FINAL DETERMINATION OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S ASSISTANT ADMINISTRATOR FOR WATER PURSUANT TO SECTION 404(C) OF THE CLEAN WATER ACT CONCERNING THE PROPOSED YAZOO BACKWATER AREA PUMPS PROJECT, ISSAQUENA COUNTY, MISSISSIPPI

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EXECUTIVE SUMMARY

Section 404(c) of the Clean Water Act (CWA)(33 U.S.C. 1251 *et seq*) authorizes the U.S. Environmental Protection Agency (EPA) to prohibit, restrict, or deny the specification of any defined area in waters of the United States (including wetlands) as a disposal site for the discharge of dredged or fill material whenever it determines, after notice and opportunity for public hearing, that such discharge into waters of the United States will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

Pursuant to section 404(c), EPA initiated a CWA section 404(c) review of the proposed Yazoo Backwater Area Pumps Project on February 1, 2008. The Yazoo Backwater Area Pumps Project is a U.S. Army Corps of Engineers (the Corps) Civil Works project designed to address flooding concerns in a 630,000 acre area situated between the Mississippi and Yazoo Rivers in west-central Mississippi (Yazoo Backwater Area). The project is represented as Plan 5 in the Corps' Final Supplemental Environmental Impact Statement (FSEIS)(published in November 2007). The primary component of this project is a 14,000 cubic feet per second (cfs) pumping station that would pump surface water out of the Yazoo Backwater Area during high water events on the Mississippi River. The project also includes 10,662 acres of reforestation of agricultural land to compensate for the adverse environmental impacts associated with the project, and up to 40,571 acres of reforestation of agricultural land to provide potential environmental benefits.

According to the Corps, the Yazoo Backwater Area contains between 150,000 to 229,000 acres of wetlands, as well as an extensive network of streams, creeks, and other aquatic resources. Extensive information collected on the Yazoo Backwater Area demonstrates that it includes some of the richest wetland and aquatic resources in the Nation. These include a highly productive floodplain fishery, substantial tracts of highly productive bottomland hardwood forests that once dominated the Lower Mississippi River Alluvial Valley (LMRAV), and important migratory bird foraging grounds. These wetlands provide important habitat for an extensive variety of wetland dependent animal and plant species, including the federally protected Louisiana black bear and pondberry plant. In addition to serving as critical fish and wildlife habitat, project area wetlands also provide a suite of other important ecological functions. These wetlands protect and improve water quality by removing and retaining pollutants, temporarily store surface water, maintain stream flows, and support aquatic food webs by processing and exporting significant amounts of organic carbon. As stated in the FSEIS, "The lands in the lower Mississippi Delta are noted for high value fish and wildlife resources. The area serves as an integral part of the economic and social life of local residents and sportsmen from around the Nation" (FSEIS, Main Report, Appendix 1 Mitigation, page 1-29).

The construction and operation of the proposed pumps would dramatically alter the timing, and reduce the spatial extent, depth, frequency, and duration of time that wetlands within the project area are inundated. After extensive evaluation of the record for this project, EPA has determined that these large-scale hydrologic alterations would significantly degrade the critical ecological functions provided by approximately 67,000 acres of wetlands in the Yazoo Backwater Area, including those functions that support wildlife and fisheries resources.

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During the initial consultation period with the Corps and the Mississippi Board of Levee Commissioners (the project sponsor), the Corps offered two alternatives to the proposed project to reduce wetland impacts. One of these alternatives is Plan 6 from the FSEIS, and the other is a modified version of Plan 6. Both of these alternatives retain the 14,000 cfs pump station, but include modifications to the pump-on elevation and the amount of compensatory mitigation and reforestation as compared to Plan 5. After discussions with the Corps and following careful consideration of the two alternatives, EPA is concerned that neither proposal would reduce impacts to an acceptable level.

In March 2008, EPA Region IV published a proposal (i.e., Proposed Determination) to prohibit or restrict the use of certain waters of the United States as disposal sites for the discharge of dredged or fill material in connection with the construction of the proposed Yazoo Backwater Area Pumps Project (73 Federal Register 14806, dated March 19, 2008). EPA Region IV solicited public comments on the Proposed Determination until May 5, 2008. EPA received approximately 47,600 written comment letters, including approximately 1,500 individual comment letters and 46,100 mass mailers. Nearly all of the comment letters (99.9 percent) urged EPA to prohibit discharges to waters of the United States associated with the proposed pumps project. A public hearing was held in Vicksburg, Mississippi, on April 17, 2008, in which approximately 500 people participated. A total of 67 people provided oral statements, including one representative from the Corps' Vicksburg District and four individuals representing the project sponsor. Of the remaining 62 people who provided oral statements, 32 people spoke in opposition to the proposed pumps project, 29 spoke in favor of the pumps project and one person did not specify a position. In total, approximately 463 residents of the state of Mississippi submitted written comments to EPA or spoke at the public hearing. Of these, 417 expressed support for EPA's proposal and 45 favored construction of the pumps. Within the Yazoo Backwater Area, a total of 31 residents expressed an opinion on the project either at the public hearing, in written comments, or both. Of these 31, four expressed support for EPA's position, 26 expressed support for construction of the pumps, and one did not express an opinion.

On July 2, 2008, EPA Region IV submitted to EPA Headquarters its Recommended Determination to prohibit the specification of certain wetlands and other waters of the United States within Humphreys, Issaquena, Sharkey, Warren, Washington, or Yazoo County, in the state of Mississippi as a disposal site for the discharge of dredged or fill material for the purpose of construction of the proposed Yazoo Backwater Area Project, or any similar pump project in the Yazoo Backwater Area that would result in unacceptable adverse effects on fishery areas and wildlife.

EPA Region IV based its recommendation upon a conclusion that the proposed discharge of fill material into 43.6 acres of wetlands and other waters of the United States in connection with the construction of the pumping station and the subsequent secondary impacts, would result in unacceptable adverse effects on at least 67,000 acres of wetlands and other waters of the United States and their associated wildlife and fisheries resources. Additionally, EPA Region IV expressed concern that the proposed mitigation would not fully compensate for the potential impacts of the project, as identified in the FSEIS, and that the suggested environmental benefits

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associated with the project's reforestation component have not been substantiated. EPA Region IV also stated that the Corps did not evaluate the proposed project's adverse impacts on up to 24,000 acres of wetlands outside the FSEIS's wetland assessment area. EPA Region IV also expressed its belief that there are likely to be less environmentally damaging practicable alternatives available to achieve the improved flood protection goals of the proposed Yazoo Backwater Area Project.

The U.S. Fish and Wildlife Service (FWS), in its comments on the Proposed and Recommended Determinations, concurred with EPA Region IV's conclusion that the proposed project would result in extensive and unacceptable adverse effects on wildlife and fishery areas. FWS also highlighted its concerns that the proposed project would significantly degrade the wildlife habitat provided by its four National Wildlife Refuges located within the Yazoo Backwater Area – reducing the capability of these refuges to achieve the purpose and intent for which they were Congressionally established.

