

STATE OF LOUISIANA

EXECUTIVE DEPARTMENT

BATON ROUGE

EXECUTIVE ORDER NO. MJF 2000 - 41

SALTWATER MARSH DIE-OFF ACTION PLAN

- WHEREAS,** forty percent (40%) of the saltwater marshes in the contiguous United States are found in the state of Louisiana; nonetheless, Louisiana has lost more than fifteen hundred (1,500) square miles of marsh since 1930, which is the highest rate of land loss in the nation, and Louisiana is continuing to lose marsh land at a rate of twenty-five (25) to thirty-five (35) square miles a year;
- WHEREAS,** saltwater marshes are vital to the state of Louisiana as both a critical component of the state's coastal wetland ecosystem and a first line of defense in the state's coordinated system to protect coastal communities against harm from storm surges and hurricanes;
- WHEREAS,** during the spring of 2000, state and federal officials made the alarming discovery of the "brown marsh phenomenon," also referred to as "saltwater marsh die-off," an unusually extensive browning and/or die-off of the normally lush green saltwater marsh grass *Spartina alterniflora*, known more commonly as oyster grass or smooth cordgrass (hereafter "marsh grass");
- WHEREAS,** a collaborative team of state and federal officials and university scientists, coordinated by the governor's executive assistant for coastal activities, promptly mobilized to determine a) the extent of the affected saltwater marsh area, b) whether the browning and/or die-off is spreading, c) the causes of the browning and/or die-off, d) the possible short-term protective measures and long-term remediation and/or recovery strategies, and e) the possible funding sources for research and remediation to prevent the reoccurrence of the browning and/or die-off;
- WHEREAS,** the collaborative team determined that the saltwater marsh area in the state of Louisiana primarily affected is located between the deltas of the Atchafalaya River and the Mississippi River in the parishes of Lafourche, Terrebonne, Jefferson, and Plaquemines, centering in the *Barataria-Terrebonne National Estuary* (hereafter "Estuary"), a fragile wetland area containing approximately three hundred ninety thousand (390,000) acres of saltwater marsh, of which about one hundred ten thousand (110,000) acres is severely impacted and about one hundred fifty thousand (150,000) acres is moderately impacted;
- WHEREAS,** of the severely impacted saltwater marsh acreage in the Estuary, at least seventeen thousand (17,000) acres of marsh grasses have already converted from dense vegetation to open mud flats with little or no vegetation and without roots to hold the land together and prevent erosion; consequently, it is likely that Louisiana's already staggering rate of annual land loss will be greatly exacerbated;
- WHEREAS,** although the investigations of the collaborative team are still on-going, preliminary findings indicate the likely cause of the browning and/or die-off is a lack of fresh water flow resulting from record drought, record high temperatures, abnormally

low water levels in the Mississippi River during the spring, and unusually low summer tides, the combination of which severely compounded the long-term effects of the nation's extensive levee system which limits natural fresh water flow to Louisiana's saltwater marshes;

WHEREAS, the combination of recent events and the nation's levee system has caused a lack of fresh water and/or periodic flooding essential to saltwater marshes for replenishing the water table and maintaining the normal salinity levels of the marshes;

WHEREAS, because the browning and/or die-off of the saltwater marshes constitutes a natural disaster that has created an immediate threat to public health and safety, the environment, and public and private property, on October 23, 2000, the governor issued Proclamation No. 55 MJF 2000, which declares a state of emergency to exist in the parishes of Lafourche, Terrebonne, Jefferson and Plaquemines; and

WHEREAS, the Wetlands Conservation and Restoration Authority (hereafter "Authority") is the entity legislatively mandated to provide aggressive state leadership and direction in the development and implementation of the state of Louisiana's Wetlands Conservation and Restoration Plan and its wetlands related policies, the best interests of the citizens of the state of Louisiana shall be served by the Authority and the governor's executive assistant for coastal activities immediately performing duties specifically related to saltwater marsh browning and/or die-off;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: In conjunction with its statutory duties set forth in R.S. 49:213.1, *et seq.*, the Wetlands Conservation and Restoration Authority (hereafter "Authority"), under the direction of the governor's executive assistant for coastal activities (hereafter "executive assistant"), shall immediately take all feasible and necessary action to respond to and/or remediate the unusual saltwater marsh browning and/or die-off of the normally lush green saltwater marsh grass *Spartina alterniflora*, in the parishes of Lafourche, Terrebonne, Jefferson, and Plaquemines. This remedial and/or responsive action shall include, but is not limited to, completing the following actions by January 31, 2001:

1. Developing a prioritization plan for stabilizing the saltwater marsh areas in the parishes of Lafourche, Terrebonne, Jefferson, and Plaquemines (hereafter "affected parishes"), which are most severely affected by browning and/or die-off and giving priority ranking to the marsh areas considered severely or moderately impacted that are located in the vicinity of coastal communities, fresh water drinking sources, emergency evacuation routes, and/or flood protection systems;
2. Developing an emergency contingency plan for reintroducing a sufficient amount of freshwater to the saltwater marshes in the affected parishes to achieve normal water salinity levels, and identifying factors and/or events that would occur prior to the institution of such an emergency contingency plan;
3. Evaluating the feasibility of expediting the construction and early operation of the Davis Pond Diversion Project;

4. Evaluating the feasibility of expanding the operational functions of existing structures, such as the Old River Control Structure, pump stations, and/or navigational locks, to include non-traditional wetland restoration uses;
5. Evaluating the feasibility of expediting proposed projects to divert additional fresh water from the Mississippi and Atchafalaya Rivers; and
6. Evaluating the potential for utilizing satellite remote sensing and computer modeling technology to monitor wetland conditions and optimize management of available fresh water.

SECTION 2: As far as practicable, the executive assistant and the Authority shall collaborate and work in conjunction with the executive director of the Barataria-Terrebonne National Estuary Program to fulfill the duties set forth in Section 1 of this Order.

SECTION 3: On or before January 31, 2001, the Authority and the executive assistant shall jointly submit to the governor, through the governor's special assistant for environmental affairs, a comprehensive report which addresses the issues set forth in Section 1 of this Order.

SECTION 4: All departments, commissions, boards, agencies, and offices of the state, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of the provisions of this Order.

SECTION 5: This Order is effective upon signature and shall continue in effect until January 31, 2001, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to that date.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 27th day of October, 2000.

GOVERNOR OF LOUISIANA

**ATTEST BY
THE GOVERNOR**

SECRETARY OF STATE