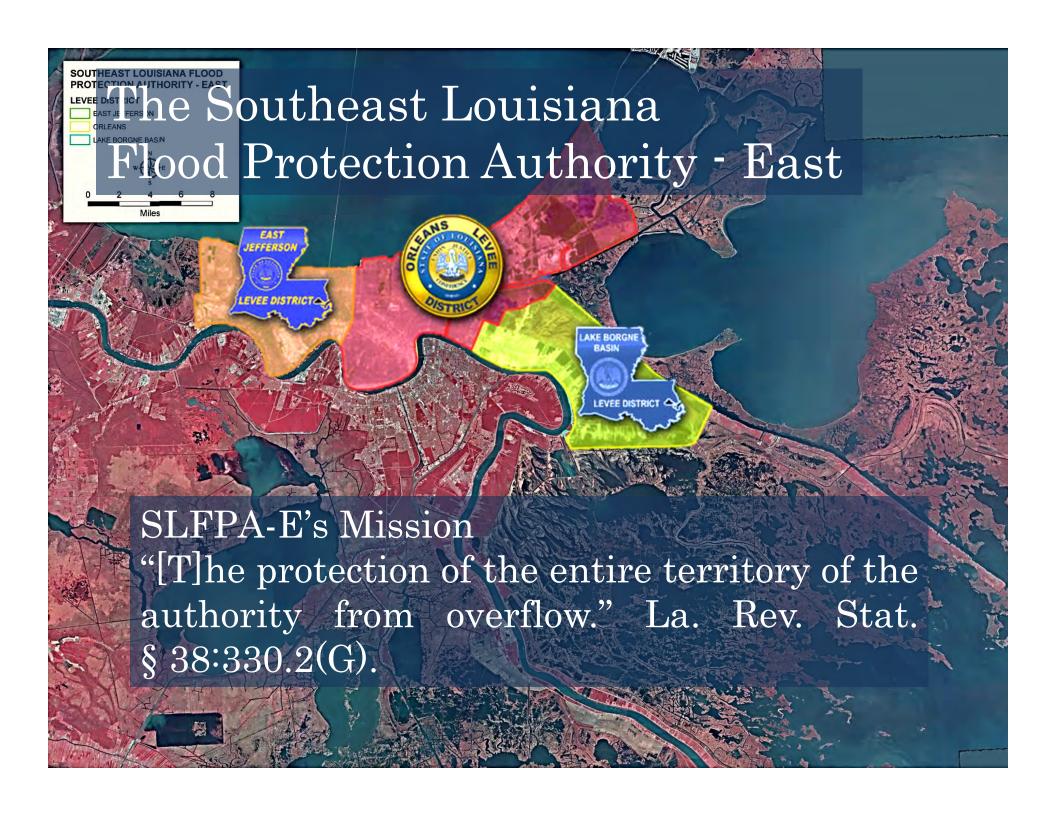
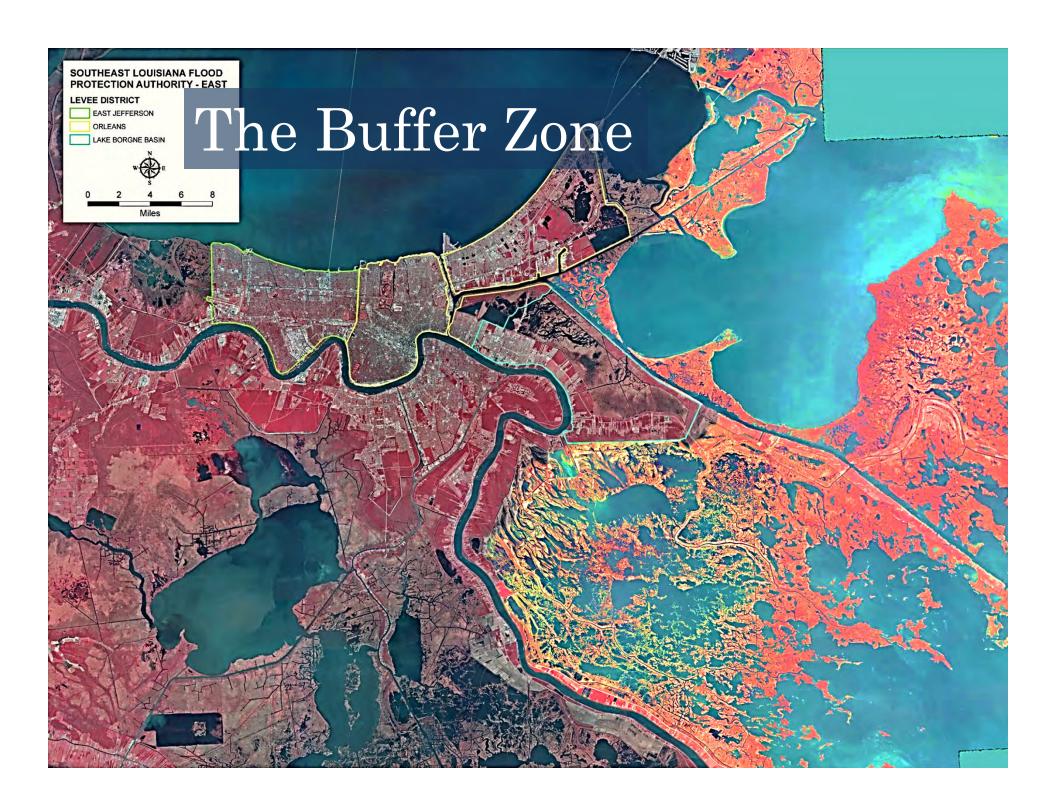


## Three Points Today

- I. SLFPA-E's lawsuit is based upon sound science and undisputed fact.
- II. We address Mr. Graves's criticisms of the lawsuit.
- III.SLFPA-E's lawsuit will bridge funding gaps in coastal restoration and hold the oil & gas industry responsible for the harm it caused.

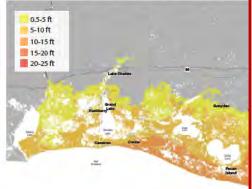
## Background





### The Importance of the Buffer Zone

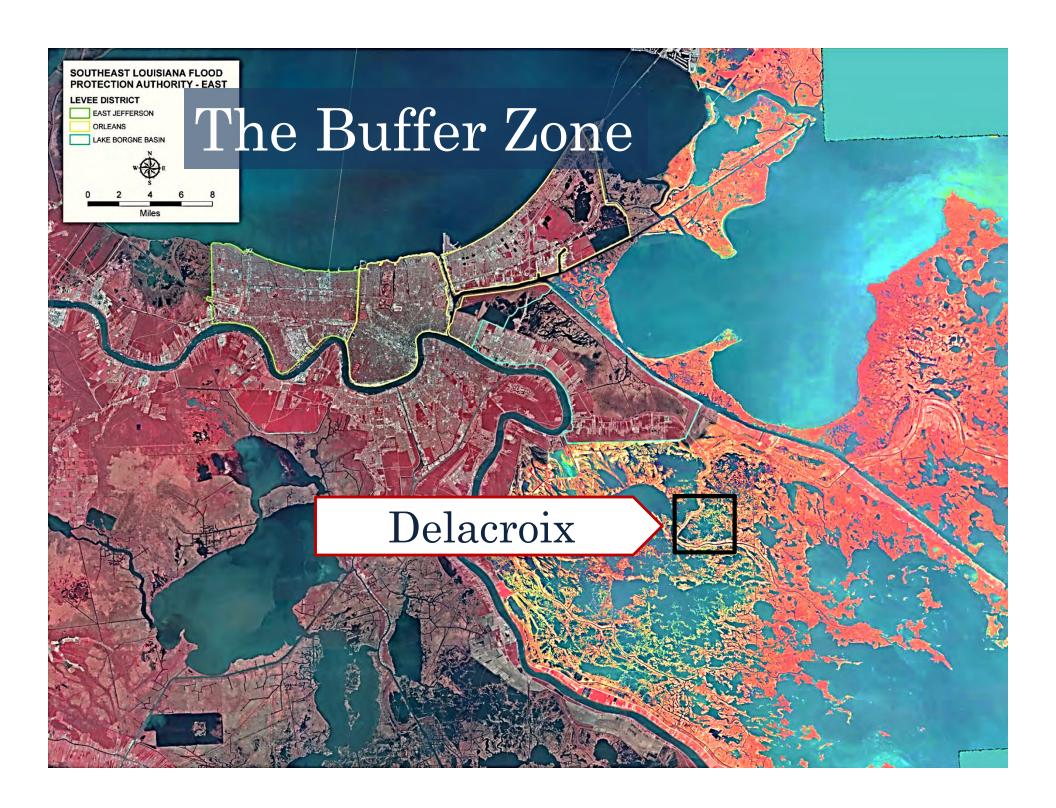
Communities and Livelihood
Predicted Future Flooding from a 100 Year Flood



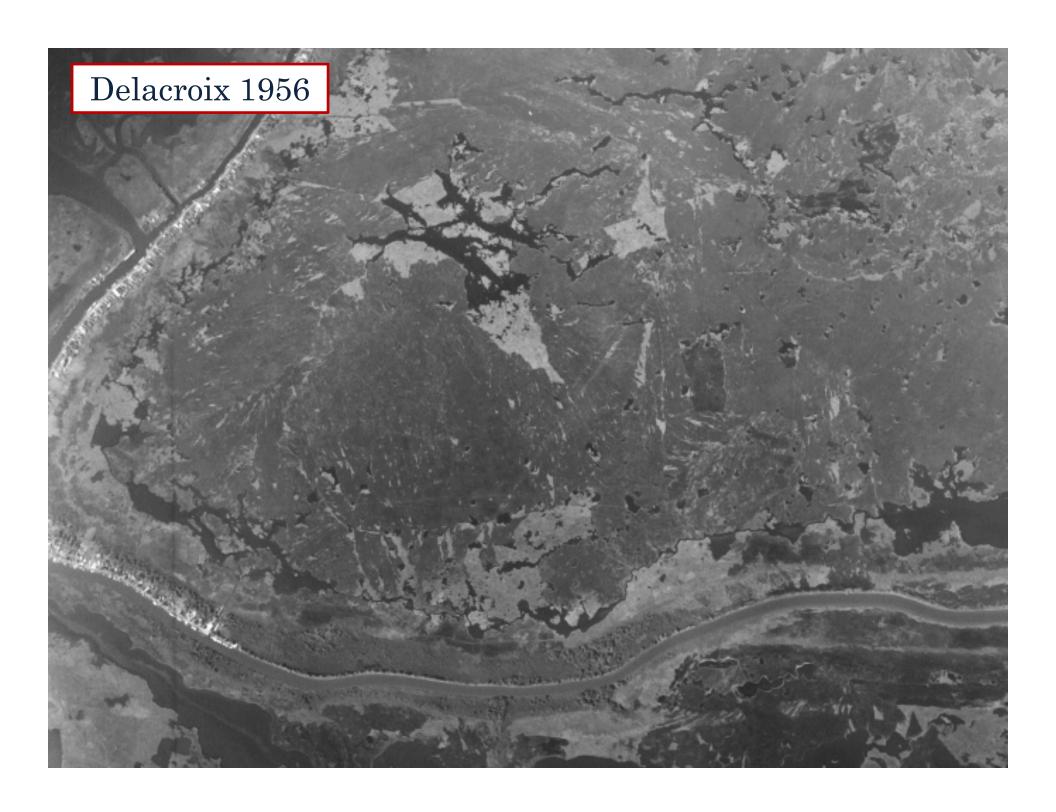
Barrier islands, marshes, and swamps incoming storm surge, helping to reduce to lose these habitats, the vulnerabil important navigation routes, and ene substantially. In addition, our flood prote vulnerable as the land around them ero nothing more than we have done to dat from flooding by 2061 would be almost today, from a coast wide total of approxit total of \$23.4 billion.