This Final Determination represents the last step of EPA's section 404(c) review of the Yazoo Backwater Area Pumps Project. EPA has prepared this Final Determination based on an evaluation of EPA Region IV's Recommended Determination, and review and consideration of the administrative record, including information in the Corps' 2007 FSEIS, public comments received in writing and at the public hearing, and submissions by other federal and state agencies. In addition, this Final Determination reflects the careful review and full consideration of written information that was subsequently submitted and made part of the record, as well as information conveyed to EPA by the Department of the Army and the project sponsor during the EPA Headquarters section 404(c) consultation process.

EPA's Final Determination concludes that the discharge of dredged or fill material in connection with the construction of the proposed Yazoo Backwater Area Pumps Project (i.e., Plan 5 from the FSEIS), as well as the two alternative proposals offered by the Corps in February 2008 (i.e., Plan 6 from the FSEIS and Modified Plan 6) and subsequent operation of the 14,000 cfs pumping station would result in unacceptable adverse effects on fishery areas and wildlife. The administrative record developed in this case fully supports the conclusion that, as a result of alterations to the spatial extent, depth, frequency, and duration of inundation of wetlands within the project area, the proposed projects would significantly degrade the critical ecological functions provided by approximately 28,400 to 67,000 acres of wetlands (i.e., the range of wetland impacts as a result of Plan 5, Plan 6, and Modified Plan 6) in the Yazoo Backwater Area, including those functions that support wildlife and fisheries resources. Although not proposed to go forward, FSEIS Plans 3, 4, and 7, which also include a 14,000 cfs pumping station are expected to result in wetland impacts between approximately 28,400 and 118,400 acres (see FSEIS Main Report, Table 17, page 1-20). EPA has determined that each of these alternatives would also result in unacceptable adverse effects on fishery areas and wildlife. EPA does not believe that these adverse impacts can be adequately compensated for by the proposed mitigation, and are inconsistent with the requirements of the CWA. Further, these impacts should be viewed in the context of the significant cumulative losses across the Lower Mississippi River Alluvial Valley (LMRAV), which has already lost over 80 percent of its bottomland forested wetlands, and specifically in the Mississippi Delta where the proposed project would significantly degrade important bottomland forested wetlands.

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Based on these findings, this Final Determination prohibits, pursuant to section 404(c) of the CWA, the specification of the subject wetlands and other waters of the United States as described in the FSEIS as a disposal site for the discharge of dredged or fill material for the purpose of construction of FSEIS Plans 3 through 7, and Modified Plan 6.[1] The adverse effects associated with the prohibited projects are the result of a combination of operational factors including the capacity of the pumping station and its associated pump-on elevations. While this Final Determination prohibits the construction of FSEIS Plans 3 through 7, and Modified Plan 6, the data supporting this Final Determination indicates that derivatives of the prohibited projects that involve only small modifications to the operational features or location of these proposals would also likely result in unacceptable adverse effects and would generate a similar level of concern and review by EPA.

The staff at the Corps Vicksburg District deserves recognition for the years of commitment and effort that have been necessary to evaluate the Yazoo Backwater Area Pumps Project. EPA also wants to emphasize our respect and appreciation for the Corps' cooperation with us on our review of this project. EPA recognizes that pumps are often an important and appropriate component of flood control projects. However, in this instance, EPA has concluded the adverse impacts on wetlands and their associated fisheries and wildlife resources are unacceptable.

EPA continues to support the goal of providing improved flood protection for the residents of the Mississippi Delta; however, it believes that this vital objective can be accomplished consistent with ensuring effective protection for the area's valuable natural resources. EPA is committed to participating in discussions with other federal and state agencies, and the public, concerning the best way to provide flood protection while protecting wetlands and other natural resources.

[1] FSEIS Plan 2B (one of the nonstructural alternatives considered in the FSEIS) does not include a pumping station, however, it does include the construction of fourteen ring levees, which would result in adverse impacts to approximately 92,100 acres of wetlands. Although Plan 2B would result in significant adverse environmental impacts comparable to those whose effects we have determined to be unacceptable, EPA has not included it in the prohibition since the FSEIS concluded it was not a practicable alternative because it is "locally unacceptable" and "not economically justified."

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I. INTRODUCTION

Section 404(c) of the Clean Water Act (CWA)(33 U.S.C. 1344(c)) provides that, where the Administrator of the U.S. Environmental Protection Agency (EPA) determines, after notice and opportunity for public hearing, that unacceptable adverse effects on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas will result from the discharge of dredged or fill material into waters of the United States, the Agency may exercise its authority to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, or restrict or deny the use of any defined area for specification (including the withdrawal of specification) as a disposal site for the discharge of dredged or fill material.

EPA's regulations for implementing section 404(c) are set forth in 40 CFR part 231. Four major steps in the process are: 1) the Regional Administrator's[2] notice to the U.S. Army Corps of Engineers (the Corps), the property owner, and the applicant (and/or project proponent) of the intention to initiate the section 404(c) process; 2) the Regional Administrator's publication of a Proposed Determination to withdraw, deny, restrict, or prohibit the use of the site, soliciting public comment and offering an opportunity for a public hearing; 3) the Regional Administrator's recommendation to the Assistant Administrator for Water at EPA Headquarters to withdraw, deny, restrict, or prohibit the use of the site (Recommended Determination); and, 4) the Assistant Administrator for Water's Final Determination to affirm, modify, or rescind the Regional recommendation.[3]

This Final Determination assesses the nature and extent of adverse environmental impacts to waters of the United States associated with the proposed discharge of dredged or fill material for the purpose of constructing a pumping station to address flooding concerns in a six county area situated between the Mississippi and Yazoo Rivers in west-central Mississippi (Yazoo Backwater Area). Figure 1 shows the general location of the Yazoo Backwater Area. The Yazoo Backwater Area Pumps Project is a Corps Civil Works project sponsored by the Mississippi Board of Levee Commissioners (the project sponsor). The project is represented as Plan 5 in the Corps' Final Supplemental Environmental Impact Statement (FSEIS)(published in November 2007). The primary component of this project is a 14,000 cubic feet per second (cfs) pumping station, near the Steele Bayou flood control gates, designed to pump surface water out of the Yazoo Backwater Area during high water events on the Mississippi River when the gates are closed. The construction and operation of the proposed pumps would dramatically alter the timing, and reduce the spatial extent, depth, frequency, and duration of time that wetlands within the project area are inundated by the 2- through 100-year flood events. For example, according

[2] At the request of the EPA Region IV Regional Administrator to recuse himself, EPA Administrator Stephen L. Johnson designated Mr. Lawrence E. Starfield, Deputy Regional Administrator for EPA Region VI, to implement the regional responsibilities of the Regional Administrator under the section 404(c) regulations (40 CFR Part 231) associated with the review of the Yazoo Backwater Area Project. Since Mr. Starfield has been designated to exercise all such authority for the Regional Administrator for the Yazoo Backwater Area Project, any reference to the authority of the Regional Administrator in this Final Determination is the responsibility of Mr. Starfield for the purposes of this action.

