

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1806**

October 13, 2022

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Dear Attorney General Garland and Administrator Regan:

The U.S. Department of Justice (DOJ), U.S. Environmental Protection Agency (EPA) and City-Parish of Baton Rouge officials are currently negotiating a path forward to address the federal agencies' concerns regarding stormwater runoff in the city. The federal agencies are apparently threatening a consent decree on the city where the EPA would effectively take over stormwater management in Baton Rouge.

Recent reports indicate that EPA and DOJ officials are requiring Baton Rouge officials to sign a Non-Disclosure Agreement (NDA) prior to being briefed on the stormwater management negotiations. The City-Parish of Baton Rouge has indicated that a new tax on all properties in the city will be imposed as a result of these confidential negotiations. Effectively, the federal government is forcing the City-Parish of Baton Rouge to impose tens of millions of dollars in new, annual taxes – which amounts to nearly half a billion dollars over ten years – without any transparency. The parties involved in these negotiations are all public entities. There are no intellectual properties, trade secrets, proprietary information, or other confidential data at risk – only public agencies. The use of an NDA in this situation appears highly inappropriate and continues to block the public from key information needed to make an informed decision on the imposition of tens of millions of dollars in new taxes being forced upon our community by the federal agencies.

Without public disclosure, it is easy to presume that DOJ and EPA officials are either unaware of or have disregarded the billions of federal funds that have been secured to improve drainage and mitigate stormwater impacts. Specifically,

- More than \$500 million for the Comite River Diversion Canal
- \$255 million to minimize flood risk and improve drainage of five major East Baton Rouge Parish Bayous
- More than \$120 million in federal Hazard Mitigation Grant Program funds for flood protection measures in East Baton Rouge Parish, of which there is,
- \$15 million in federal funds for a parish-wide stormwater master plan
- \$1.2 billion in federal Community Development Block Grant Mitigation (CDBG-MIT) funds

In fact, East Baton Rouge Parish will directly benefit from approximately \$1 billion in federal flood and stormwater mitigation funding, and the parish is eligible for a significant portion of the \$1.2 billion in federal CDBG-MIT funds.

I strongly urge you to immediately direct EPA and DOJ officials involved in these negotiations to abandon the use of an NDA and be transparent about ongoing negotiations involved stormwater management fees in Baton Rouge.

Sincerely,

A handwritten signature in blue ink, appearing to read "Garret Graves", with a stylized, cursive script.

Garret Graves  
Member of Congress