



**Baton Rouge Press Club
August 19, 2013**

The Baton Rouge Press Club met today and heard from John Barry, Vice-President of the Southeast Louisiana Flood Protection Agency-East (SLFPA-E). He said the purpose of the lawsuit filed last month against 97 oil, gas and pipeline companies to require those companies to pay for damages to the state's coast is to "try to save at least part of Louisiana."

He said SLFPA-E is a board "independent of political influence" and represents St. Bernard, Orleans, East Jefferson, Tangipahoa and St. Tammany parishes. "We may be naive politically," he said. "We're foolish enough to go where no one has been willing to go. Flood protection has nothing to do with partisanship. We have received criticism from public figures and support from the public."

He reiterated the lack of criticism for the substance of the lawsuit. "We never said oil, gas and pipeline companies are solely responsible for the loss of state lands. There are multiple causes, including dams far upriver. It's not just about levees. If levees were the sole cause, there would be no land loss out in western Louisiana. But there is. The entity responsible for part of the destruction should be responsible for its role."

Barry cited a study claiming the oil and gas industry has caused 36 percent of statewide coastal damage, and the state's master plan calling canal dredging "industrial negligence." He said oil and gas companies have violated permits requiring them to minimize, mitigate and repair damage. "Failure to comply with permits has destroyed land," he said.

He reiterated that he and the Board support the state's 50-year master plan, but that it is not funded.

He responded to criticisms that the lawsuit will interfere with ongoing coastal restoration efforts and efforts to get more federal funding, such as the FAIR Act. He indicated Louisiana U.S. Sen. Mary Landrieu, D-La., has said the state should "pursue coastal restoration everywhere, including the courts," and that the senator has not come out against the SLFPA-E lawsuit.

"Industry will be here as long as the oil and gas is here," Barry said. He added that a coastal restoration effort would create, rather than cost the state, jobs.

"We have a choice between protecting the industry from having to live up to its word and obey the law, or protecting people's lives and property, protecting Louisiana's way of life. LMOGA President Chris John said in a letter that it is critical to protect oil and gas infrastructure from the storm surge. The industry itself wants the problem fixed, but wants the taxpayer to pay for the damage it did, through taxes and flood insurance. Fix what you broke. That's all we're asking you to do," he said. "We're not charging that industry has done nothing. But they haven't done enough."

Barry said the board passed two resolutions last week; one was to affirm the suit, and the other was to consider placing a 45-day pause in the substantive part of the suit "in an attempt to address the problem. The board is not the problem. Land loss is the problem, and getting industry to pay for the part they damaged." He said the state's Coastal Restoration and Protection Authority is to consider the resolutions this Wednesday in Dulac. "Hopefully this will result in industry being at the table to discuss a resolution to save lives and property," he said.

Barry indicated that, if a resolution is achieved, the board's legal contract will be waived, and the attorney fees will be determined in arbitration with industry. "When a task force is in place and acting in good faith, our lawyers will stand down in accordance with the resolution," he said. "In return for a major contribution from industry, there are many things industry is having trouble getting from the Legislature. I can help support those efforts. No, I don't have delusions of grandeur. I have delusions of adequacy sometimes."

"Governor Jindal has been a good governor on the coast. He could be a great governor if he steps in to find a solution. It could make him the greatest governor in Louisiana history. I want the governor to be great," Barry said.

In response to a question regarding the dollar amount the suit is seeking, he said, "It's too early to discuss, but it will be something serious."

Another member asked about the fee arrangement with the board's chosen attorney, Jones Swanson. Barry indicated the fee is set up on a contingency basis, but under Louisiana laws, attorney fees must be reasonable. "If we win billions, the fee would be consistent with Louisiana law," he said.

The Baton Rouge *Advocate's* Lanny Keller asked, "These companies all have different permits and a different level of responsibility for different things. Is the court the appropriate forum?" Barry replied, "The court is the only forum. Someone has to have a hammer to work these things out."

WBRZ's Michael Marsh asked about the similarities between this lawsuit and the state's lawsuit against Texas Brine on the sinkhole in Assumption Parish, which so far has cost \$12 million in response. Barry said, "I applaud the state for taking that action. You would have to ask the state, but the principles are similar. It would be difficult for the state to take on the lawsuit we're proposing."

Another member asked Barry about rumored legislation next year to make levee boards appointed positions. "I hope not," he responded.

In response to a question about the supposed award for the suit, Barry said, "It is inconceivable to me that we could carry out the master plan in our jurisdiction. It [the award] would start applying to master plan projects. We are a subsidiary to CPRA in that sense. There are so many things we can do. With regard to restoration, the best we can hope for is no net loss. We'll build land where it protects populated areas. We are committed to the master plan."