Mexico because there will no shrimp on the coast”, Lt. Governor Billy Nungesser.
Dr. Moby Solangi, P.h.D.

Executive Director

Institute for Marine Mammal Studies

Area of Expertise: Marine Biology; Marine Ecology

Education: P.h.D. Marine Biology, University of Southern Mississippi, 1980

Dr. Moby Solangi is the President and Executive Director of the Institute for Marine Mammal Studies. He founded the organization in 1984 to promote marine research, conservation and education. He has conducted pioneering research on dolphins both in the wild and under human care. His research experience includes work in pathobiology, disease diagnoses and control, aquaculture, water-quality management, marine ecology, and marine mammal behavior, husbandry and veterinary care.

In addition, Dr. Solangi serves as adjunct faculty at multiple universities and accordingly has supervised graduate students conducting research on marine mammals. His professional associations include membership in the International Association of Aquatic Animal Medicine, Society for Marine Mammalogy, and the International Marine Animal Trainers Association. Dr. Solangi has an extensive list of publications ranging over multiple scientific disciplines.
Dr. Joseph N. Suhayda

Director, Louisiana Water Resources Research Institute
Louisiana State University
Associate Professor, CEE

Area of Expertise
Coastal Physical Processes; Coastal Engineering

Education
- B.S. Physics, California State University, Northridge, CA, USA, 1966
- Ph.D. Physical Oceanography, University of California, La Jolla, CA USA, 1972

Dr. Suhayda has 30 years of experience in coastal physical processes and coastal engineering. Has published over 60 technical papers on nearshore processes, wave action, sediment transport and mass movement, marine geotechnics, hurricane flooding, and oceanographic design criteria. Evaluations of the hydrologic impacts of several coastal restoration projects in Louisiana using computer models, including the Barrier Feasibility Study and the River Diversion Feasibility Study for CWPPRA.

He has conducted coastal field studies in Louisiana, Florida, California, Mississippi, Alaska, and in Mexico, Grand Cayman Island, Barbados, Puerto Rico, U. S. Virgin Islands, Nicaragua, Germany, Brasil, and China. Has been a consultant to oil companies and consulting engineering firms on over 80 design studies.
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