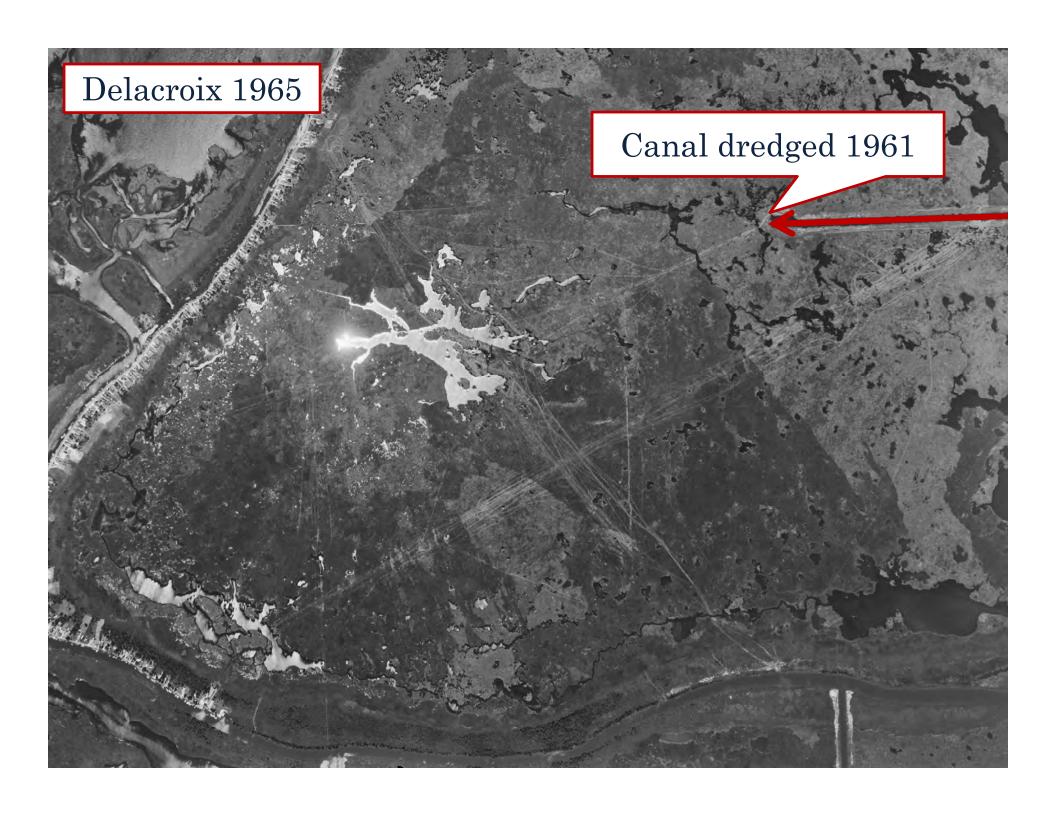
Every day Louisiana citizens are affected and large. Whether it is families that must leave cherished communit to move out of harm's way, local businesses that have trouble obtain insurance, or investments that lose value because of uncertainty at the future of our landscape, Louisiana's land loss disaster takes a toll.

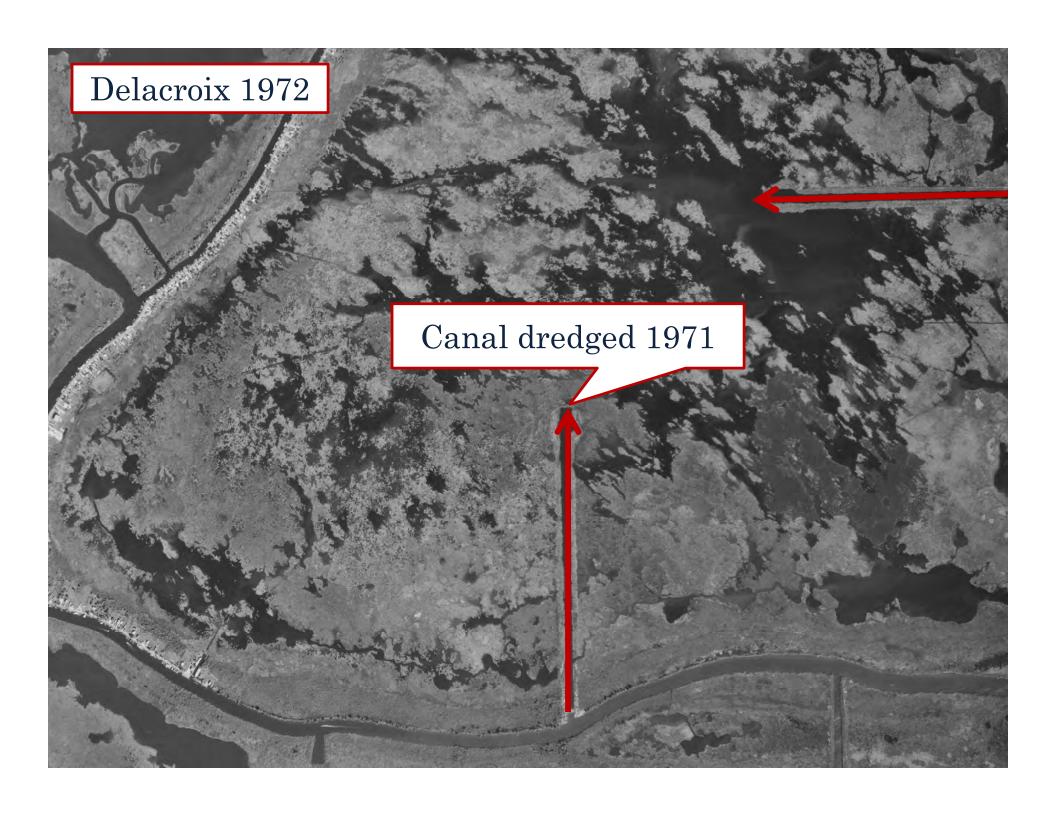
"Barrier islands, marshes, swamps throughout our coast reduce incoming storm surge, helping reduce flood impacts. If we continue to lose these habitats, the vulnerability of communities, nationally important to navigation routes, and energy infrastructure will increase substantially. In addition, our flood protection systems will become more vulnerable as the land around them erodes."