[3] In 1984, the EPA Administrator delegated the authority to make final decisions under section 404(c) to EPA's national Clean Water Act Section 404 program manager, who is the Assistant Administrator for Water. That delegation remains in effect.

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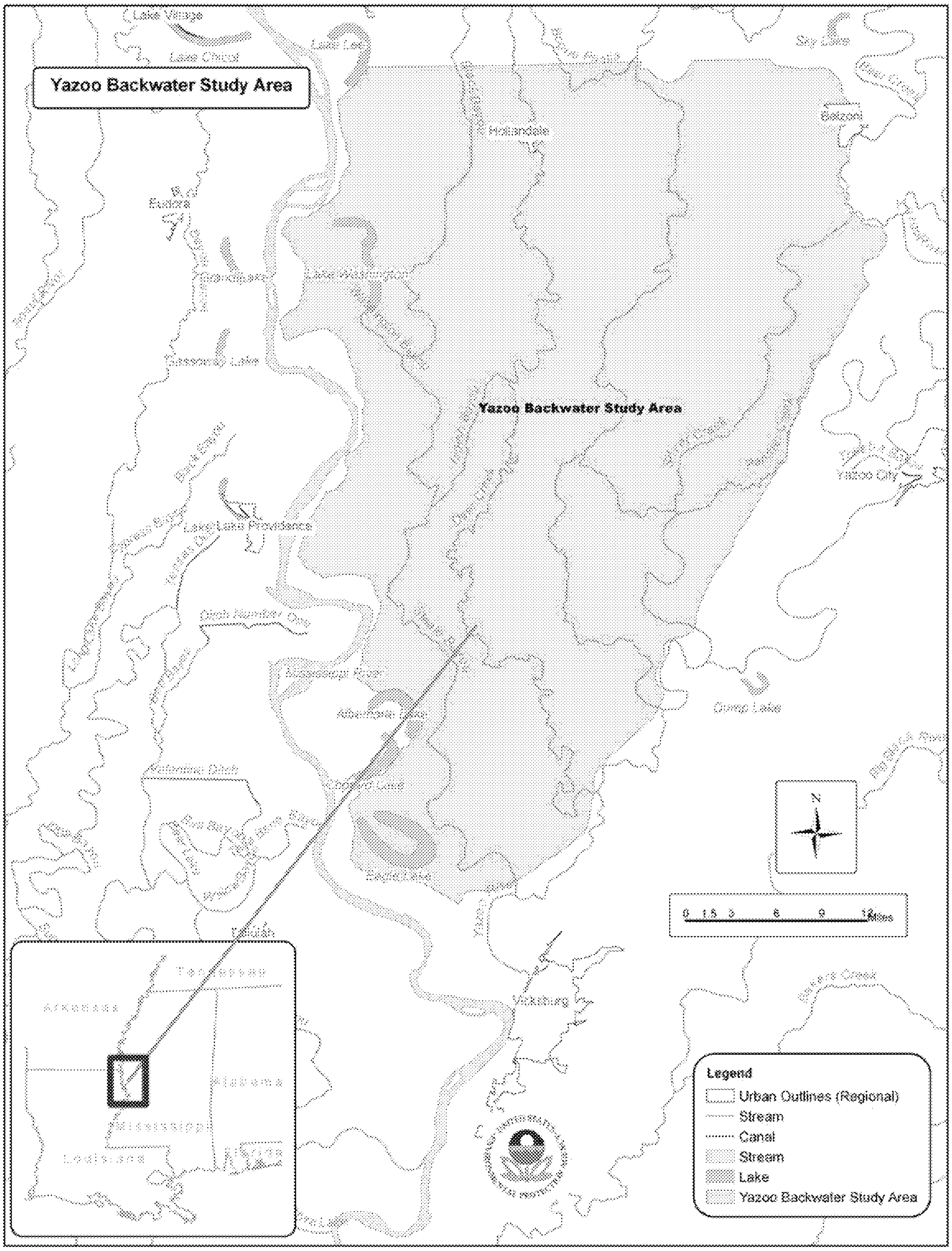

Figure 1. The Yazoo Backwater Study Area is located in west-central Mississippi, just north of Vicksburg, Mississippi. Of particular focus are the approximately 630,000 acres inundated by the 100-year flood event which lie in parts of Humphreys, Issaquena, Sharkey, Warren, Washington, and Yazoo Counties in Mississippi

to the FSEIS for the Yazoo Backwater Area Project, the proposed project would reduce the spatial extent of the 100-year flood event by approximately 25 percent, or 158,000 acres (i.e., a 4 to 4.5 foot reduction in flood stage).

Additional project components include the proposed reforestation of up to 40,571 acres of cleared agricultural land and operation of the Steele Bayou flood control gates to maintain minimum water elevations in the Yazoo Backwater Area waterways during low-water periods, when practicable. A compensatory mitigation plan that includes reforestation of 10,662 acres is also proposed to offset the project's adverse environmental impacts.

EPA Region IV's Regional Administrator for this section 404(c) action has recommended that EPA prohibit the specification of the subject wetlands and other waters of the United States within Humphreys, Issaquena, Sharkey, Warren, Washington, or Yazoo County, in the state of Mississippi, as a disposal site for the discharge of dredged or fill material for the purpose of constructing the proposed project or any similar pump project in the Yazoo Backwater Area that would result in unacceptable adverse effects on fishery areas and wildlife. Region IV's Regional Administrator based this recommendation upon a conclusion that the construction of the pumping station and the subsequent secondary impacts would eliminate or significantly degrade the critical ecological functions provided by 67,000 acres of wetlands, thereby resulting in unacceptable adverse effects on wildlife and fisheries resources. In addition, the Regional Administrator concluded that the proposed mitigation would not adequately compensate for the project's impacts. He also concluded that the anticipated environmental benefits associated with the project's reforestation component had not been substantiated. The Regional Administrator also expressed his concern that an additional 24,000 acres of wetlands, located outside the FSEIS wetland assessment area, would be adversely impacted by the project, and that these impacts were not evaluated in the FSEIS. Finally, the Regional Administrator expressed his belief there are likely to be less environmentally damaging practicable alternatives available to achieve the improved flood protection goals of the Yazoo Backwater Area Project.

