STATE OF MISSISSIPPI

Office of the Governor

EXECUTIVE ORDER NO. 1341

WHEREAS, for more than three decades groundwater levels in the Mississippi River Valley Alluvial Aquifer (MRVA), the principal water supply for agriculture in the Mississippi Delta, have declined at unsustainable rates; and

WHEREAS, during most years of this same period, annual groundwater withdrawals from the aquifer have exceeded recharge to the aquifer by approximately 200,000 to 500,000 acre-feet per year; and

WHEREAS, between 1987 and 2013 the number of MRVA wells in the Delta permitted by the Mississippi Environmental Quality Permit Board (Permit Board) has increased from 2,823 to 17,656, and the volume of MRVA groundwater permitted to be withdrawn has increased from 928,401 to 3,654,499 acre-feet per year; and

WHEREAS, during this same period groundwater withdrawals from the aquifer have contributed to reduced flows in several Delta streams during the Fall of the year; and

WHEREAS, Miss. Code Ann. § 49-2-7 states that the Mississippi Department of Environmental Quality (MDEQ) "shall be responsible for conserving, managing, developing and protecting the natural resources of the State of Mississippi"; and

WHEREAS, Miss. Code Ann. § 51-3-1 declares that "all water, whether occurring on the surface of the ground or underneath the surface of the ground, is hereby declared to be among the basic resources of this state [and] to therefore belong to the people of this state and is subject to regulation" by MDEQ, the Permit Board and the Commission on Environmental Quality (CEQ); and

WHEREAS, Miss. Code Ann. § 51-3-1 authorizes and mandates MDEQ to assure that "the water resources of the state be put to beneficial use to the fullest extent of which they are capable, that the waste or unreasonable use, or unreasonable method of use, of water be prevented, that the conservation of such water be exercised with the view to the reasonable and beneficial use thereof in the interest of the people"; and

WHEREAS, Miss. Code Ann. § 51-3-1 mandates that "the control and development and use of water for all beneficial purposes shall be in the state, which, in the exercise of its police powers, shall take such measures to effectively and efficiently manage, protect and utilize the water resources of Mississippi"; and

WHEREAS, although under Miss. Code Ann.§ 51-3-15, the Permit Board, in its discretion, has delegated to the Yazoo-Mississippi Delta Joint Water Management District authority to receive certain permit applications and make recommendations on those applications to the Permit Board, the Permit Board has sole and ultimate authority for issuance, denial or revocation of all permits; and

WHEREAS, Miss. Code Ann. § 49-2-7 and § 51-3-1 grant and assign the CEQ, the Permit Board and MDEQ sole authority and responsibility to manage all of the state's waters, including the waters of the Delta; and

WHEREAS, in November of 2011 the Executive Director of the MDEQ established the Delta Sustainable Water Resources Task Force, directed and led by the Executive Director and including representatives of the following organizations: Delta Council, Delta F.A.R.M., Mississippi Farm Bureau, the Mississippi Soil and Water Conservation Commission, the Natural Resources Conservation Service of the U.S. Department of Agriculture, the Vicksburg District of the U.S. Army Corps of Engineers and the Yazoo-Mississippi Delta Joint Water Management District; and

WHEREAS, this Task Force was established to coordinate closely in a unified manner under the direction and leadership of MDEQ to develop and promote implementation of consensus-based actions to ensure that the Delta will have future sustainable water supplies and to advise MDEQ on policies related to Delta water resources; and

WHEREAS, this Task Force has already developed initial strategies and begun to take some actions to address the water resource issues of the Delta but has much additional work to do:

NOW THEREFORE, I, Phil Bryant, Governor of the State of Mississippi, by the authority vested in me by the Constitution and the laws of the State of Mississippi, do hereby establish the Governor's Delta Sustainable Water Resources Task Force. The Task Force shall be directed and led by the Executive Director of the Mississippi Department of Environmental Quality and shall include one representative appointed by each of the following organizations: Delta Council, Delta F.A.R.M., Mississippi Farm Bureau, the Mississippi Soil and Water Conservation Commission, the Natural Resources Conservation Service of the U.S. Department of Agriculture, the Vicksburg District of the U.S. Army Corps of Engineers and the Yazoo-Mississippi Delta Joint Water Management District. The Executive Director of the Mississippi Department of Environmental Quality may appoint such committees as may be needed for the Task Force to accomplish its charge. Appointees to these committees may include representatives of other organizations in addition to the organizations that are members of the Task Force. Appointees shall serve without compensation. The Governor hereby charges the Task Force members to work together in a unified, collaborative manner under the leadership of the Executive Director of the Mississippi Department of Environmental Quality; to coordinate through the Task Force, rather than as independent organizations, their efforts to promote conservation measures, irrigation management practices and plans for and implementation of new Delta surface water and groundwater supplies; to advise MDEQ on policies related to Delta water resources; and to prepare and promote the implementation of strategies and plans developed through the Task Force to ensure the future sustainability of water resources in the Delta. Further, the Governor hereby directs the Task Force to submit to the Governor an annual report of Task Force activities, accomplishments, and recommendations in January by January 15 each year, beginning in January of 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE at the Capitol, in the City of Jackson, this the 26th day of August, in the year of our Lord two thousand and fourteen, and of the two hundred and thirty-ninth year of the United States of America.

Phil Bryant

PHIL BRYANT
GOVENOR

BY THE GOVERNOR

C. Delbert Hosemann, Jr.

C. DELBERT HOSEMANN, JR.
SECRETAR OF STATE