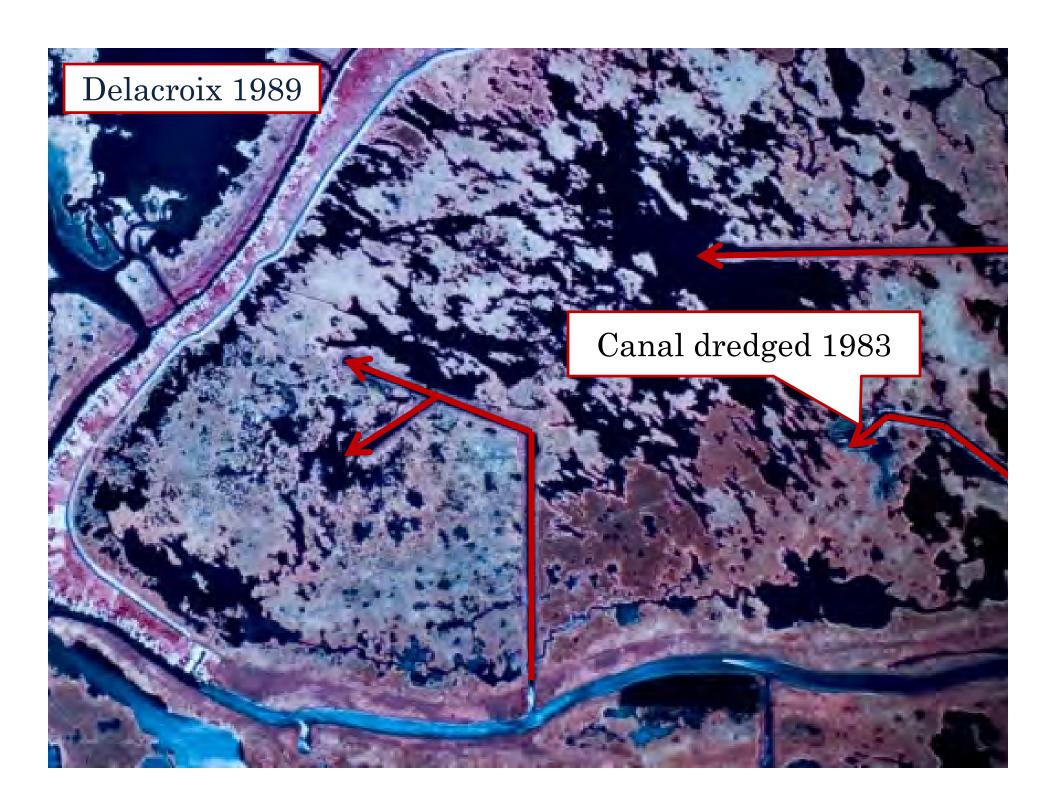


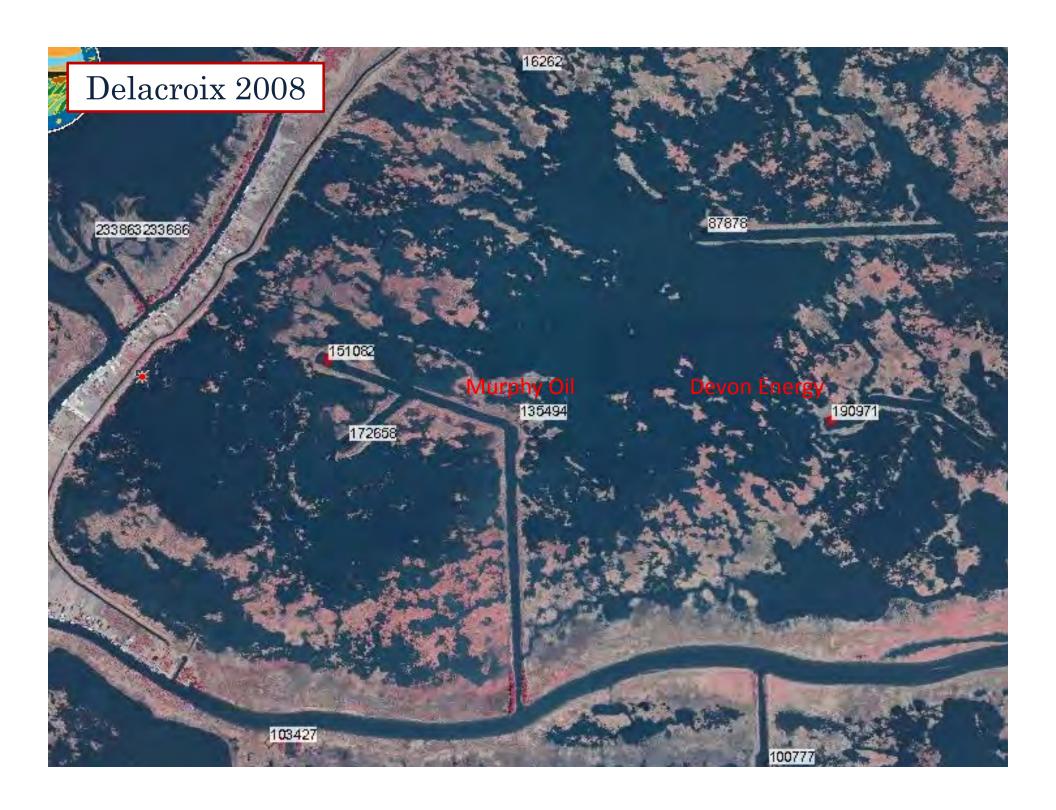
## Land Loss in Delacroix











#### Devon Energy Permit 1983 – Well abandoned 1994

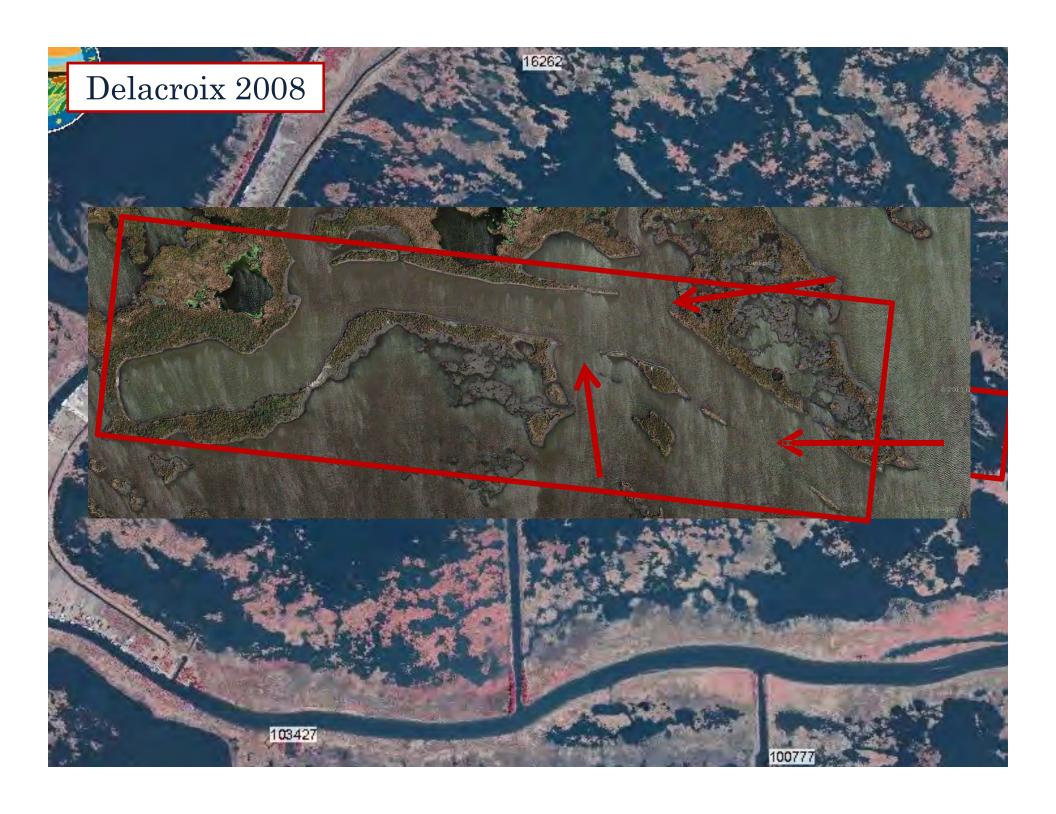
"Upon abandonment of the well location, the spoil banks around the herein permitted canal shall be degraded to marsh level. The dredged material shall be returned to the canal or spread adjacent to existing marsh in open water areas to an elevation not more than 1' above that of adjacent marsh in an effort to creat marsh and encourage vegetation."

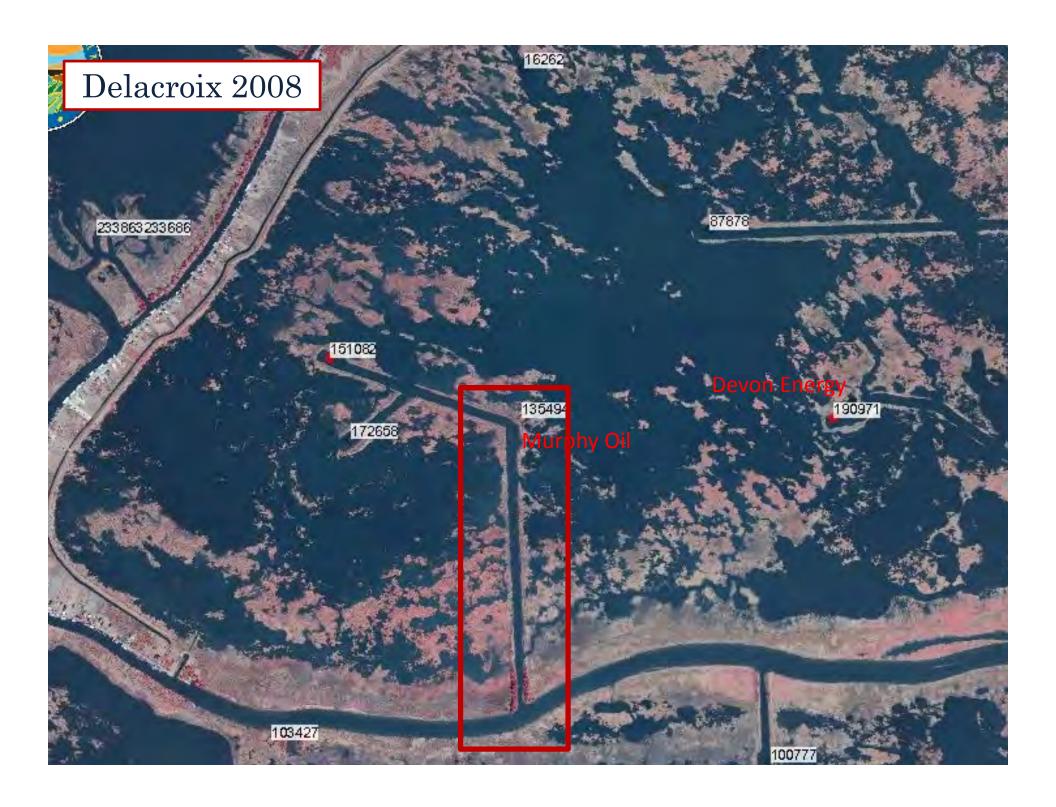
"Upon abandonment of the well location the herein permitted canal shall be plugged with an earthen dam not less than 3' MSL and topped with a 6" shell cap."

#### CZMA Regulations (1980)

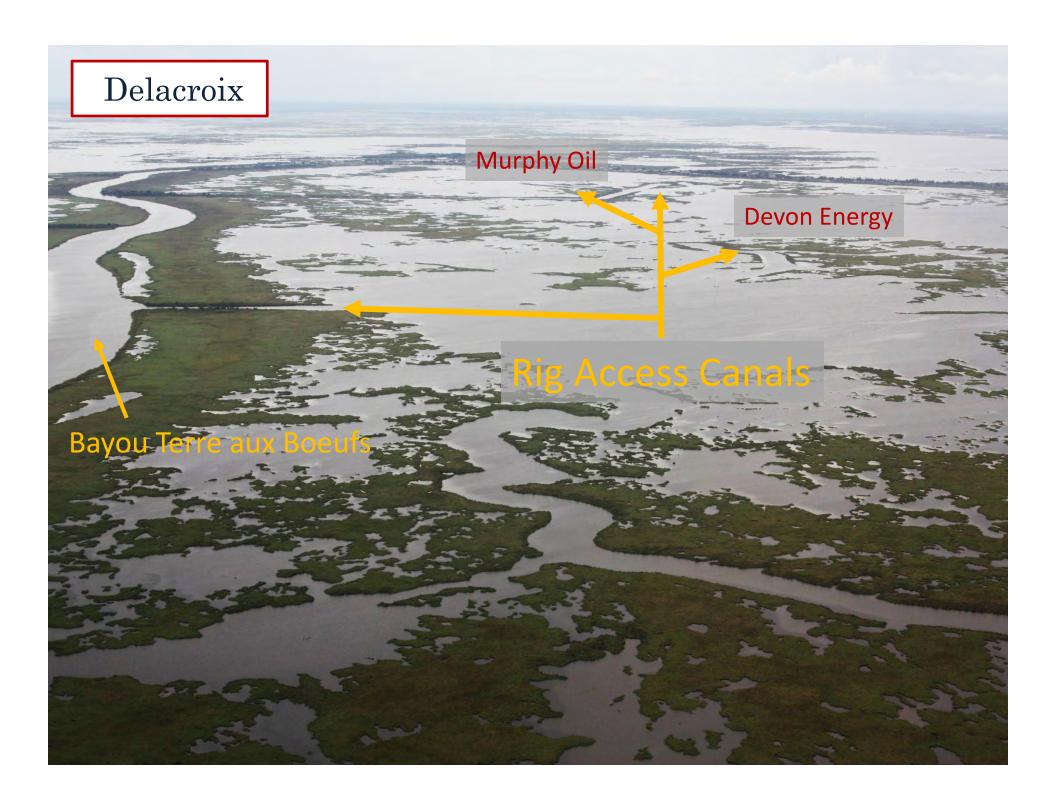
"Mineral exploration and production sites shall be cleared, revegetated, detoxified, and ... restored as near as practicable to their original condition upon termination of operations to the maximum extent practicable." LAC 43:I.719(M).

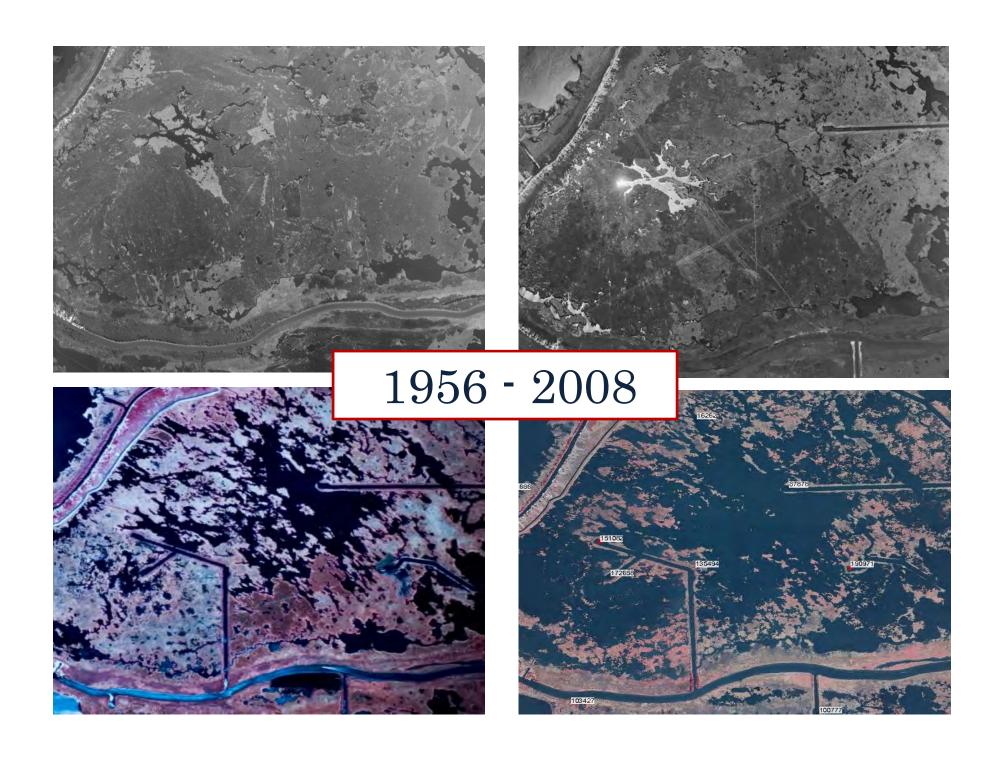












## The Big Question:

"So, why are we losing land? What's going on here?"

-Garret Graves, presentation to SLFPA-E, Dec. 19, 2013.

## The Plain Answer:

Oil and gas industry activities.