This Final Determination is based on an evaluation of the Regional Administrator's Recommended Determination and review and consideration of the administrative record developed in this case, including public comments submitted in response to the Region IV Proposed Determination, comments received during the public hearing held in Vicksburg, Mississippi, and submissions from other federal and state agencies. In addition, this Final Determination reflects the careful review and full consideration of all written information that was submitted and made part of the record subsequent to the close of the public comment period, as well as information conveyed to EPA by the Assistant Secretary of the Army for Civil Works, and the project sponsor during the EPA Headquarters section 404(c) consultation process, consistent with the requirements of 40 CFR 231.6.[4] EPA Headquarters consultation is described in Section II of this document. EPA's responses to the major issues raised by the Assistant Secretary of the Army for Civil Works, the Corps, the project sponsor, and the public, including those issues that are not addressed in the body of this document, are provided in Appendix 1.

[4] EPA requested a complete copy of the Corps' administrative record for the proposed project in a letter dated June 4, 2008. In its response, dated June 16, 2008, the Corps indicated that "to date we have not assembled an administrative record of the Yazoo Backwater project. Undertaking the preparation of the administrative record for the project would be very time consuming and is not undertaken until some type of litigation is filed."

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According to the Corps, the Yazoo Backwater Area contains between 150,000 to 229,000 acres of wetlands, as well as an extensive network of streams, creeks, and other aquatic resources. Extensive information collected on the Yazoo Backwater Area demonstrates that it includes some of the richest wetland and aquatic resources in the Nation. These include highly productive floodplain fisheries and an extensive variety of wetland-dependent animal and plant species, including the federally protected Louisiana black bear and pondberry.[5] In addition to serving as critical fish and wildlife habitat, the project area wetlands provide a suite of other important ecological functions. For example, these wetlands protect and improve water quality by removing and retaining pollutants, temporarily store surface water, maintain stream flows, and support aquatic food webs by processing and exporting significant amounts of organic carbon. As stated in the FSEIS, "The lands in the lower Mississippi Delta are noted for high value fish and wildlife resources. The area serves as an integral part of the economic and social life of local residents and sportsmen from around the Nation" (FSEIS, Main Report, Appendix 1 Mitigation, page 1-29).

The Assistant Administrator for Water has determined that the administrative record supports the conclusion that the construction and operation of the proposed project (i.e., Plan 5 of the FSEIS), as well as the two alternative proposals offered by the Corps in February 2008 (i.e., Plan 6 and Modified Plan 6), would result in a dramatic alteration of the hydrologic regime in the Yazoo Backwater Area, thereby significantly degrading the critical ecological functions provided by at least 28,400 to 67,000 acres of wetlands. Although not proposed to go forward, FSEIS Plans 3, 4, and 7, would also result in a dramatic alteration of the hydrologic regime in the Yazoo Backwater Area, significantly degrading the critical ecological functions provided by between approximately 28,400 and 118,400 acres of wetlands (see FSEIS Main Report, Table 17, page 1-20). EPA does not believe that the adverse impacts associated with the proposed projects are consistent with the requirements of the CWA. Further, these impacts should be viewed in the context of the significant cumulative losses across the Lower Mississippi River Alluvial Valley (LMRAV), which has already lost over 80 percent of its bottomland forested wetlands, and specifically in the Mississippi Delta where the proposed project would significantly degrade important bottomland forested wetlands.

EPA has determined that the discharge of dredged or fill material in connection with the construction of FSEIS Plans 3 through 7, and Modified Plan 6, together with the anticipated indirect impacts associated with the subsequent operation of the pumping station would have an unacceptable adverse effect on fishery areas and wildlife.[6] Based on these findings, the Final Determination prohibits, pursuant to section 404(c) of the CWA, the specification of the subject wetlands and other waters of the United States as described in the FSEIS as a disposal site for the

[5] In a letter dated August 10, 2006, the FWS concurred with the Corps' determination that the proposed project was not likely to adversely affect the Louisiana black bear. The FWS's Biological Opinion for the proposed project, dated July 2, 2007, concludes that the project is likely to adversely affect the pondberry, but it would not jeopardize the continued existence of the endangered plant.

[6] For the purposes of this section 404(c) Final Determination, "effects on wildlife" includes impacts to ecosystem integrity, nutrient pathways, and all other life requisites of animal, including fish, species.

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discharge of dredged or fill material for the purpose of construction of FSEIS Plans 3 through 7, and Modified Plan 6.[7]

The adverse effects associated with the prohibited projects are the result of a combination of operational factors including the capacity of the pumping station and its associated pump-on elevations. While this Final Determination prohibits discharges associated with the construction of FSEIS Plans 3 through 7 and Modified Plan 6, the data supporting this Final Determination indicates that derivatives of the prohibited projects that involve only small modifications to the operational features or location of these proposals would also likely result in unacceptable adverse effects and would generate a similar level of concern and review by EPA.

The staff at the Corps Vicksburg District deserves recognition for the years of commitment and effort that have been necessary to evaluate the Yazoo Backwater Area Pumps Project. EPA also wants to emphasize our respect and appreciation for the Corps' cooperation with us on our review of this project. EPA recognizes that pumps are often an important and appropriate component of flood control projects. However, in this instance, EPA has concluded the adverse impacts on wetlands and their associated fisheries and wildlife resources are unacceptable.

EPA continues to support the goal of providing improved flood protection for the residents of the Mississippi Delta. This Final Determination does not preclude the opportunity for discussions and coordination with state and federal interests to evaluate flood protection alternatives. EPA is also committed to participating in discussions with other federal and state agencies, and the public, concerning the best way to provide flood protection while protecting wetlands and other natural resources.

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[7] FSEIS Plan 2B (one of the nonstructural alternatives considered in the FSEIS) does not include a pumping station, however, it does include the construction of fourteen ring levees, which would result in adverse impacts to approximately 92,100 acres of wetlands. Although Plan 2B would result in significant adverse environmental impacts comparable to those whose effects we have determined to be unacceptable, EPA has not included it in the prohibition since the FSEIS concluded it was not a practicable alternative because it is "locally unacceptable" and "not economically justified."

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II. BACKGROUND

A. Project Description

The Yazoo Backwater Area is located in west-central Mississippi, just north of Vicksburg, Mississippi (Figure 1). The portion of this area relevant to the Yazoo Backwater Area Project is located between the east bank mainline Mississippi River levee and the west bank levees of the Will M. Whittington Auxiliary Channel, and comprises about 926,000 acres. Of particular focus are the approximately 630,000 acres inundated by the 100-year flood event which lie in parts of Humphreys, Issaquena, Sharkey, Warren, Washington, and Yazoo Counties in Mississippi and part of Madison Parish in Louisiana. The Big Sunflower River, Little Sunflower River, Deer Creek, and Steele Bayou flow through this area.

