

Congress of the United States
House of Representatives
Washington, DC 20515-1806

September 22, 2016

The Honorable John Bel Edwards, Governor
State of Louisiana
Office of the Governor
PO Box 94004
Baton Rouge, LA 70804

Dear Governor Edwards:

Recent reports of your efforts to force parishes in the State of Louisiana to sue energy companies that have operated in the state are shocking, appear to lack a comprehensive understanding of Louisiana's coastal crisis and fail to demonstrate a coherent strategy to truly improve the resiliency of our coastal ecosystem and communities. Further, the timing of this announcement – when energies should be focused on securing the resources needed for a full flood and economic recovery – is inappropriate. To be clear, I do think that energy industry operations in coastal Louisiana have contributed to its deterioration, but in a limited context that I'll explain.

For several years following Hurricanes Katrina and Rita, we worked hard to unite previously disparate efforts among parishes, levee districts, flood authorities, and the state's Coastal Protection and Restoration Authority (CPRA). Your attempts threaten to destroy that cooperation in one motion, resorting back to the disjointed and inefficient approach to hurricane protection, flood control and coastal restoration that preceded the 2005 hurricanes.

Louisiana's coastal crisis is a complex, multi-faceted problem nearly 100-years in the making. Research shows that our state annually gained land prior to the U.S. Army Corps of Engineers' construction of levees on the lower Mississippi River. When the Corps built the levees, it cut off the deposition of sediment into our coastal area – resulting in annual land loss. The construction of locks and dams on the river system caused significant reductions in sediment flows in the river. This lack of sediment has exacerbated land loss in Louisiana. Today, it is estimated that our state has lost nearly 2000 square miles of our coast – larger than the entire State of Rhode Island.

Despite the overwhelming science that demonstrates the direct relationship between the Corps of Engineers' historic and ongoing operations of the river, the levee system and land loss in Louisiana, the Corps of Engineers will not acknowledge their culpability and are intransigent in their management of the watershed.

Even a wildly successful lawsuit against energy companies would merely provide enough money to mitigate up to only five to eight years of the ongoing coastal land loss caused by the Corps of Engineers. Then what? Any successful coastal strategy in Louisiana must first address the largest historic and ongoing cause of land loss – the U.S. Army Corps of Engineers' management of the Mississippi River system. We will never have a sustainable footprint of south Louisiana unless the Corps fundamentally changes their thinking and management of the Mississippi River

system. If you are so anxious to sue someone, sue the Corps. I will stand side by side with you every step of the way.

For nearly eight years, we have tried to work with the Corps of Engineers, White House and others toward a cooperative solution to our land loss and community vulnerability. They have done virtually nothing. Adding insult to injury, President Obama has repeatedly attempted to gut and redirect our flood protection, coastal restoration and hurricane protection funding generated from offshore energy production. Again, I do think that historic activities related to energy production in our coastal area have contributed to land loss; however, these activities were largely conducted with state approval (under permitted conditions) at the time and these impacts would have been significantly reduced had the Corps not severed the connection between the river and the adjacent estuary. I struggle with the legal and policy implications of attempting to retrospectively apply 2016 science and policy to approved decisions and activities in the 1940s and beyond.

Alternatively, we have chosen a different solution to this quandary – energy revenue sharing. The U.S. Treasury annually collects billions of dollars from energy companies operating in federal waters. Up to 80 percent of all such offshore energy activities in the United States occur offshore Louisiana. Energy production on federal lands share up to 90 percent of revenues with affected states. Simply establishing parity between onshore and offshore energy revenue treatment would right two wrongs: 1) it would end the federal government's policy of enriching itself at our expense; and 2) it would provide a substantial annual revenue stream from energy companies that could be invested in the resilience of our communities. Our congressional delegation is united in this bipartisan and bicameral solution.

These same energy companies that you are attempting to sue comprise one of the top employment sectors in the State of Louisiana. However, recent energy volatility has resulted in more than one-third of the oil and gas workforce in the state losing their jobs. We all know workers that have lost these jobs. How are you going to explain further job losses in the energy sector to the thousands of affected families across our state because of your lawsuit that fails to provide a long-term solution? Further, it will result in compounded state budget problems as these companies pick up and leave – taking their economic activity and jobs with them. We should be working in partnership with industry toward a sustainable solution for our coast and our energy workforce rather than forcing the final straw that breaks backs.

At the onset of this letter, I mentioned the shock in learning of the state threatening the parishes and our job creators with lawsuits. Governor, our state just experienced one of the worst floods in U.S. history. Our congressional delegation, business leaders, community leaders, volunteers and countless others have been working tirelessly on flood recovery. We are attempting to negotiate a multi-billion financial assistance package for our homeowners, renters, business owners to get them back on their feet, to provide flood protection, and other needs. As you know, these negotiations recently went into a downward spiral. Our collective efforts need to be focused on the recovery – not distracted with greedy money grabs that confuse our priorities. It sends the wrong message.

Finally, I have spent nearly 20-years working to save the people that live and work in coastal Louisiana and save our way of life. While mistakes have been made – including by me – we have also made extraordinary progress over the last several years. This progress is largely

attributable to cooperative efforts of parishes, levee districts, state agencies, some federal resource agencies, energy companies, conservation groups, environmental organizations and others. These attorneys that have suddenly self-designated as coastal advocates are new to the scene. None of them have been with us working in the trenches for years to save our coast, our ecosystem and our people. We both know that they are not doing this because they believe in the coastal mission – people and environment. Rather, they are motivated by allure of driving a new Mercedes to the coast with the proceeds of this lawsuit.

If you want to join our efforts to protect our coastal communities, restore our coastal ecosystem and preserve the Sportsman's Paradise, use your oft-cited close relationship with President Obama to hold the Corps of Engineers accountable for trashing our coast. Have the president direct the Corps to manage the river and its resources in a sustainable manner. The value of this would not be just years of progress, but priceless for generations to come – a true legacy for you and the president.

The current hypocrisy is absurd.

If you or I did what the Corps has done and continues to do, we would be in jail. Their irresponsible resource management has resulted in deaths, harm to our environment and the taking of private property. Similarly, if the Corps egregious activities were occurring in California or some other “politically-significant” state, it would have been stopped years ago. Let's give the president a chance to show that he really cares about the environment – the environment where we live, work, and fish in south Louisiana.

Coastal Louisiana is worth saving - not politicizing or using as a tool to enrich friends and supporters. I urge you to join me in pursuing a comprehensive strategy that restores our coast by addressing the root causes of its demise in a manner that is properly sequenced and prioritized. After that, I'll join you in working toward solutions with the energy industry.

Sincerely,



Garret Graves
Member of Congress