# I. CPRA's Lawsuit is Based on Sound Science and Undisputed Fact.

## Studies Conclude that Oil & Gas Activities Contributed to Coastal Loss

Force, 2011

L. St. Amant, 1971 US Bureau of Land Management, 1972 US Army Corps of Engineers (S.M. Gagliano), 1973 US Army Corps of Engineers, 1973 US Environmental Protection Agency, 1976 Wildlife Service, 1988 D.W. Davis, 1976 N.J. Craig et al., 1979 National Oceanic and Atmospheric Administration, 1980 Fruge, 1981 Johnson & Gosselink, 1982 US Fish and Wildlife Service, 1983 US Geological Survey, 1983 R.E. Turner et al., 1984 Louisiana Mid-Continent Oil and Gas Association, 1985 Minerals Management Service, 1985 LSU Center for Wetland Resources, 1985

Louisiana Geological Survey, 1987 Mineral Management Service, 1987 US Fish and Wildlife Service, 1987 American Petroleum Institute, 1988 LA Dept of Natural Resources/US Fish and Minerals Management Service, 1989 Penland et al., 1990 Louisiana Geological Survey, 1991 US Environmental Protection Agency, 1992 US Department of the Interior, 1994 Penland et al., 1996 US Environmental Protection Agency, 1997 US Geological Survey, 2001 US Geological Survey, 2004 US Army Corps of Engineers, 2004 Louisiana Sea Grant, 2008 LACPR, USACE, 2009 Minerals Management Service, 2009 Gulf Coast Ecosystem Restoration Task

## Shell's Former Chief Offshore Engineer Agrees

- Robert Glenn Bea
  - Former chief offshore engineer for Shell Oil Co.
  - Head of the National Science Foundation study team on Hurricane Katrina
  - 2006 Affidavit prepared for the State of Louisiana

#### AFFIDAVIT OF ROBERT GLENN BEA

STATE OF CALIFORNIA )
COUNTY OF CONTRA COASTA )

I, ROBERT GLENN BEA, having first been duly sworn, depose and say:

1. My name is ROBERT GLENN BEA and my business address is Department of Civil and Environmental Engineering, Center for Catastrophic Risk Management, University of California, Berkeley, CA 94720. I am employed as a professor in the School of Engineering at the University of California Berkeley. I have held this position since January of 1989. Prior to that, for seven years I held the position of Vice President and Senior International Consultant at PMB - Bechtel's Ocean Engineering Division located in San Francisco, California.

## Shell's Former Chief Offshore Engineer Agrees

"There is clear evidence that past and current oil and gas activities have made and continue to make substantial contributions to degradations in the natural defenses against hurricane surges and waves in coastal Louisiana. . . . All of these works and activities have contributed significantly to the loss of natural defenses such as barrier beaches, wetlands, and marshes. In several important cases, it was the loss of these natural defenses that contributed to the unanticipated breaches of flood protection facilities that protected the greater New Orleans area during hurricane Katrina and led to repeated flooding during hurricane Rita."

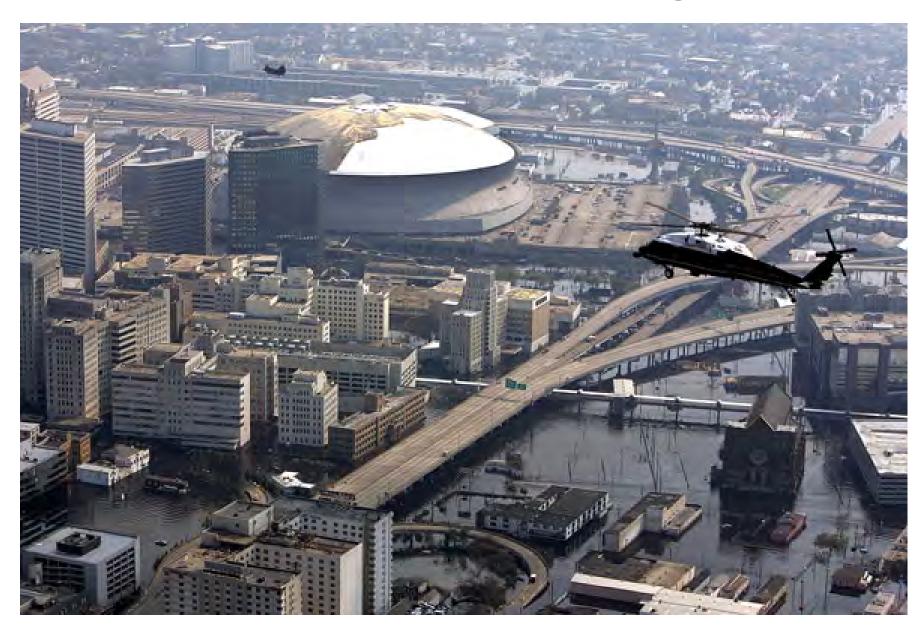
#### Bea Affidavit:

". . . It was the loss of these natural defenses that contributed to the unanticipated breaches of flood protection facilities that protected the greater New Orleans area during hurricane Katrina and led to repeated flooding during hurricane Rita."

#### SLFPA-E's Mission:

"[T]he protection of the entire territory of the authority from overflow." La. Rev. Stat. § 38:330.2(G).

## One Result of Overflow – August 2005



## Mr. Graves Agrees

"No one is saying that historic oil and gas activities did not leave scars," Graves said.

Jindal demands East Bank levee authority drop lawsuit against oil, gas, pipelines, Mark Schleifstein, www.nola.com, July 24, 2013.

## Mr. Graves Agrees Again



Mr. Timothy P. D President Southeast Louisia 2045 Lakeshore D Room 422 New Orleans, Lou

Dear Tim:

Thank you for ma Authority-East (S) coastal area. This

The debate here is contributed to wet current understand recent years, we h requirements, revi the state's coastal

We've done more history. The lesso But, the issue here involves the Louis the Department of stakeholders. It in and state – those the includes a public of the control of t

This discussion lar coastal Master Pla meetings, coastal a other venues.

"The debate here is not about whether or not historic oil and gas activities in the coastal zone contributed to wetlands loss. The scars are there."

-Letter, Garret Graves to Timothy P. Doody, July 26, 2013.

This debate should not be about whether or not hist coastal loss, it should be about a workable strategy holistic strategy that will yield communities proeconomic growth, stronger fisheries, preserved.

or our state -- a bs.

Prist Office Box 94004 • Baton Rouge, Louisiana 70804-9004 • 900 North 3<sup>rd</sup> Surect • 4<sup>th</sup> Floor State Capitol Building • Baton Rouge, Louisiana (225) 342-7669 • Fax (225) 342-1991 • <a href="https://www.coastat.la.go.gu/">https://www.coastat.la.go.gu/</a> An Equid Opportunity Employer

## Mr. Graves Agrees Yet Again

"As I noted earlier, the historic energy production and activity that date back into the early 1900s, they contributed to land loss. Whether it's the pipeline canals, the access canals, the extraction, they contributed."

-Garret Graves, Testimony at Joint Transportation Committee hearing, Aug. 14, 2013.

## Mr. Graves Agrees Once More

"I will be the first one to admit, there's liability there," Graves said. "I'm not an apologist for the oil and gas industry, I'll be the first to tell you that."

-Jeff Adelson, Maneuvering for Levee Board seats begins amid lawsuit controversy, The Advocate, Sept. 16, 2013.

## CPRA Agrees, Too



## August 7, 2013

#### LOUISIANA'S COAST

Ecosystem Restoratio

HOME

**ORGANIZATIONS** 

**NEWS** 

LOUISIANA'S 2012 COASTAL MASTER PLAN

LOUISIANA'S COASTAL CRISIS

DEEPWATER HORIZON

**PROJECTS** 

CALENDAR

TEACHER RESOURCES

# WHAT'S CAUSING THE CRISIS?

#### A Quick History Lesson

By the 1700's the Mississippi River had shifted paths back and forth several times - spreading sediment and creating land at the end of an ever-changing delta. The Pontchartrain Basin stretches out into the Gulf of Mexico as a 10,000 square mile watershed from the Mississippi River to the Pearl River and includes 16 Louisiana Parishes and 4 Mississippi Counties.

The southern part of the Pontchartrain Basin was built 5,000 thousand years ago. Benefiting our nation since the founding of New Orleans, today the region provides approximately 30% of our nation's fisheries, and 30% of the nation's oil and gas supply. The coast that protects these valuable resources must be saved!

# Coastal Protection & Restoration August 7, 2013

"Canal dredging has had one of the most dramatic effects on wetland growth and **regeneration.** In addition to directly destroying marshes in the path of the canal, the plants are unable to recolonize, and thus the marsh is unable to regenerate itself. Once canals are dredged, most grow larger as the sustainable areas of marsh subsequently decrease."

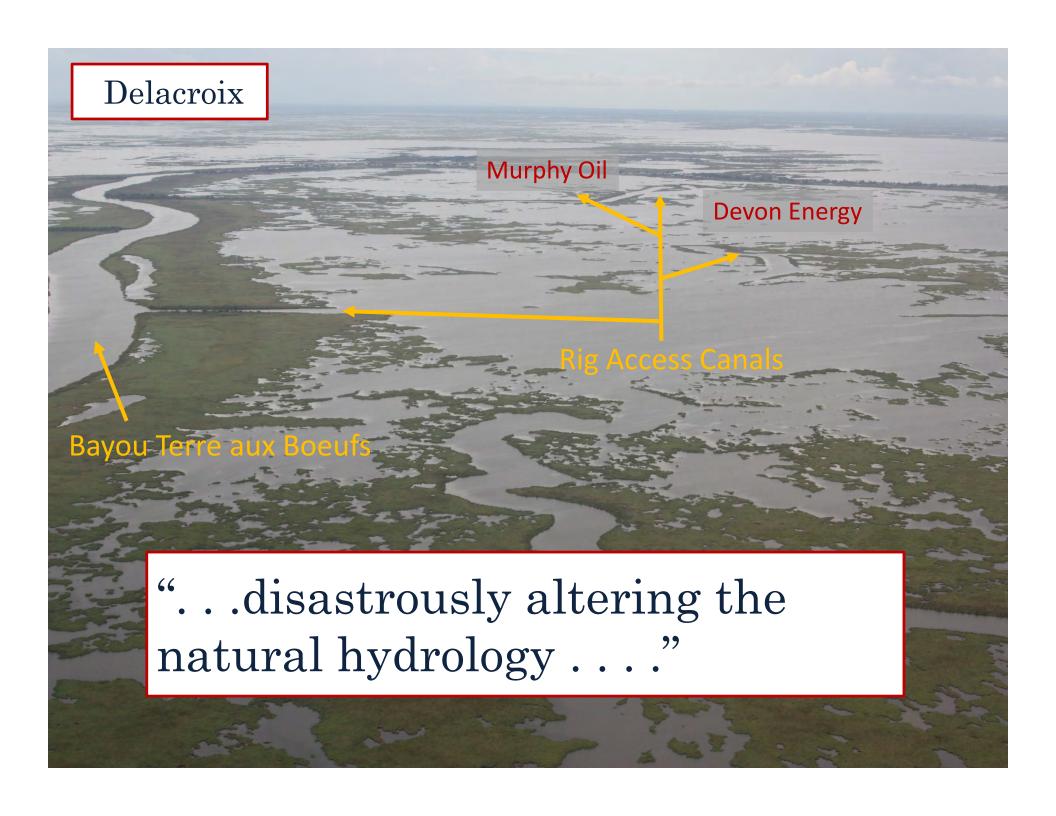


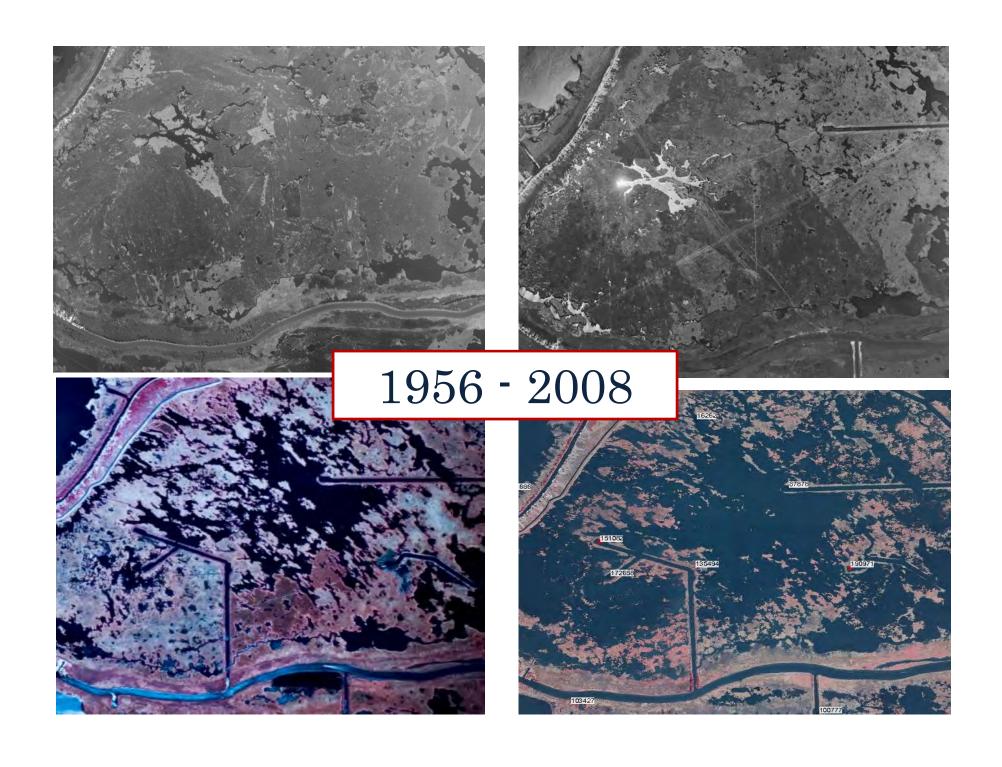
## "INDUSTRIAL NEGLIGENCE:

... and in the early to mid-20th century, oil and gas exploration activities increased the dredging of canals."