The Yazoo Backwater Area has historically been subject to extensive backwater flooding from the Mississippi and Yazoo Rivers. In the past, when the Mississippi River reached a certain stage, water would back up into the Yazoo River Basin, causing flooding, while preventing the Yazoo River Basin from draining. With the implementation of the Mississippi River and Tributaries (MR&T) Project, which began in 1928, levees were constructed and the Steele Bayou flood gate was installed by 1978, to prevent Mississippi River water from flowing into the Yazoo Backwater Area. The gate feature, combined with other levees, has greatly decreased backwater flooding in the Yazoo Backwater Area from the Mississippi and Yazoo Rivers. However, when the Steele Bayou flood gate is closed, precipitation from the Delta region becomes trapped and backs up behind the gate which may cause flooding in the Yazoo Backwater Area.

The primary purpose of the Yazoo Backwater Area Project is to reduce the flood damages in the Yazoo Backwater Area caused by flooding within the existing levee system. As stated in the FSEIS, a principal objective of the project is to reduce flood damages "to urban and rural structures, as well as agricultural properties." To achieve this objective, the Corps and the project sponsor have proposed a flood damage reduction project with "structural" and "nonstructural" components.

The structural component entails the construction of a 14,000 cfs pumping station at Steele Bayou with a pump-on operation elevation of 87.0 feet, National Geodetic Vertical Datum (NGVD). When surface water at the Steele Bayou structure reaches (or is anticipated to reach) an elevation of 87.0 feet, NGVD, the pumps will be turned on and will move water from behind the gate into the Mississippi River. The pumping is designed to reduce the exent of land within the Yazoo Backwater Area that floods, and to remove water faster from some areas and some structures that still experience flooding. The nonstructural component proposes reforestation of up to 40,571 acres of agricultural lands through the purchase of perpetual conservation easements from willing sellers and operation of the Steele Bayou control gates to maintain water elevations between 70.0 and 73.0 feet, NGVD, in the Yazoo Backwater Area waterways during low-water periods when practical.[8] Construction of the proposed pumps involves the discharge of dredged or fill material into approximately 43.6 acres of forested wetlands and other waters of the United States in Issaquena County, Mississippi. According to the FSEIS, the estimated

[8] Operation of the Steele Bayou control gates to maintain water elevations and generation of the environmental benefits associated with this operation is not dependent upon construction of any pumping station.

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federal cost of the proposed action is $220.1 million, with an annual operation and maintenance cost of $2.12 million.[9]

B. Project History

This project was authorized by Congress in the Flood Control Act of 1941 (Flood Control Act of 1941; P.L. 77-228, August 18, 1941), [10] which envisioned a plan to reduce backwater flooding in the Yazoo River Basin through a combination of levees, drainage structures, and pumping stations fully funded by the federal government. This Act also designated Yazoo Backwater Area lands located below 90 feet, NGVD, in elevation to serve as a sump area for surface water storage.

According to the Corps' Yazoo Area Pump Project Post Authorization Change (PAC) Notification Report (dated July 1982; Revised November 1982), the relevant portion of the Flood Control Act of 1941 is Section 3, which states in part:

> *(b) The project for flood control of the Yazoo River shall be as authorized by the Flood Control Act approved June 15, 1936, as amended, by Section 2 of the Act approved June 28, 1938, except that the Chief of Engineers may, in his discretion, from time to time, substitute therefore combinations of reservoirs, levees, and channel improvements; and except that the extension of the authorized project and improvements contemplated in Plan C of the report of March 7, 1941, of the Mississippi River Commission is authorized.*

The March 7, 1941 report by the Mississippi River Commission that is printed in House Document (HD) 359, 77th Congress, reads in part as follows:

> *Plan C...protecting Yazoo Backwater...with headwater plan in operation, Sunflower River dammed by backwater levee, and all drainage pumped...This plan again assumes that pumps of about 14,000 cubic feet per second capacity would be provided to prevent the sump level from exceeding 90 feet, mean*

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[9] According to the project sponsor in its May 2, 2008, comments submitted in response to the Proposed Determination, the annual operation and maintenance cost is $2.24 million.

[10] According to the FSEIS, after the devastating 1927 flood, Congress passed the 1928 Flood Control Act (FCA). This act included a cutoff and channel realignment program, which was initiated in 1932, for the middle section of the Mississippi River. By 1941 this program was beginning to show benefits which included an increased channel carrying capacity and lower river stages. Features for the Yazoo Backwater Area were authorized by the FCA of 1941 and represented a compromise between the states of Arkansas, Louisiana, and Mississippi. The Arkansas and Louisiana congressional delegations wanted the Boeuf and Eudora Floodways on the west bank of the Mississippi River closed. The Mississippi congressional delegation wanted the floodways to remain open and estimated that closing the floodways would put an additional 700,000 cfs of floodwater flow back into the Mississippi River during the Project Design Flood (PDF). This additional flood flow would raise stages of the Mississippi River at Vicksburg by an estimated 5 to 6 feet and induce more flooding in the Yazoo Backwater Area. As a compromise to the closing of the floodways, Congress authorized an increase in the height of the Mississippi River levees and provided for flood protection to the Yazoo Backwater Area through a combination of levees, associated drainage channels, floodgates, and pump stations. The FSEIS notes that, the observed benefits from the cutoff and channel realignment program may also have played a role in the changes authorized by the FCA of 1941.

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Gulf level, at average intervals of less than 5 years. Due to the small amount of cleared land below contour 90 there does not seem to be much advantage in holding the sump to lower levels....

The PAC report goes on to say that although levees, channel work, and pumps were authorized by the Flood Control Act approved on August 18, 1941, both World War II and the Korean War occurred during the time work on these structures would have been accomplished. In 1954, Congress directed the Chief of Engineers to review all MR&T Projects to determine if modifications were needed. This review was completed in 1959 and the Chief of Engineers recommended modification of several projects, including the Yazoo Backwater Project. The major modifications to the Yazoo Backwater Project were deletion of the Big Sunflower and Deer Creek drainage structures, the inclusion of a 27-mile connecting channel between the Little Sunflower and Steele Bayou drainage structures, and "the deferral of construction of pumping plants until some future time, with the number, location, and size of the pumps to be determined if and when future conditions and economic justification warranted installation."

Regarding the proposed pumping stations, the Vicksburg District Corps, MR&T Comprehensive Review Report, Annex L, Yazoo Backwater Project Mississippi at 20 (November 1959) reads in part as follows:

Since the original authorization for Yazoo Backwater Protection, important hydraulic changes have taken place due to improvement of channel efficiency in the Mississippi River and to reservoirs and channel improvement in the Yazoo Basin headwater area. These have resulted in less frequent flooding, and shorter duration of flooding, which makes it feasible to develop a simplification of the authorized plan by eliminating pumping at a large saving in project cost. . . . It is apparent that a protection plan for the Yazoo Backwater Area involving levees and floodgates only, which was not feasible under earlier conditions, is now feasible, and will provide a high degree of protection for the foreseeable future without the necessity of pumping.

