



MISSISSIPPI RIVER COMMISSION

VICKSBURG, MISSISSIPPI

August 19, 2010

MISSISSIPPI RIVER COMMISSION
P.O. BOX 80
VICKSBURG, MISSISSIPPI 39181-0080

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OPERATION OF THE DAVIS POND AND CAERNARVON FRESHWATER DIVERSION STRUCTURES IN THE AFTERMATH OF THE DEEPWATER HORIZON OIL SPILL

The Mississippi River Commission notes a strong concern with regard to the State of Louisiana's operation of the Davis Pond and Caernarvon freshwater diversions structures during the recent Deepwater Horizon oil spill crisis.

We are aware that the State of Louisiana has operated the structures outside the approved operating plans for the projects. This is potentially in conflict with the authorized objectives of the projects and possibly violates the requirements of National Environmental Policy Act. Operating outside the water control plans could detrimentally impact the ecosystem in these two areas. We are also aware that the New Orleans District has issued letters dated 27 July 2010 and 10 August 2010 advising the State of Louisiana of its noncompliance with the operating plans.

We are sensitive to the impacts of the oil spill crisis on the State of Louisiana, but the processes for operating and deviating from the approved operating plans have not been followed. Therefore, we expect that the State of Louisiana coordinate with the U.S. Army Corps of Engineers and operate the structures in accordance with the agreements and water control plans signed by the State on these projects.

Since 1879, the seven-member Presidentially appointed Mississippi River Commission has developed and matured plans for the general improvement of the Mississippi River from the Head of Passes to the Headwaters. The Mississippi River Commission brings critical engineering representation to the drainage basin, which impacts 41% of the United States and includes 1.25 million square miles, over 250 tributaries, 31 states, and 2 Canadian provinces.

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