"As the century continued, oil and gas became prominent economic drivers and critical resources for our nation. Access to these was provided by navigation canals and pipelines which crisscrossed South Louisiana marshes. Unfortunately, in the process the coastal marshes were lost when spoil banks were left randomly throughout the area, disastrously altering the natural hydrology of the region."





### Mr. Graves Wants to Kill the Suit

"Asked if the state's strategy could conceivably involve litigation against energy companies for historical wetlands damage, Mr. Graves said that was 'not our plan A, B, C, D or X."

-Facing Fire Over Challenge to Louisiana's Oil Industry, Campbell Robertson, New York Times, August 31, 2013.

# COASTAL PROTECTION & RESTORATION BTATE OF LOUISIANA, GOVERNOR BOBBY JINDAL LOUISIANA'S COAST Ecosystem Restoration & Flood Protection

"Canal dredging has had one of the most dramatic effect and growth and regeneration directly bath of the canal, destroying mar that Rail Rail Re Ina Get of one are an are the marsh is unab nerate itself. Once canals are dreds ow larger as the mos of sustainable areas marsh subsequently decrease."







"As the century continued, oil and gas became prominent econonical rivers critical resources for our nation. Ac was provided by to navigation crisscrossed were lost when sp were left randomly *y*ai usly altering the disas throughout the ar natural hydrology of the legion.

### The Litmus Test

"To be very clear, the governor has said that the lawsuit is a litmus test. Period,' said Coastal Protection and Restoration Authority Chairman Garret Graves, who has been the administration's chief spokesman in criticizing the lawsuit."

-Jeff Adelson, Levee board suit supporters are likely to lose seats, The Advocate, Sept. 16, 2013.

### II. Addressing Mr. Graves's Criticisms.

## Baseless Criticism and Misinformation

The following slides demonstrate that:

- A. Mr. Graves has recently minimized the oil and gas industry's role in causing coastal land loss.
- B. Mr. Graves's criticisms of the lawsuit, lawyers, and SLFPA-E are incorrect and misleading.

## Minimizing the Industry's Role

"But I would consider the Corps of Engineers implications as a heart attack; I would consider the BP implications as a major cut that needs to be stitched; and, comparatively, based upon science that's been done over and over again, the impacts of the oil and gas industry would be more like a scrape."

-Garret Graves, Interview with Garland Robinette, WWL, Nov. 19, 2013.

### Minimizing the Industry's Role

"I've had neighbors that have done things that have been offensive to me. I haven't filed a lawsuit. I've gone over and knocked on the door and said, you know what, can you pick up the dog poop in my yard?"

-Garret Graves, presentation to SLFPA-E, Nov. 21, 2013.

## Minimizing the Industry's Role

Mr. Graves has cited three reports to suggest that oil and gas was not the problem:

- Department of Interior Report
- National Research Council Report
- White House Report

<sup>-</sup> Garret Graves, presentation to SLFPA-E, Dec. 19, 2013.

## Setting the Record Straight: <a href="mailto:the-Department of Interior Report">the Department of Interior Report</a>

"Canal dredging occurs to create or deepen channels for navigation and to embed oil and gas pipelines. The dredging digs up sediment that is then deposited as spoil banks along the canals, thus filling existing wetlands. Canal dredging and spoil deposits accounted for between 30 and 59 percent of the coastal wetland losses in Louisiana from 1956-1978 (Turner and Cahoon 1988; Turner 1987). About 8200 miles of canals traverse the coastal wetlands....While the loss from the initial construction of canals is significant, the greatest damage occurs over the longer run."

"The Impact of Federal Programs on Wetlands, Vol II," A Report to Congress by the Secretary of the Interior, p. 146 (1994).

### Setting the Record Straight: the National Research Council Report

"Oil and gas exploration, with its associated canal dredging, peaked in the 1960s to 1980s. Canals, and the spoil banks formed during their construction, alter local water circulation patterns and sediment depositional processes. Spoil banks impede the flow of water, causing an inundation that may be further exacerbated by sea level rise. These processes result in the drowning of fragile terrestrial vegetation. Freshwater vegetation is also adversely affected by saltwater intrusion from sea level rise or along canals that provide a route for saltwater to intrude into typically freshwater areas . . . . "

Dean, R., J. Benoit, et al., "DRAWING LOUISIANA'S NEW MAP: ADDRESSING LAND LOSS IN COASTAL LOUISIANA." National Research Council of the National Academies, p. 16 (2006).

## Setting the Record Straight: the Position of the White House

- December 2011 Report of the Gulf Coast Ecosystem. Restoration Task Force, established by President Obama.
- Cover letter signed by Garret Graves, Task Force Vice—Chairman.

### Conclusion, p.8:

"Channels and canals for navigation and oil and gas activity in Texas and Louisiana have allowed a greater inflow of salt water from the Gulf of Mexico into the estuaries. In some cases, this has caused saltwater intrusion into freshwater marshes and forested wetlands, stressing these habitats and converting them to open water."

## Mr. Graves's Response to the Lawsuit

- 1. Suggested lawsuit was filed without cooperation or information.
- 2. Said SLFPA-E had no authority to sue.
- 3. Attacked lawyers and contract.
- 4. Alleged interference with BP lawsuit.
- 5. Asserted that MRGO plan addresses SLFPA-E's flood protection needs.
- 6. Exaggerated adverse economic effects.

## 1. Failure to Cooperate?

"[A]ll this has -- has been happening behind closed doors for several months now without any opportunity for discussion with -- with all the folks that truly have authority in this case . . . ."

<sup>-</sup>Garret Graves, Aug. 15, 2013 interview.

## Mr. Graves Was Well Informed About SLFPA-E's Lawsuit

- December 4, 2012 Mr. Graves met with SLFPA-E Board President Tim Doody and Vice-President John Barry and was informed of the suit. Mr. Graves requested that SLFPA-E meet with Jimmy Faircloth to discuss a suit against the Army Corps instead.
- January 17, 2013 Mr. Graves attended the SLFPA-E Board meeting, at which SLFPA-E's counsel was present, during which he was further apprised of the suit.
- January 2013-March 2013 Mr. Barry contacted Mr. Graves periodically to remind him of SLFPA-E's continuing intent to proceed with the suit and to follow up on Mr. Graves's request for a meeting with Mr. Faircloth to discuss the suit.

## Mr. Graves Was Well Informed About SLFPA-E's Lawsuit

- April 2, 2013 Mr. Doody relayed the SLFPA-E's intention to proceed with the suit to Jerome Zeringue, Mr. Graves's deputy.
- July 12, 2013 Mr. Doody discussed the suit directly with Mr. Graves yet again.
- July 17, 2013 –Mr. Graves was advised of the suit at the CPRA Board meeting, a week before the suit was filed.
- July 20, 2013 Mr. Barry e-mailed Mr. Graves confirming the SLFPA-E's intention to file the suit that following Wednesday, July 24, 2013.

## 2. Disputing SLFPA-E's Authority

". . . Louisiana law provides a process for filing lawsuits, hiring outside counsel and for making significant decisions such as filing a lawsuit against 100 companies. Louisiana law and our constitution organize government and place certain responsibilities with accountable entities. However, SLFPA-E's recent decision violates those principles."

<sup>-</sup>Garret Graves, Letter to SLFPA-E Board President Tim Doody, July 26, 2013.

"The board may sue and be sued under the style of Board of Commissioners for the respective district."

-La. Rev. Stat. § 38:309(B).

### **SLFPA-E's Mission:**

"[T]he protection of the entire territory of the authority from overflow."

-La. Rev. Stat. § 38:330.2(G).

## CPRA's Attorney Disagrees with Mr. Graves

"The attorney general or his designee shall be the legal advisor to the [CPRA] board, shall counsel and advise the board, and shall represent the board in all legal proceedings."

-La. Rev. Stat. §49:214.5.7.

"SLFPA and its levee districts often exercise the constitutional and legal rights the Legislature gave them to hire special counsel . . . . When SLFPA decided to sue 97 separate oil and gas companies, they abided by the law."

-Letter, Attorney General Caldwell to State Sen. Adley, Nov. 25, 2013.

## 3. Distorting the Contract

". . . I don't think that there's anything that would prevent this contract from being inherited by the great, great, great, great, great, great grandchildren of the attorneys that are working on it now and in the future suing against recreational fisherman 200 years from now."

"... you are now indentured servants ...."

<sup>-</sup>Garret Graves, presentation to SLFPA-E, Dec. 19, 2013.

## 3. Distorting the Contract

". . . you could have an accumulating value every time there's a storm, every time there's a bird born, every time there's a fish that's hatched."

"So today it's oil and gas, tomorrow you could go after historic timber — Cypress and Tupelo logging operations that happen in the Maurepas swamp or other areas but the scars are still there today. The next day you could go after shippers who are creating wave energy in the coastal area which contributes to erosion."

<sup>-</sup>Garret Graves, presentation to SLFPA-E, Nov. 21, 2013.



Gladstone N. Jones, III gjones@jonesswanson.com

January 7, 2014

### Via Email - trlacour526@gmail.com

Mr. Robert T. Lacour 3220 Williams Blvd., Suite B Kenner, LA 70065-4593

### Via Email - doody@chaffe.com

Mr. Timothy P. Doody Chaffe McCall, L.L.P. 2300 Energy Center 1100 Poydras Street New Orleans, LA 70163-2300

> RE: Southeast Louisiana Flood Protection Authority – East, et al. v. Tennessee Gas Pipeline Company, LLC, et al.; Case No.: 13-6911, Div. J-5, Civil District Court for the Parish of Orleans; Our File No.: SL 605

### Gentlemen:

Over the last several weeks, there has been some misapprehension and confusion about the terms of the Contingency Fee Agreement and Authority to Represent between our firm and the Southeast Louisiana Flood Protection Authority – East ("SLFPA-E") executed on July 17, 2013 ("Agreement"). We have addressed those concerns directly with you and the SLFPA-E Board of Commissioners. We write today to memorialize those discussions clarifying our interpretation of the Agreement in the below particulars and with the further intent of this letter being offered into the minutes at the SLFPA-E's next Board meeting should the Board wish to do so. Importantly, all terms contained in the Agreement shall remain in full force and effect except those that specifically are interpreted by this letter.

First, we have agreed that the attorneys will not pursue entities in the above-captioned action that are involved in any industry other than the oil, gas and pipeline industries without the SLFPA-E's prior approval expressed by means in compliance with the SLFPA-E's Bylaws and the Louisiana Rules of Professional Conduct.