Consistent with the PAC report, according to the FSEIS, as a result of the Comprehensive Review of the MR&T Project Report dated April 6, 1962 (HD 308/88/2), the Chief of Engineers modified the authorized plan for the backwater area to include a connecting channel between the Sunflower River and Steele Bayou, with all interior drainage evacuated through the Little Sunflower and Steele Bayou structures. The Chief of Engineers Report reads in part as follows:

". . . I believe that, at some future time, protection of some areas in the Yazoo Backwater by pumping may be warranted. Since the new plan developed by the Mississippi River Commission is proposed for construction under existing project authorization, selection of this plan does not affect those authorizations, which I consider sufficiently broad to permit selection of location and capacities of pump stations, or a combination of gravity and pumped drainage, as future developments dictate."

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Over the next 19 years, the Corps planned and executed key flood control projects in the Yazoo Backwater Area, including: construction of the Will M. Whittington Auxiliary Channel and Levees in 1962; construction of the Steele Bayou and Little Sunflower flood control gates, which were completed in 1969 and 1975, respectively; construction of the Yazoo Backwater Levee completed in 1978; and construction of the Sunflower River to Steele Bayou Connecting Channel also completed in 1978. The PAC report notes that these levee and drainage structures protect the Yazoo Backwater Area from Mississippi River backwater floods. However, ponding of runoff from the delta presents a flooding problem when the Steele Bayou and Little Sunflower drainage structures are closed due to prolonged high stages on the Mississippi River. A reevaluation of the proposed pumping plant plan was initiated in 1978 to determine if conditions had changed sufficient to justify moving forward with the pumping plant component of the project and if so the best plan for reducing damages in the Yazoo Backwater Area.

According to the PAC report, at the time of initial authorization in 1941, 20 percent of the project area was cleared but only 2 percent of those lands below the 90-foot contour were cleared. However, by 1978, approximately 74 percent of the 539,000-acre [1982] project area had been cleared, including 59,000 acres or 43 percent of the lands below the elevation 90 feet, NGVD.

The PAC report and the FSEIS describe the originally authorized project as a plan with three separate pumping plants at Big Sunflower River, Deer Creek, and Steele Bayou with a combined 14,000 cfs of pumping capacity and with pump-on elevations of 80 feet, NGVD. Based on the reevaluation of the proposed pumping plants, the PAC report recommended a revised plan with a pumping capacity of 17,500 cfs and a pump-on elevation of 80 feet, NGVD (pump-on elevation of 85 feet, NGVD from December 1 – March 1).[11] According to the report, the "increase in agricultural lands provides the basis for the increase in pumping capacity."

The PAC report also revises the originally authorized plan by consolidating the three separate pumping plants proposed in the authorized plan into a single pumping plant at Steele Bayou. The report notes that the construction of the connecting channel completed in 1977-8 between the Big Sunflower and Little Sunflower Rivers and Steele Bayou intercepts flow from all of the tributaries within the project area. The chronology of events described in the PAC report and the FSEIS indicate that the decision to build the connecting channel and its completion predate the Corps' decision to: 1) reinitiate the pumping station portion of the Yazoo Backwater Area Project which was suspended in 1959, and 2) the Corps' ultimate decision regarding the number, size and location of pumping plants which was not approved by Corps Headquarters until 1983.[12] However, the report does note that the previous investment in the connecting channel made the construction of a single pumping plant possible and apparently less costly than the construction of three separate plants as originally authorized.

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[11] This revised project is commonly referred to as the "1982 plan" or "1982 project".

[12] The project sponsor has argued that the single pumping station currently proposed at the Steele Bayou location is the "culmination of early steps" and that the Sunflower River to Steele Bayou Connecting Channel completed in 1978 was built with the single pumping station at Steele Bayou in mind. This statement does not appear to be consistent with the chronology of events established by the Corps in its PAC report and FSEIS. See also February 3, 1983 memo from Corps Headquarters to the President of the Mississippi River Commission approving the PAC Report.

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As noted in the PAC report, this 25 percent increase in the capacity of the pumping plant expanded the scope of environmental impacts associated with the project and raised concerns and opposition to the project. The revised plan was described in the Draft Environmental Impact Statement (DEIS) dated March 1982 that was released by the Corps for review and comment.

In April 1982, EPA Region IV provided comments on the DEIS for the 1982 version of the proposed project. EPA comments on the DEIS highlighted concerns regarding the proposed project's potentially extensive impacts on wetlands and associated fish and wildlife habitat and its belief that a less environmentally damaging design would meet the project's objectives. EPA Region IV stressed the importance of the flood water storage and water quality enhancement functions provided by area wetlands and expressed its concerns that the proposed project would degrade these critical functions. EPA Region IV also expressed concerns that the project would stimulate agricultural intensification in flood-prone areas, potentially increasing suspended solids, pesticides, and fertilizers in the water column, and exacerbate existing water quality problems.

The Final Environmental Impact Statement (FEIS) was filed with EPA in March 1983. The FEIS states that the 1982 project would adversely impact approximately 17,500 acres of wetlands.[13] It also states that although the District Engineer had originally adopted the FWS's recommended compensatory mitigation plan which entailed fee title acquisition of 32,800 acres or acquisition of 40,000 acres of easements (or a combination thereof) of bottomland hardwood forested wetlands, at the recommendation of the Mississippi River Commission this amount was reduced to 11,300 acres in the FEIS. In EPA Region IV's May 1983 comments on the FEIS we reasserted concerns similar to those raised by our comments on the DEIS. EPA Region IV's review of the FEIS concluded that the project would likely "decrease water quality in the area through increases in suspended solids, pesticides and fertilizers; reduce natural overbank flooding and decrease nutrient assimilation by wetland vegetation; transfer flood peaks downstream; serve as a precedent to similarly convert other bottomland hardwood remnants in the lower Mississippi River Valley; and greatly diminish a fish and wildlife resource, which, due to previous clearing elsewhere, has become nationally valuable." Additionally, EPA Region IV expressed concerns that the proposed mitigation would not adequately minimize and offset the extensive adverse environmental impacts associated with the proposed project and urged the Corps to reconsider its decision to reject the FWS's proposed mitigation plan.

The FWS also raised similar concerns regarding the proposed project. According to FWS, its first report on the Yazoo Backwater Area Project and related flood control projects in the Yazoo River Basin was issued in 1956. This report concluded that losses of fish and wildlife resources

[13] In February 2008, the Corps reevaluated the impacts associated with the 1982 project using its current impact assessment methodologies and determined "post-hoc" that the 1982 project would actually impact approximately 137,000 acres of wetlands, almost eight times more than was estimated in the 1983 FEIS. The Corps and project sponsor currently argue that because EPA did not initiate a section 404(c) review for the 1982 project it should not be doing so now for the 2007 proposal because, based on this "post-hoc" analysis, the 2007 project represents an 80% reduction in wetland functional losses over the 1982 project. We do not find this argument persuasive. EPA raised significant concerns regarding the level of impacts acknowledged by the Corps in the 1982 DEIS and 1983 FEIS at that time; and we stressed the need to reduce those impacts through use of less damaging alternatives and more commensurate mitigation.

