July 15, 2019

Honorable Nancy Pelosi  
Speaker of the House  
H-232, The Capitol  
Washington, DC 20515

Honorable Mitch McConnell  
Majority Leader  
317 Russell Senate Office Building  
Washington, DC 20515

Honorable Steny Hoyer  
Majority Leader  
H-107 The Capitol  
Washington, DC 20515

Honorable James E. Clyburn  
Majority Whip  
H-329, The Capitol  
Washington, DC 20515

Honorable Frank Pallone  
Chairman  
House Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Honorable Greg Walden  
Ranking Member  
House Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Honorable Kevin McCarthy  
Minority Whip  
H-204, The Capitol  
Washington, DC 20515

Honorable Charles E. Schumer  
Minority Leader  
322 Hart Senate Office Building  
Washington, DC 20515

Honorable Steve Scalise  
Minority Whip  
1705 Longworth House Office Building  
Washington, DC 20515

Honorable Richard J. Durbin  
Minority Whip  
711 Hart Senate Office Building  
Washington, DC 20515

Honorable John Barrasso  
Chairman  
Senate Committee on Environment and Public Works  
307 Dirksen Senate Office Building  
Washington, DC 20515

Honorable Tom Carper  
Ranking Member  
Senate Committee on Environment and Public Works  
513 Hart Senate Office Building  
Washington, DC 20515
July 15, 2019
Page 2

Honorable Richard Shelby
Chairman
Senate Committee on Appropriations
304 Russell Senate Office Building
Washington, DC 20515

Honorable Nita Lowey
Chairwoman
House Committee on Appropriations
2365 Rayburn House Office Building
Washington, DC 20515

Honorable Patrick Leahy
Vice Chairman
Senate Committee on Appropriations
437 Russell Senate Office Building
Washington, DC 20515

Honorable Kay Granger
Ranking Member
House Committee on Appropriations
1026 Longworth House Office Building
Washington, DC 20515

Dear Congressional Leaders:

I am writing to respectfully ask that Congress take immediate action in response to the historic flooding in the Mississippi Delta and to the extensive destruction of marine life in the Mississippi Sound from the unprecedented influx of freshwater. Specifically, I request that Congress 1) swiftly appropriate funds to compensate individuals, businesses, and governments for the economic harm caused by these disasters, 2) swiftly appropriate funds to begin the restoration of natural resources devastated by these disasters, 3) fund a comprehensive multi-agency environmental study of damage to the Mississippi Sound, and 4) amend the composition of the Mississippi River Commission to include a permanent civilian appointee from the State of Mississippi.

The Mississippi River drains about 40% of the continental United States.¹ According to the U.S. Army Corps of Engineers and the National Centers for Environmental Information, over the past year, the United States experienced more precipitation than in 124 years. As a result, according to Mississippi Levee Board Chief Engineer Peter Nimrod, over 512,000 acres in Mississippi's historical South Delta region have flooded including 208,000 acres of farmland, due to the Yazoo River Backwater flooding, which could have been minimized with proper pumps. Residents of the South Delta region have lost both their homes and their livelihoods. For several months now, the seas of green grass, agriculture, and wildlife that surrounded homes have been replaced by miles of dirty brown water, engulfing them. I am concerned that these historical Delta towns may never recover without significant help. In addition, the flood has caused an extreme loss of habitat for the white-tailed deer, the threatened Louisiana Black Bear and the endangered Least Tern.²

Furthermore, for the first time since the Bonnet Carré Spillway was built eighty-eight years ago, the Spillway has been opened repeatedly in consecutive years and opened

¹ [www.nps.gov/miss/riverfacts.htm](http://www.nps.gov/miss/riverfacts.htm)

twice in the same year for extended periods – specifically from February 27 to April 11, 2019 and again on May 10, 2019 to present.\(^3\) The extraordinary precipitation and the opening of the Spillway resulted in an unprecedented amount of freshwater into Lake Pontchartrain, which ultimately reaches the Mississippi Sound.