Second, we hereby unilaterally waive the provision in the Agreement providing for a fee payable by the SLFPA-E on a benefit resulting from the above-referenced action that does not involve the payment of cash or a cash equivalent to the SLFPA-E or for the SLFPA-E's benefit. Accordingly, for example, if there is a settlement or judgment that compels a defendant

601 Poydras Street, Suite 2655 | New Orleans, Louisiana 70130 | 504.523.2500 p | 504.523.2508 f | jonesswanson.com



January 7, 2014

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Mr. Timothy P. Doody Chaffe McCall, L.L.P. 2300 Energy Center 1100 Povdras Street New Orleans, LA 70163-2300

> RE: Southeast Louisiana Flood Protection Auth Pipeline Company, LLC, et al.; Case No.: 1 Court for the Parish of Orleans; Our File

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if there is a settlement judgment that compels a defendant to undertake restoration and/or remediation efforts, the shall not be responsible for paying any attorneys fees in connection with that restoration and/or remediation



January 7, 2014

### Via Email – trlacour526@gmail.com

Mr. Robert T. Lacour 3220 Williams Blvd., Suite B Kenner, LA 70065-4593

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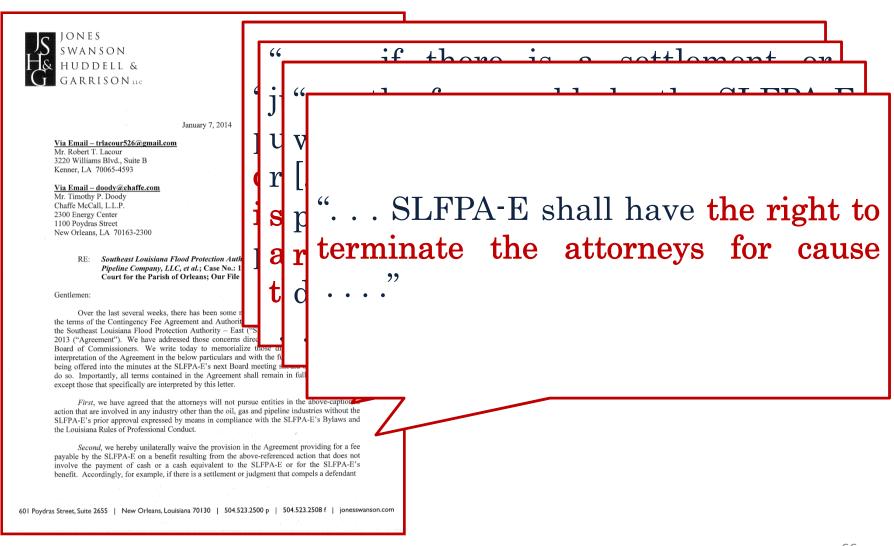
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if thoro is a sottlement

"... the fee payable by the SLFPA-E would be calculated on the amount of [any cash or cash-equivalent] payment, not on the value of the restoration or remediation the defendant was ordered to make



### 4. Interference with BP Lawsuit?

". . . BP is going to pick up your allegations and they are going to argue, wait a minute, you can't hold us accountable for this. You are on the state board over there saying that all this was a result of the oil and gas activity. They are going to use your science and your arguments to diminish our case, so you are doing work for BP right now. That's what's happening."

<sup>-</sup>Garret Graves, presentation to SLFPA-E, Dec. 19, 2013.

## Studies Conclude that Oil & Gas Activities Contributed to Coastal Loss

Force, 2011

L. St. Amant, 1971 US Bureau of Land Management, 1972 US Army Corps of Engineers (S.M. Gagliano), 1973 US Army Corps of Engineers, 1973 US Environmental Protection Agency, 1976 Wildlife Service, 1988 D.W. Davis, 1976 N.J. Craig et al., 1979 National Oceanic and Atmospheric Administration, 1980 Fruge, 1981 Johnson & Gosselink, 1982 US Fish and Wildlife Service, 1983 US Geological Survey, 1983 R.E. Turner et al., 1984 Louisiana Mid-Continent Oil and Gas Association, 1985 Minerals Management Service, 1985 LSU Center for Wetland Resources, 1985

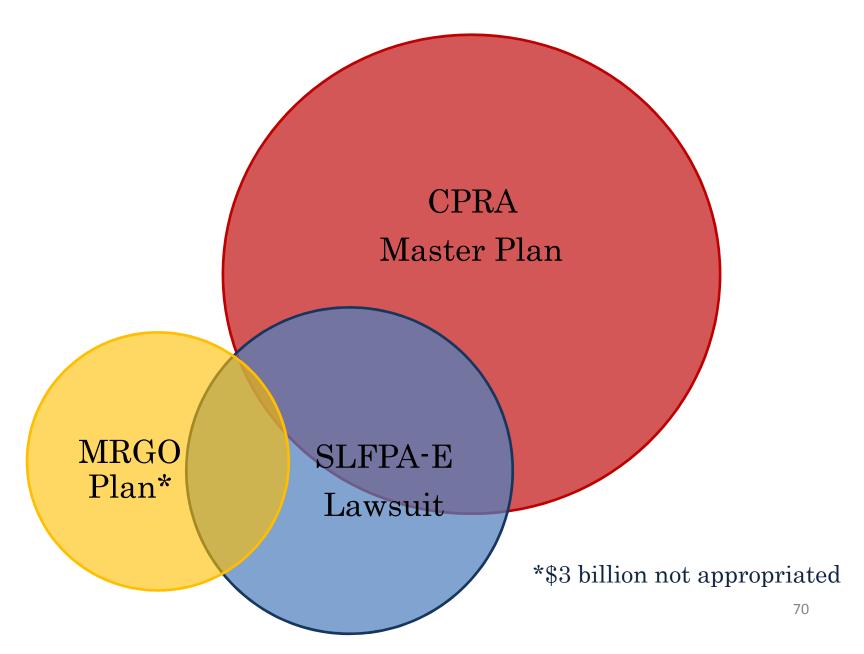
Louisiana Geological Survey, 1987 Mineral Management Service, 1987 US Fish and Wildlife Service, 1987 American Petroleum Institute, 1988 LA Dept of Natural Resources/US Fish and Minerals Management Service, 1989 Penland et al., 1990 Louisiana Geological Survey, 1991 US Environmental Protection Agency, 1992 US Department of the Interior, 1994 Penland et al., 1996 US Environmental Protection Agency, 1997 US Geological Survey, 2001 US Geological Survey, 2004 US Army Corps of Engineers, 2004 Louisiana Sea Grant, 2008 LACPR, USACE, 2009 Minerals Management Service, 2009 Gulf Coast Ecosystem Restoration Task

## 5. Federal Plan for MRGO Is Not a Cure-All

"So here you are filing a lawsuit I'm concerned that is then trying to apportion blame to the energy industry for an area that Congress says and federal law says is the responsibility of the Corps of Engineers. It's their job to do this."

-Garret Graves, presentation to SLFPA-E, Dec. 19, 2013.

### MRGO Plan Is Not a Cure-All



## ARMY CORPS: LEVEES TOO COSTLY FOR VERMILION PARISH

Sat, 2014-01-11 11:58 Shaun Hearen



Parish resident John Foster gives his comment to the Army Corps during a comment session at the Abbeville library on Thursday.

Close to 120 people learned the federal government will not be building a protection levee for three parishes along the Louisiana coastline.

### The reason?

### Cost

The Army Corps of Engineers held a special meeting to take public comments from parish residents on a recently released Southwest Coastal Louisiana Draft Integrated Feasibility Report.

For the last two years the Corps has been trying to figure out a way to stop future storm surges and erosion along the coast of Vermilion, Cameron and Calcasieu parishes.

The Corps came up with different ways to stop future storm surges and tried its best

to put a price tag on it.

The Corps looked at building small levees throughout Vermilion Parish and also one large levee along the Intracoastal Canal from Delcambre to the Texas boarder. It would be 122 miles of 12-foot high dirt levee along the Intracoastal Canal.

Andy Macinnes, the plan formulator for the Corps, spoke to the residents about why it was not a financially good idea to build a levee along the Intracoastal Canal.

Macinnes said the construction and maintaining the levee would cost \$3.8 billion. During the two-year study, the Corps figured out the levee would be protecting \$1.8 billion worth of structures and value of land. Because there is a \$2 billion difference, Macinnes said to build a levee along the Intracoastal Canal is not financially feasible. He said the U.S. Congress would not fund the project because of the cost.

## 6. Misinformation About Effects on Louisiana's Economy

"Folks have indicated – and I don't want to oversell this – a portion of the Shell decision was related to increased costs associated with litigation here."

-Garret Graves, presentation to SLFPA-E, Dec. 19, 2013.

## Setting the Record Straight

"Royal Dutch Shell Plc (RDSA), Europe's biggest oil company, halted plans to build a \$20 billion gas-to-liquids plant in Louisiana, citing the potential cost and uncertainty about future crude and natural gas prices."

-Shell Halts \$20 Billion Louisiana Gas-to-Liquids Project, Bradley Olson, Bloomberg, Dec. 5, 2013.



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#### LOUISIANA'S **RECORD-BREAKING YEAR**

2013 marks Louisiana's best year for economic development in six years, with projects that will result in 27,000 new jobs and \$26.4 billion in new capital investment.



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Get the facts on why more and more businesses are choosing Louisiana.

SEE ALL RANKINGS



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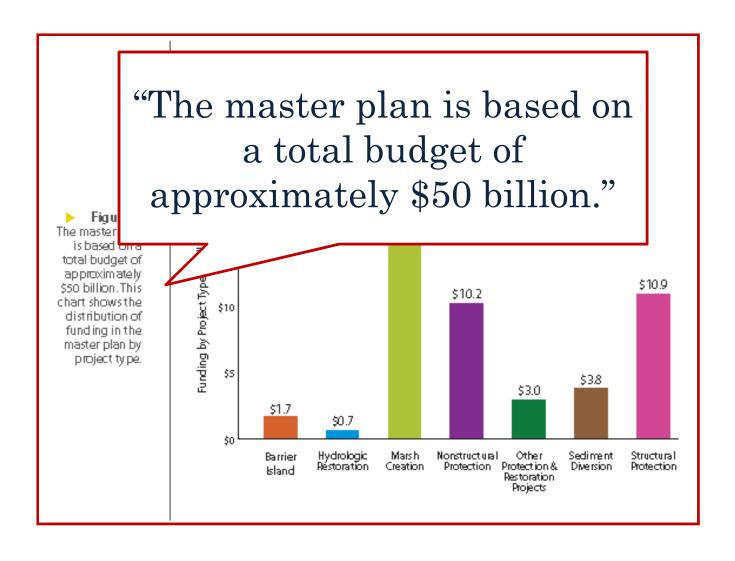
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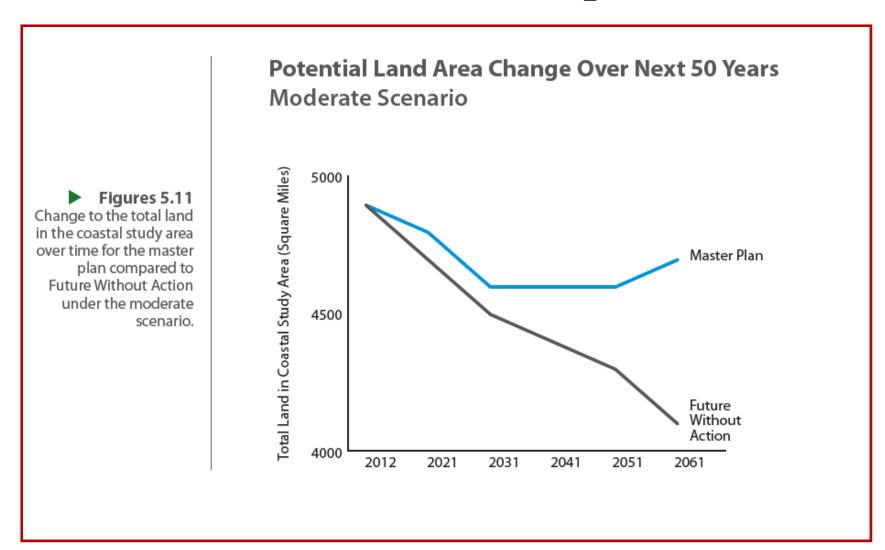
SEE ALL RANKINGS

