

**CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

IN THE MATTER OF:

LONG BEACH WATER MANAGEMENT DISTRICT NO. 24CH1:01-cv-82283-55

**PETITION TO FILE UPDATED LONG BEACH WATERSHED PLAN
(FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT)**

COMES NOW the Long Beach Water Management District by and through its attorneys, Dukes, Dukes, Keating & Faneca, P.A., pursuant to Miss. Code. Ann. §§ 51-29-27 and 51-29-71 (1972, as amended) and files this its Up-dated Long Beach Watershed Plan (Final Supplemental Environmental Impact Statement) and would show the following:

1. On July 28, 1983, a Judgment was entered by the Chancery Court of Harrison County, Mississippi reactivating the Long Beach Water Management District, a copy of this Judgment is attached hereto as **Exhibit "1"**.

2. On September 27, 1983, a Modified Judgment was entered by the Chancery Court of Harrison County establishing the boundaries of the Long Beach Water Management District and the parcels which were subject to assessment by the Long Beach Water Management District, a copy of this Modified Judgment is attached hereto and incorporated herein as **Exhibit "2"**.

3. On or about August 13, 1993, a copy of the Long Beach Watershed Plan and Environmental Impact Statement dated October, 1989 was filed with the Clerk of the Harrison County Board of Supervisors and with the Chancery Clerk of Harrison County, Mississippi in accordance with Miss. Code Ann. § 51-29-27 (1972, as amended). A copy of the October, 1989 Plan is attached hereto as **Exhibit "3"**.

4. The 1989 Plan addressed the technical and financial requirements for 8.3 miles of channel modifications to two (2) drainage canals (Canal No. 1 and Canal No. 2/3), which included 6.7 miles of channel enlargement and 1.6 miles of selective snagging. The major objective of the modification to the channel system was to provide additional capacity for carrying the peak discharge from the 100 year storm event below first flood elevations of buildings located in the flood plain.

5. As a result of funding issues, the USDA Natural Resources Conservation Service (the federal agency providing financial assistance) and the Commissioners for the Long Beach Water Management District agreed to make the necessary channel modification in phases. The channel modifications began with Canal No. 2/3 which was completed in 2014.

6. As a result of the delay in completing the channel modification work for Canal No. 2/3, the 1989 Long Beach Watershed Plan and Environmental Impact Statement had become outdated and had to be Supplemented (up-dated) before construction could begin on the improvement to Canal No. 1.

7. In September of 2015, the Natural Resources Conservation Service, under the direction of the State Conservationist of the State of Mississippi, completed and finalized the Supplemental Environmental Impact Statement for the Long Beach Watershed, a copy of which is attached hereto and incorporated herein as **Exhibit "4"**.

8. According to the Supplemental Environmental Impact Statement, the proposed improvements to Canal No. 1 between the Naval Construction Battalion Center (NCBC) and Espy Avenue include 3.8 miles of widening, side-sloping and grading of the earth-lined channel, about two-tenths of a mile of rock riprap-lined channel and seven-tenths of one mile of selective

snagging. The earth-lined channel sections will be constructed with 3:1 side slopes and a bottom width of 30-40 feet. These improvements will significantly enhance the capacity of Canal No. 1 and reduce damages associated with flooding in the Canal No. 1 floodplain.

9. Pursuant to Miss. Code Ann. § 51-29-71, the Long Beach Water Management District is hereby filing this Final Supplemental Environmental Impact Statement for the Long Beach Watershed and is requesting that the proper notification of same be given.

WHEREFORE, PREMISES CONSIDERED, the Long Beach Water Management District petitions this Court to issue its Order directing the Clerk of the Chancery Court to provide Notice to the property owners of said District that the Supplemental Environmental Impact Statement has been filed and their ability to object if the property owners deems the same inequitable.

Such Notice shall be by publication for two (2) consecutive weeks in the Sun Herald Newspaper, a newspaper published and having general circulation in Harrison County. Said Notice to be in the form and content attached hereto and incorporated herein as **Exhibit "5"**.

RESPECTFULLY SUBMITTED on this the 1st day of March, 2017.

LONG BEACH WATER MANAGEMENT
DISTRICT, PETITIONER

BY: DUKES, DUKES, KEATING & FANCA, P.A.,
ITS ATTORNEYS

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