

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 19-7169 DIVISION "A" DOCKET  
CITY OF NEW ORLEANS

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CIVIL DISTRICT COURT

FILED: \_\_\_\_\_ DEPUTY CLERK

MAYORAL PROCLAMATION OF A STATE OF EMERGENCY DUE TO FRESHWATER INUNDATION

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Mayor of the City of New Orleans emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake, or other natural or manmade causes, in order to ensure that preparations of this City will be adequate to deal with such emergencies or disasters, and to preserve the natural resources of the City, lives, and property of the people of the City of New Orleans; and

WHEREAS, La. R.S. 29:727(F)(1) confers upon the Mayor the authority to suspend the provisions of any regulatory ordinance prescribing the procedures for conduct of local business, or the orders, rules, or regulations of any local agency, if strict compliance with the provisions of any ordinance, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, a declaration of a state of emergency is necessary to allow City agencies to thoroughly prepare for and respond to any eventuality and to allow state and federal agencies and state and federal resources to be deployed, if necessary; and

WHEREAS, a declaration that a state of emergency exists is appropriate due to the predicted impact of the unprecedented dual opening of the Bonnet Carré Spillway on February 27, 2019, and May 10, 2019, and the enormous influx of river water through the Bonnet Carré Spillway and into the brackish lakes, waterways, and estuaries of Orleans Parish, which threatens the state's natural resources, including land, water, fish, wildlife, fowl and other biota of the Pontchartrain Basin estuarine ecosystem; and

**WHEREAS**, the City of New Orleans and its residents have suffered tremendously as a result of catastrophic coastal land loss and environmental degradation over the past century and are currently being threatened with the exacerbation of coastal land loss and environmental degradation resulting from the influx of river water into the waterways and estuaries of the region, greatly reducing salinity levels and the productivity of regional estuaries and likewise threatening the efficacy of ongoing environmental restoration efforts and the health, safety, welfare, and livelihoods of the residents of New Orleans; and

**WHEREAS**, according to the findings of the Louisiana Department of Wildlife and Fisheries (“LDWF”) based on data available through June 6, 2019, catches of blue crab from LDWF biological sampling in April 2019 were 60% below long-term averages in the Pontchartrain basin, the number of recreational fishing trips in the Pontchartrain Basin through May 2019 showed a decline of 11.2%, and the number of charter fishing trips in the Pontchartrain Basin through May 2019 showed a decline of 16.8%, providing preliminary evidence of the threat to the City’s economically and culturally significant commercial seafood and recreational fishing industries; and

**WHEREAS**, federal, state, and city agencies continue to monitor and respond to the continued freshwater inundation and the extent of the adverse impact of the inundation will not be known for months according to the LDWF, as data continue to be collected and analyzed; and

**WHEREAS**, St. Bernard Parish, St. Tammany Parish, and Plaquemines Parish have declared states of emergency due to the significant and ongoing damage to the coastal waterways and estuaries in those parishes; and

**WHEREAS**, the direct and definite threats of irreparable environmental harm and loss of property, and related threats to the health, safety, welfare, and resilience of the residents of the City of New Orleans are now imminent and emergency action must be taken;

**NOW THEREFORE, I, LATOYA CANTRELL**, Mayor and Chief Executive Officer of the City of New Orleans and the Parish of Orleans, by virtue of the authority vested in me as the Mayor of the City of New Orleans by the Constitution and laws of the State of Louisiana and the Home Rule Charter and laws of the City of New Orleans, do hereby declare pursuant to La. R.S. 29:727 that due to the above-recited circumstances, a

disaster and state of emergency exists in the City of New Orleans, warranting the use of all extraordinary measures appropriate to ensure public health, safety, welfare, and convenience.

In furtherance of this declaration, the Superintendent of Police is hereby directed pursuant to the provisions of La. R.S. 40:1387, to take command and control of all peace officers and police officers within the City, when and if and to the extent that their services are needed to deal with the present emergency.

All available resources of the City of New Orleans and its boards and agencies are hereby ordered to be commandeered and utilized by the Emergency Authority for the purpose of performing or facilitating emergency services, when and if and to the extent that their resources are necessary to deal with the present emergency. The "Emergency Authority" as used in this Proclamation refers to the Superintendents of Police and of Fire under supervision of the Office of the Mayor through the Director of Homeland Security, or under direct supervision of the Office of the Mayor, all acting directly under the supervision and control of the Mayor of the City of New Orleans.

The direction, personnel, and functions of all local departments, agencies, and units are hereby transferred, to the extent necessary, to the Emergency Authority for the purpose of performing or facilitating emergency services.

The Emergency Authority may commandeer or utilize any private property if it finds this necessary to cope with the local disaster emergency.

The Emergency Authority is hereby empowered to suspend the provisions of any regulatory ordinance prescribing the procedures for conduct of local business, or the orders, rules, or regulations of any local agency, if strict compliance with the provisions of any ordinance, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

The Emergency Authority, on my order as Mayor of the City of New Orleans and Chief Executive Officer of the Parish of Orleans, is hereby empowered to direct and compel the evacuation of any and all persons from any part of the City deemed by the Emergency Authority to be suitable for evacuation, if necessary for the preservation of life or other disaster mitigation, response, or recovery in accordance with the provisions of Ordinance

No. 22,247 M.C.S.

The Emergency Authority is hereby empowered to prescribe the routes, modes of transportation, and destinations for such evacuation, if necessary, to control ingress and egress to and from the disaster area and the movement of persons and occupancy of premises therein.

Subject to the provisions of Act 275 of 2006 (Regular Session), the Emergency Authority is hereby empowered, if necessary, to suspend or limit the sale, dispensing, or transporting of alcoholic beverages, firearms, explosives, and combustibles.

The Emergency Authority is hereby empowered and directed in conjunction with HANO, HUD, and any other appropriate agencies, public and private, to make provisions for the availability and use of temporary emergency housing, if necessary.

The Superintendents of Fire and Police are directed to take all necessary steps within legal bounds to ensure that no looting or arson occurs within any area ordered evacuated.


The Emergency Authority is hereby empowered to suspend the provisions of any regulatory ordinance prescribing the procedures for conduct of local business, or the orders, rules, or regulations of any local agency, if strict compliance with the provisions of any ordinance, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

The Emergency Authority is hereby authorized to invoke any relevant provisions of the City Code.

The City Attorney is directed to file this proclamation promptly in the office of the Clerk of Court.

IN WITNESS wherefore I have fixed my hand and the seal of the City of New

Orleans this 9<sup>th</sup> day of July, 2019.

  
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LATOYA CANTRELL, MAYOR