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as a result of the construction of the Yazoo Headwater Project and Yazoo Backwater Project would be large, and that the proposed pumps would promote large scale clearing of forests and intensification of agriculture in wetlands. In February 1978, FWS provided a Fish and Wildlife Coordination Act report to the Corps which concluded that the pumping plant was environmentally unsound, and that the Service was opposed to the project as planned. A subsequent Fish and Wildlife Coordination Act report submitted in June 1982 noted continued concerns with the proposed project and indicated that it may consider the project a candidate for referral to the Council on Environmental Quality (CEQ).

The Record of Decision (ROD) for the FEIS was signed on July 7, 1983. The Mississippi River Commission transmitted the signed ROD to EPA's Office of Federal Activities in a letter dated July 18, 1983. In July 1984, the U.S. Army Chief of Engineers responded to EPA Region IV's May 1983 comments regarding the inadequacy of the proposed mitigation. In his letter, the U.S. Army Chief of Engineers indicated that his "decision to recommend a reduced level of mitigation was based on recognition that over half of the woodlands in the project area are already in federal ownership, that a number of structural and operational measures have been approved to partially offset fish and wildlife losses, and that any additional mitigation measures recommended for authorization should be confined to those required to compensate for losses associated with the authorized pump plant."

Notwithstanding the concerns expressed by EPA and FWS, construction on the project was initiated; however, work subsequently halted in 1986 after the Water Resources Development Act (WRDA) of 1986 modified the funding for the project by requiring a local cost-share. Under this new provision, the local project sponsor would provide the lands, easements, rights-of-way, relocations, and disposal areas for the project, or 25 percent of the construction cost, whichever was greater. Work on the project effectively halted. The reauthorization of WRDA ten years later in 1996 reversed the cost-sharing provisions established in 1986 and restored the project to full federal funding and work on the project began once again.

In 1997, EPA initiated an ecosystem restoration prioritization analysis with the U.S. Geological Survey (USGS). This work evolved into ecological and economic model development for nonstructural floodplain management alternatives in the Yazoo Backwater Area. Between 1998 and 2000, EPA participated in a series of interagency and stakeholder meetings with the Corps, USGS, FWS, the Virginia Polytechnic Institute and State University, and representatives of the Board of Mississippi Levee Commissioners to present the finding of these studies and discuss concerns regarding the proposed project and potentially less environmentally damaging alternatives.

In 2000, EPA also participated in multiple meetings at the request of the project sponsor with a group composed of the Mississippi Department of Environmental Quality, Mississippi Department of Wildlife, Fisheries and Parks, the Corps, FWS, Board of Mississippi Levee Commissioners and Yazoo Backwater Area landowners in which we discussed our concerns with the proposed project. EPA also voiced its concerns with the proposed project in meetings with the Office of Management and Budget (OMB), CEQ and representatives from Corps Headquarters in February and March of 2000.

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In September 2000, the Corps released the project's Draft Supplemental Environmental Impact Statement (DSEIS). One of the purposes of this reformulation of the project's 1982 FEIS was to respond to a 1991 directive from OMB to evaluate a broader suite of alternatives to the proposed project that would provide: 1) greater levels of flood protection for urban areas; 2) reduced levels of agricultural intensification; and 3) reduced adverse impacts to the environment. The OMB directive also stated that the revised evaluation should include "full consideration of predominantly nonstructural and nontraditional measures" to address flooding issues.

EPA recognizes the considerable work that was done by the Corps and project sponsor to reduce the scale of the project and the extent of associated environmental impacts between the 1983 FEIS and the 2000 DSEIS. For example, the pump capacity was reduced from 17,500 cfs back down to its pre-1982 level of 14,000 cfs and the pump-on elevation was increased from 80 to 87 feet. Significant efforts were also made to improve the mitigation and reforestation components of the project. Despite these improvements, EPA Region IV remained concerned with the proposed project's extensive impacts to wetlands and associated fish and wildlife resources, its potential to exacerbate existing water quality problems in the Yazoo Backwater Area, the inadequacy of the proposed compensatory mitigation, and the uncertainty associated with the proposed reforestation and expressed these significant concerns in a November 3, 2000, letter to the Corps on the DSEIS. EPA Region IV also identified, for further consideration, a number of potentially less environmentally damaging alternatives that emphasized nonstructural and nontraditional measures to address flooding issues. EPA Region IV concluded that the project was environmentally unsatisfactory and noted that it was a candidate for referral to CEQ under section 309(b) of the Clean Air Act and the CEQ regulations at 40 CFR part 1504 and for further action under CWA section 404(c).

Between 2002 and 2005, EPA Region IV worked with the Corps to improve the evaluation of the extent of wetlands in the Yazoo Backwater Area, the extent of wetlands potentially impacted by the project, and the nature and degree of these impacts. This work involved numerous site visits and extensive data collection in the Yazoo Backwater Area, meetings, and conference calls. In December 2005, EPA Region IV provided detailed technical comments on the revised draft Wetland and Mitigation appendices for the DSEIS outlining a number of concerns regarding the evaluation approaches used in these appendices. EPA noted that the Corps' approach resulted in an underestimation of the potential adverse impacts to wetlands and fish and wildlife resources associated with the construction and operation of the proposed pumps and an overestimation of the potential environmental benefits associated with the proposed reforestation.

In November 2007, the Corps released the Yazoo Backwater Area Reformulation Main Report and Final Supplemental Environmental Impact Statement (FSEIS)[14]. Although the Corps responded to many of EPA's November 2000 comments on the DSEIS, no substantive modifications had been made to the structural component of the proposed project since November 2000. In a January 22, 2008, letter to the Corps on the FSEIS, EPA Region IV concluded that the nature and extent of anticipated adverse environmental impacts continue to be significant and that EPA continued to have significant concerns with the proposed project including: 1) magnitude of anticipated impacts to wetlands and associated fish and wildlife

[14] U.S. Army Corps of Engineers' Yazoo Backwater Area Project Reformulation Main Report and FSEIS: http://www.mvk.usace.army.mil/offices/pp/projects/YBR_Report/index.html

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resources; 2) compliance with the CWA's substantive environmental criteria (i.e., the Section 404(b)(1) Guidelines); 3) uncertainties with the proposed reforestation plan; 4) changes in land use; 5) environmental justice (EJ) considerations; 6) uncertainty with the economic analysis; and 7) the evaluation of potential project alternatives. EPA Region IV again identified the project as a candidate for referral to CEQ and for further action pursuant to our authorities under the CWA.

In its January 18, 2008, comment letter to the Corps regarding the FSEIS, the FWS shared similar concerns, particularly those associated with the proposed project's potentially unacceptable adverse effects on fish and wildlife resources. The FWS also reiterated its determination of the project as a candidate for referral to CEQ.