The environmental and economic harm from these disasters has been severe and widespread. Beaches across the entire Mississippi Gulf Coast have closed during their peak season due to a toxic algae bloom resulting from the freshwater. The Mississippi Department of Marine Resources ("DMR") has estimated that oyster mortality in the Sound is as high as 86 percent, with a minimum three years needed for recovery. According to the Institute for Marine Mammal Studies ("IMMS,"\(^4\)) Mississippi's coastal region experienced a high number of bottlenose dolphin and endangered sea turtle deaths since the opening of the Spillway. Necropsies performed on the carcasses by Mississippi State University Veterinarians found skin and eye lesions consistent with freshwater damage. These initial findings raise concerns about the longer-term impact to other marine life in the Mississippi Sound from this freshwater incursion. Aside from the necessity to preserve this vital ecosystem, tourism is a significant industry in Mississippi,\(^4\) and much of the tourism is focused on the Mississippi Delta and on Gulf Coast marine life.

Agriculture, fishing, and hunting are among the top five industries that contributed the most to Mississippi’s real GDP growth in 2018. Yet, the environmental and wildlife resources supporting these revenue streams have been and continue to be decimated by the ongoing ecological disasters. There will be long-term injury, and I recognize the need to study such. My office is working with other interested parties, including both private and public state and federal entities, to ensure that the research and analysis necessary to prevent further injury will be adequately conducted. I commit to continuing these efforts and to working with you to gather supportive information as needed.

Importantly, our families and entire communities are hurting now and need immediate short-term relief in addition to the long-term recovery efforts. They rely on the natural resources that have been devastated by the flooding and by the influx of freshwater. The State, its citizens, and its local governments are losing much needed revenue from the seafood and tourism industries that normally sustain many of our Coastal communities and their residents. Similarly, the flooding in the Mississippi Delta has deeply impacted the economic stability of the area due to destruction of farmland, homes, and businesses. Compensation for losses to individuals, businesses, and governments is critical to alleviate the existing threat to our wellbeing. Therefore, I ask

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\(^3\) [www.mvn.usace.army.mil/Missions/Mississippi-River-Flood-Control/Bonnet-Carre-Spillway-Overview/Spillway-Operation-Information/](http://www.mvn.usace.army.mil/Missions/Mississippi-River-Flood-Control/Bonnet-Carre-Spillway-Overview/Spillway-Operation-Information/)

you to urgently appropriate funding toward these two Mississippi regions in critical need.

On June 26, I met with Major General Richard G. Kaiser, Commander of the Mississippi Valley Division of the U.S. Army Corps of Engineers and President of the Mississippi River Commission. Jr. Solangi of IMMS, General Spraggins of the DMR and Counsel for the Mississippi Secretary of State joined us in the meeting. We discussed the water's impact on the Mississippi Delta and the Mississippi Sound as well as flood management. Among other remarks, it became clear that a full environmental impact study of the Mississippi Sound has never occurred, and all agreed that we need a comprehensive multi-agency environmental study of the Mississippi Sound, including Mississippi entities such as DMR and IMMS. Meanwhile, IMMS catalogued samples of tissue from deceased marine animals, but funding is necessary to review the tissues and to study the movement of marine life. Therefore, I respectfully ask that Congress pass legislation requiring and funding a joint state and federal environmental study of the Mississippi Sound.

Lastly, although the Mississippi River makes up the entire western border of our state and greatly impacts Mississippi due to our location on the Gulf of Mexico where the River empties, it is my understanding that Mississippi has not had a civilian appointee on the Mississippi River Commission in decades. To ensure that Mississippi is adequately represented, I respectfully request that 33 U.S.C.A. § 642 be amended to ensure that the Commission always includes a civilian appointee from the State of Mississippi.

In sum, I request that Congress 1) swiftly appropriate funds to compensate individuals, businesses, and governments for the economic harm caused by these disasters, 2) swiftly appropriate funds to begin the restoration of natural resources devastated by these disasters, 3) fund a comprehensive multi-agency environmental study of damage to the Mississippi Sound, and 4) amend the composition of the Mississippi River Commission to include a permanent civilian appointee from the State of Mississippi. I am committed to working with you to protect the State of Mississippi and our natural resources, which benefit the entire United States, and I look forward to hearing from you on this important matter.

Sincerely yours,

Jim Hood
Attorney General