# III. SLFPA-E's Lawsuit Will Provide Funding and Hold Oil & Gas Accountable.

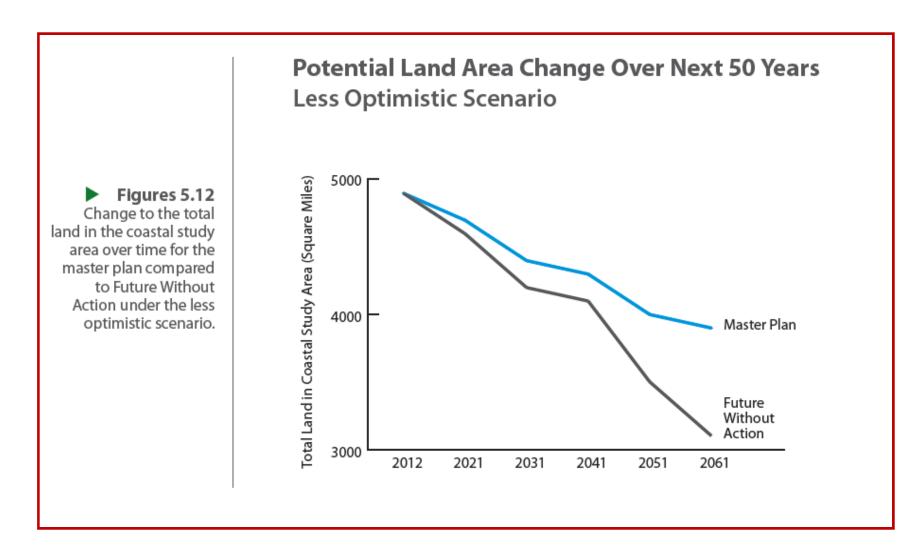
#### <u>Master Plan Budget – \$50 Billion</u>



#### \$50 Billion Will Not Stop Land Loss



#### \$50 Billion Will Not Stop Land Loss



## Less Than \$50 Billion Will Not Achieve Significant Results

#### Funding

As we began examining projects, we had to de budget should be allocated between risk projects. To inform this decision, we used the results that could be expected from different that we could not achieve substantially more than half of our available. We also found that the lines between protectic could be blurred, because many restoratic flooding risk. This was a common theme of puresidents asking for the inclusion of additional Cameron Shoreline, the Billoxi Marsh oyster reeastern Terrebonne—because of the projects'

Taking the data and public input into accoubalanced approach to funding restoration an to year we may spend more than half of our furestoration based on the types of funding we repurposes. However, we will work toward act over the 50 year planning timeframe.

Although our funding analysis showed tha anywhere between \$20 and \$50 billion over ti protection and restoration, we used the top en our selection of projects. We did this becaus end of the funding range did not provi significantly reduce coastal land loss, no surge flood risk. The amount of \$50 in in our analysis. If future opports coast, we will welcome the the necessary funding te doing as much as we can a

"Although our funding analysis showed that Louisiana could receive anywhere between \$20 and \$50 billion over the next 50 years for coastal protection and restoration, we used the top end of this range to constrain our selection of projects. We did because we found that the lower end of the funding range did not provide the resources needed to significantly reduce coastal land loss, nor did it adequately reduce storm surge risk."

Louisiana's Comprehensive Master Plan for a Sustainable Coast

## \$100 Billion Could Build Land

#### Potential Projects with \$100 Billion Investment

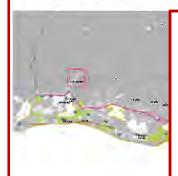


Figure 10
Map represents the \$50 billion worth of projects comprising the 20 12 Coastal Master Plan, plus an additional investment of \$50 billion for the coast.

"[A]dditional funds would increase our ability to protect at risk communities and build coastal land. For example, by 2061 a budget of \$100 billion would allow us to achieve a net gain of land...."

protect at risk communities and to 2061 a budget of \$100 billion would allow an of land even under less optimistic future coastal continuestment, the Louisiana coast could build of the between 910 and 1,240 square miles of land by 2061 and be building or sustaining land coast wide at a rate between six and 18 square miles per year, depending on future coastal conditions.

#### The Master Plan is Not Funded

"Do we have our eyes on all \$50 billion that our master plan needs right now, no."

-Garret Graves, Interview with Garland Robinette, WWL, Nov. 19, 2013.

#### ▶ Table 4-1: Projected Three-Year Revenues (FY 2015 - FY 2017)

Revenue Sources	FY 2015	FY 2016	FY 2017	Program Total (FY 2015 - FY 2017)
CPR Trust Fund Annual Revenue <sup>3</sup>	\$33,131,175	\$33,100,000	\$33,100,000	\$99,331,175
CPR Trust Fund Carried Forward	\$9,930,000	\$0	\$0	\$9,930,000
GOMESA <sup>1</sup>	\$80,775	\$80,775	TBD	\$161,550
DOTD Interagency Transfer <sup>1</sup>	\$4,000,000	\$4,000,000	\$4,000,000	\$12,000,000
CIAP	\$53,031,062	\$17,171,117	\$4,738,245	\$74,940,424
Surplus '07, '08, '09	\$277,541,453	\$32,045,926	\$379,454	\$309,966,833
Community Development Block Grants	\$6,573,255	\$0	\$0	\$6,573,255
LOSCO	\$911,320	\$0	\$0	\$911,320
NRDA <sup>z</sup>	\$74,021,390	\$90,440,982	\$61,807,599	\$226,269,971
Other Oil Spill Related Revenues	\$157,986,251	\$217,979,401	\$233,124,070	\$609,089,721
LDNR Mitigation Funds <sup>3</sup>	\$1,700,000	\$0	\$0	\$1,700,000
Iberia Parish IGA®	\$300,000	\$0	\$0	\$300,000
MOEX Settlements	\$6,259,059	\$0	50	\$6,259,059
OCD-DRU Grant <sup>6</sup>	\$575,000	\$0	\$0	\$575,000
Berm to Barrier <sup>7</sup>	\$161,462	\$134,028	\$81,719	\$377,209
FEMA Reimbursement for OM&M	\$5,264,655	\$0	so	\$5,264,655
Project Generated - Adaptive Management	\$18,225,576	\$22,906,529	\$22,119,875	\$63,251,980
Project Billing	\$18,500,000	\$18,500,000	\$18,500,000	\$55,500,000
Capital Outlay Request Submitted for GNO-HSDRRS 30-Year Payback	\$0	\$73,277,135	\$73,277,135	\$146,554,270
Total Projected Revenue	\$668,192,434	\$509,635,892	\$451,128,096	\$1,628,956,422

#### Notes.

- Annually recurring revenue source.
- NRDA funds have not been procured; projections represent possible FY 2015 FY 2017 expenditures if funding is procured by June 30, 2014.
   NRDA project schedules are currently under development and may be refined at a later date; funds will be distributed according to final project schedules.
- 3. Used to partially fund ME-25 SF.
- 4. Used to partially fund TV-57.
- 5. Represents anticipated balance as of FY 2015 of an initial deposit of \$6.75 million of funds from the MOEX settlement.
- 6. Used to fund Coastal Community Resiliency Program.
- 7. Used to fund monitoring of constructed Berm to Barrier projects.

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- 7. Used to fund monitoring of constructed Berm to Barrier projects.

• \$50 billion – minimal plan, which does not arrest land loss.

#### SOME FUNDS ARE NON-RECURRING

- CIAP and State Surplus: revenues of \$385 million out of \$1.6 billion for FY 2015-2017.
- BP spill-related revenues: \$835 million.
- CIAP + surplus + BP = \$1.2 billion.

#### GOMESA WILL NOT FULLY FUND THE MASTER PLAN

• GOMESA will generate \$110 million/year, according to 2012 Master Plan. Other estimates range from \$100 million - \$200 million.

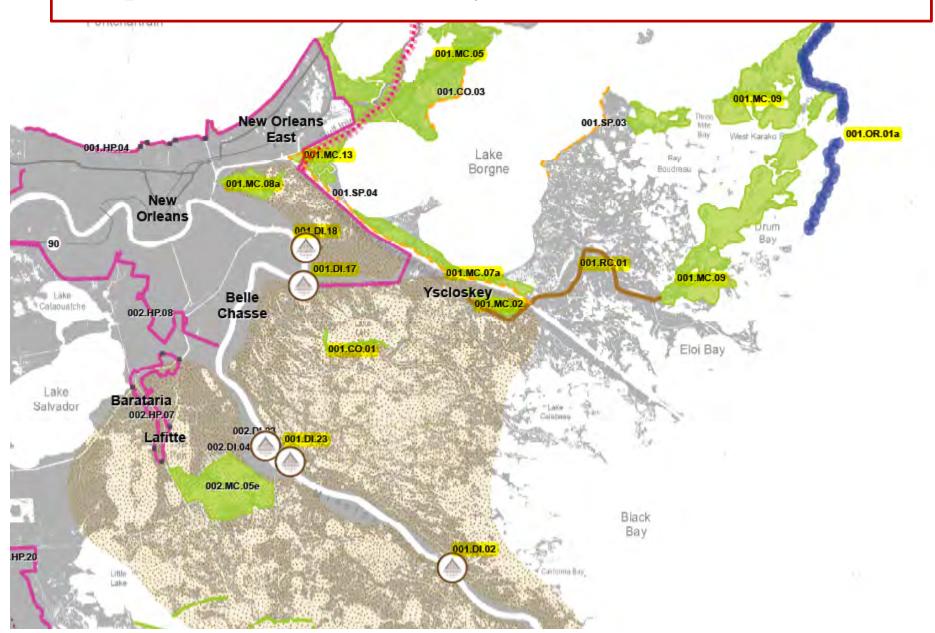
#### COST-SHARING ADDS EXPENSE

• Cost-sharing on levee repairs adds a \$73 million annual expense starting in 2016.

#### BP SUIT CANNOT BRIDGE THE GAP

• The gap of \$48 billion - \$98 billion is not going to be funded by the BP litigation/RESTORE Act.

#### Proposed Master Plan Projects in Southeast Louisiana



#### **Southeast Coast**

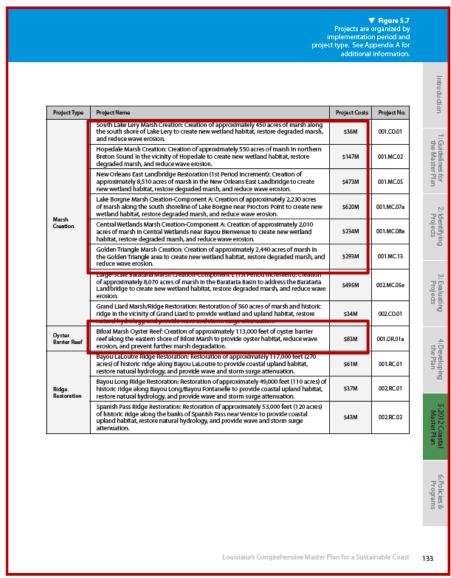
#### 1st Implementation Period (2012-2031)

Project Type	Project Name	Project Costs	Project No.
Barrier Island/	Barataria Pass to Sandy Point Barrier Island Restoration: Restoration of Barataria Bay barrier Islands between Barataria Pass and Sandy Point to provide dune and back bar- rier marsh habitat and to provide storm surge and wave attenuation for the Barataria Basin.	\$535M	002.BH.04
Headland Restoration	Belle Pass to Caminada Pass Barrier Island Restoration: Restoration of Barataria Bay barrier Islands between Belle Pass and Caminada Pass to provide dune, beach, and back barrier marsh habitat and to provide storm surge and wave attenuation for the Barataria Basin.	\$281M	002.BH.05
Channel Realignment	Mississippi River Channel Realignment: Planning, engineering and design to explore potential locations and discharge regimes for a channel realignment. PLANNING AND DESIGN ONLY.	\$73M	001.DL39p
	Lower Breton Diversion (50,000 cfs): Sediment diversion into lower Breton Sound in the vicinity of Black Bay to build and maintain land, 50,000 cfs capacity (modeled at 50,000 cfs when Mississippi River flow exceeds 600,000 cfs at 84% of their flows between 200,000-600,000 cfs, and no operation when river flow is below 200,000 cfs).	\$212M	001.DI.02
	Upper Breton Diversion (250,000 cfs): Sediment diversion into upper Breton Sound in the vicinity of Braithwaite to build and maintain land, 250,000 cfs capacity (modeled at 250,000 cfs when Mississippi River flow exceeds 900,000 cfs, at 50,000 cfs for river flows between 600,000-900,000 cfs, at 8% of river flows between 200,000-600,000 cfs, and no operation when river flow is below 200,000 cfs.	\$885M	001.DI.17
	Central Wetlands Diversion (5,000 cfs): Sediment diversion into Central Wetlands in the vicinity of Violet to provide sediment for emergent marsh creation and nutrients to sustain existing wetlands, 5,000 cfs capacity (modeled at 5,000 cfs when Mississippi Biver flow-exceeds 200,000 cfs and no operation for their flows below 200,000 cfs.	\$189M	001.DI.18
	Mid-Breton Diversion (5,000 cfs): Sediment diversion into mid-Breton Sound in the vicinity of White Ditch to build and maintain land, 5,000 cfs capacity (modeled at 5,000 cfs for river flows above 200,000 cfs and no operation below 200,000 cfs).	\$123M	001.DI23
Sediment Diversion	West Maurepas Diversion (5,000 cfs): Diversion(s) into western Maurepas Swamp in the vicinity of Convent/Blind River or Hope Canal to sustain existing bald cypress- tupelo swamp habitat, maximum capacity 5,000 cfs (modeled at 5,000 cfs when Mississipp River flow exceeds 600,000 and at 500 cfs for river flows between 200,000- 600,000 cfs).	\$127M	001.DI29
	Mid-Barataria Diversion (250,000 cfs-1st Period Increment): Sediment diversion into mid-Barataria in the vicinity of Myrtle Grove to build and maintain land, maximum capacity 50,000 cfs (modeled at 50,000 cfs when the Mississippi River flow exceeds 600,000 cfs, at 8% of river flows between 200,000-600,000 cfs, and no operation below 200,000 cfs). NOTE: This project is the first implementation period component of a 250,000 cfs diversion to mid-Barataria. The influence area shown is for the total 250,000 cfs project upon completion in the second implementation period.	\$275M	002.DI.03
	Lower Barataria Diversion (50,000 cfs): Sediment diversion into lower Barataria Bay in the vicinity of Empire, 50,000 cfs capacity (modeled at capacity when Mississippi River flow exceeds 600,000 cfs; modeled at 896 of nier flow from 600,000 cfs down to 200,000 cfs; no operation below 200,000 cfs).	\$203M	002.DI.15
	Bayou Lafourche Diversion (1,000 cfs): Diversion of the Mississippi River into Bayou Lafourche to increase freshiwater flow down Bayou Lafourche, 1,000 cfs capacity (modeled with continuous operation at 1,000 cfs).	\$189M	03a.DL01
Hydrologic Restoration	Amite River Diversion Canal: Hydrologic restoration in the western Maurepas Swamp by gapping spoil banks along the Amite River Diversion Canal to eliminate impoundment and restore hydrologic exchange.	\$4M	001.HR.01

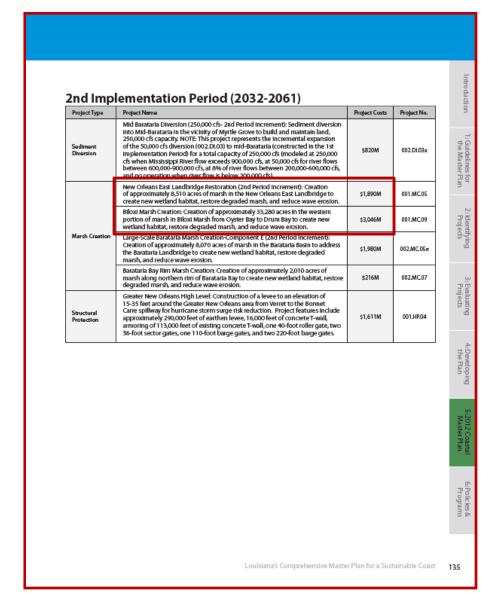
## Southeast Coast 1st Implementation Period (2012-2031) Project Type Project Name Project Name Project No. Barataria Pass to Sandy Point Barrier Island Restoration: Restoration of Barataria Bay barrier Islands between Barataria Pass and Sandy Point to provide dune and back barrier mash habitat and to provide storm surge and wave attenuation for the Barataria

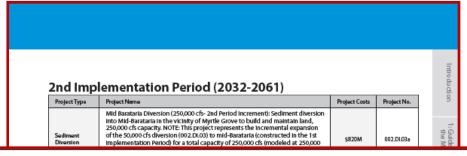
Upper Breton Diversion (250,000 cfs): Sediment diversion into upper Breton Sound in the vicinity of Braithwaite to build and maintain land, 250,000 cfs capacity (modeled at 250,000 cfs when Mississippi River flow exceeds 900,000 cfs, at 50,000 cfs for river flows between 600,000-900,000 cfs, at 8% of river flows between 200,000-600,000 cfs, and no operation when river flow is below 200,000 cfs).	<mark>\$885M</mark> )
Central Wetlands Diversion (5,000 cfs): Sediment diversion into Central Wetlands in the vicinity of Violet to provide sediment for emergent marsh creation and nutrients to sustain existing wetlands, 5,000 cfs capacity (modeled at 5,000 cfs when Mississippi River flow exceeds 200,000 cfs and no operation for river flows below 200,000 cfs).	<mark>\$189M</mark>
Mid-Breton Diversion (5,000 cfs): Sediment diversion into mid-Breton Sound in the vicinity of White Ditch to build and maintain land, 5,000 cfs capacity (modeled at 5,000 cfs for river flows above 200,000 cfs and no operation below 200,000 cfs).	\$123M

	in the vicinity of Empire, 50,000 cfs capacity (modeled at capacity when Mississippi River flow exceeds 600,000 cfs; modeled at 8% of river flow from 600,000 cfs down to 200,000 cfs; no operation below 200,000 cfs).	\$203M	002.DI.15
	Bayou Lafourche Diversion (1,000 cfs): Diversion of the Mississippi River into Bayou Lafourche to Increase freshwater flow down Bayou Lafourche, 1,000 cfs capacity (modeled with continuous operation at 1,000 cfs).	\$189M	03aDL01
Hydrologic Restoration	Amite River Diversion Canal: Hydrologic restoration in the western Maurepas Swamp by gapping spoil banks along the Amite River Diversion Canal to eliminate impoundment and restore hydrologic exchange.	\$4M	001.HR.01



South Lake Lery Marsh Creation: Creation of approximately 450 acres of marsh along the south shore of Lake Lery to create new wetland habitat, restore degraded marsh, and reduce wave erosion.	( <mark>\$36M</mark> )
Hopedale Marsh Creation: Creation of approximately 550 acres of marsh in northern Breton Sound in the vicinity of Hopedale to create new wetland habitat, restore degraded marsh, and reduce wave erosion.	\$147M
New Orleans East Landbridge Restoration (1st Period Increment): Creation of approximately 8,510 acres of marsh in the New Orleans East Landbridge to create new wetland habitat, restore degraded marsh, and reduce wave erosion.	\$473M
Lake Borgne Marsh Creation-Component A: Creation of approximately 2,230 acres of marsh along the south shoreline of Lake Borgne near Proctors Point to create new wetland habitat, restore degraded marsh, and reduce wave erosion.	\$620M
Central Wetlands Marsh Creation-Component A: Creation of approximately 2,010 acres of marsh in Central Wetlands near Bayou Bienvenue to create new wetland habitat, restore degraded marsh, and reduce wave erosion.	\$234M
Golden Triangle Marsh Creation: Creation of approximately 2,440 acres of marsh in the Golden Triangle area to create new wetland habitat, restore degraded marsh, and reduce wave erosion.	\$293M
attenuation.	
Biloxi Marsh Oyster Reef: Creation of approximately 113,000 feet of oyster barrier reef along the eastern shore of Biloxi Marsh to provide oyster habitat, reduce wave erosion, and prevent further marsh degradation.	<mark>\$83M</mark> )
Bayou LaLoutre Ridge Restoration: Restoration of approximately 117,000 feet (270 acres) of historic ridge along Bayou LaLoutre to provide coastal upland habitat, restore natural hydrology, and provide wave and storm surge attenuation.	(\$61M)



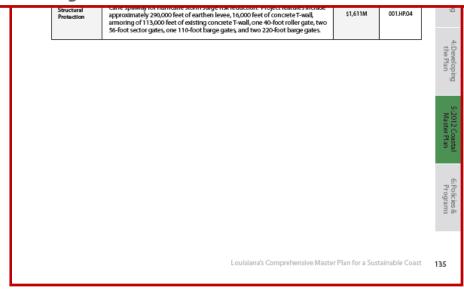


New Orleans East Landbridge Restoration (2nd Period Increment): Creation of approximately 8,510 acres of marsh in the New Orleans East Landbridge to create new wetland habitat, restore degraded marsh, and reduce wave erosion.

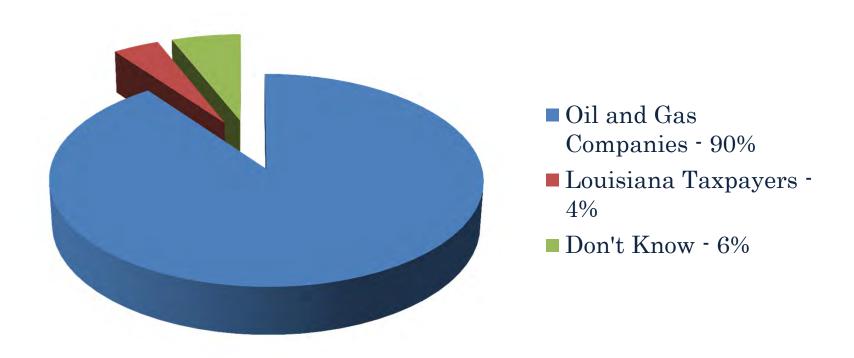
\$1,890M

Biloxi Marsh Creation: Creation of approximately 33,280 acres in the western portion of marsh in Biloxi Marsh from Oyster Bay to Drum Bay to create new wetland habitat, restore degraded marsh, and reduce wave erosion.

\$3,046M



#### Public Opinion Poll - Who Should Pay for Restoring the Wetlands Where Oil & Gas Companies Drilled?



Source: Silas Lee & Assocs., Public Opinion Survey on Coastal Erosion, Flood Protection and Related Issues (Nov. 18, 2013).

#### Pursuing Our Options

"I think we should seek justice everywhere we can find it," [Sen. Mary] Landrieu said. "In Baton Rouge, in Washington and in the courts, we must continue to try and keep our people above water and keep our communities from drowning."

-Bruce Alpert, Sen. Landrieu: Louisiana should fight 'everywhere,' including courts, to stop wetlands loss, nola.com, July 24, 2013.

## The Goals

- 1. Get oil and gas industry to acknowledge its responsibility.
- 2. Convene a discussion with all interested parties.
- 3. Develop a fair solution.

### What CPRA Should Do

- 1. Cease efforts to protect oil and gas industry.
- 2. Support formation of a task force to address industry responsibility.
- 3. Seek funding from all sources, not just taxpayers.
- 4. Support aggressive enforcement of permits and regulations.