On February 1, 2008, EPA Region IV's Regional Administrator informed the Corps and the Board of Mississippi Levee Commissioners of his intent to initiate a CWA section 404(c) review of the proposed project, based on his belief that the project may have an unacceptable adverse effect on fish and wildlife resources. During the 15-day response period following the 404(c) initiation letter (which was extended to March 3, 2008) EPA Region IV met with representatives from the Corps and Board of Mississippi Levee Commissioners. In addition, EPA Region IV had a number of conference calls with the Corps during this consultation period to discuss specific technical concerns we had with the Corps' analysis (many of which are discussed in this Final Determination).

EPA Region IV held a meeting with the Corps, the project sponsor, and the FWS on February 29, 2008, during the initial consultation period. At this meeting, the Corps proposed two alternatives to the project (i.e., 2007 FSEIS Plan 5) in an attempt to reduce project impacts to an acceptable level. One of these alternatives was Plan 6 from the 2007 FSEIS and the second was described by the Corps as a modification of Plan 6. As described in Table 1, both new alternatives include the same 14,000 cfs pumping station as the proposed project. However, both of these alternatives include modifications to the pump-on elevation and amounts of proposed reforestation and compensatory mitigation as compared to Plan 5. Plan 6 also changes the Water Management feature while Modified Plan 6 changes the Mitigation Acquisition feature. As noted in the FSEIS, Plan 6 reduces impacts to wetlands from 67,000 to approximately 48,000 acres. While the Corps had not developed precise estimations of wetland impacts associated with its Modified Plan 6, it noted that this value would likely fall between 28,408 and 48,066 acres, the impact estimates for FSEIS Plans 7 and 6 respectively. EPA Region IV had fully evaluated all ten alternatives included in the FSEIS during its review pursuant to National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq*). EPA Region IV also fully considered Modified Plan 6 based on the information provided by the Corps subsequent to the release of the FSEIS. However, it found that both alternatives proposed by the Corps during the initial consultation generate similar concerns as Plan 5. These include the magnitude of the impacts to wetlands and their associated fisheries and wildlife resources, the inadequacy of the compensatory mitigation to reduce these impacts to an acceptable level and the uncertainty of the proposed reforestation to provide the level of environmental benefits contemplated by the Corps. The Regional Administrator was not satisfied that no unacceptable adverse effect would occur, or that adequate corrective action would be taken to prevent an unacceptable adverse effect. Thus, EPA Region IV took the next step in the section 404(c) process – publication of a Proposed Determination in the Federal Register.

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Table 1. Comparison of alternatives proposed at February 2008 initial consultation meeting.

Feature	Plan 5	Plan 6	Modified Plan 6
Pump Station Capacity (cfs)	14,000	14,000	14,000
Pump Elevation (NGVD) March – November	87.0'	**88.5'***	**88.5'**
Pump Elevation (NGVD) December - February	87.0'	**88.5'**	**91.0'**
Reforestation (acres) [includes historic and current compensatory mitigation]	55,600	**81,400**	**81,400**
Compensatory Mitigation (acres) [includes historic and current compensatory mitigation]	15,029	**6,913**	**9,156**
Mitigation Acquisition	- Willing sellers - Easement	- Willing Sellers - Easement	- Willing Sellers **- Fee Title or Restrictive Easement**
Water Management	- Hold 70.0 to 73.0'	- Hold 70.0 to 73.0' **- Reintroduce to 87.0'**	- Hold 70.0 to 73.0'
Wetland Impacts (acres)	66,945	**48,066**	**28,408 – 48,066****

*Items in bold represent a change from Plan 5.
**Corps indicated that it had not calculated this estimate but that its value would fall between the impact estimates for FSEIS Plans 6 and 7.

On March 19, 2008, the Regional Administrator published a Proposed Determination to prohibit, restrict, or deny the specification, or the use for specification, of certain waters of the United States in Issaquena County, Mississippi, as a disposal site for the discharge of dredged or fill material in connection with the construction of the proposed Yazoo Backwater Area Pump Project. In accordance with 40 CFR 231.3(a)(2), EPA Region IV published notice of the Proposed Determination in the Federal Register on March 19, 2008 (73 FR 14806). The notice established a public comment period from March 19 to May 5, 2008 and indicated a public hearing would be held. Notice of the Proposed Determination and of the public hearing was also published in the Delta Democrat-Times on March 19, 2008, the Clarion Ledger and Deer Creek Pilot on March 20, 2008, and the Vicksburg Post on March 22, 2008.

EPA Region IV conducted the public hearing at the Vicksburg Convention Center on April 17, 2008. Approximately 500 people were in attendance for the five-hour hearing. A total of 67 people provided oral statements, including one representative from the Corps' Vicksburg District and four individuals representing the project sponsor. Of the 62 people not directly affiliated with the project, 32 people spoke in opposition to the proposed pumps project, 29 spoke in favor of the pumps project and one person did not specify a position. Several of these speakers urged EPA to move promptly to prohibit the project. Representatives of U.S. Senator Thad Cochran

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and Mississippi Governor Haley Barbour urged EPA to stop the 404(c) process pending further discussions on appropriate means of flood control for this area of the Mississippi Delta.

The public comment period ended on May 5, 2008. EPA received approximately 47,600 comment letters including approximately 1,500 individual comment letters and 46,100 mass mailers.[15] Looking at the 1,500 individual letters, 97.29 percent urged EPA to prohibit the proposed pumps project and 2.52 percent supported construction of the proposed pumps project. In addition, all of the mass mailers urged EPA to prohibit discharges to waters of the United States associated with the proposed project.

Within the state of Mississippi, approximately 461 residents submitted written comments during the public comment period or spoke at the public hearing. Of these, 417 expressed support for EPA's proposal and 43 favored construction of the pumps. EPA Headquarters received two additional comment letters from private citizens living within the project area on July 26, 2007; both letters expressed support for the proposed project. By analyzing zip codes and other address data, when available, we were able to determine that a total of 31 residents of the Yazoo Backwater Area expressed an opinion on the project either at the public hearing, in written comments, or both. Of these 31, four expressed support for EPA's position, 26 expressed support for construction of the pumps and one did not express an opinion.

Commenters in support of EPA Region IV's position echoed the Region's concerns regarding the extensive level of anticipated adverse environmental impacts associated with the proposed project. These impacts are described in more detail in the Recommended Determination and this Final Determination. Additionally, numerous commenters in support of EPA Region IV's position expressed concerns that the project would allow more intensive agricultural practices on marginal farmland that would in turn increase farm subsidy payments and that taxpayers would bear the burden of any economic gains from the project. Numerous commenters also questioned whether such a substantial amount of federal taxpayer money is needed to address the "limited" flooding that occurs within the "sparsely" populated project area, and whether the money allocated to construct and operate the pumps would be better spent addressing the more pressing needs of the region, such as economic development opportunities.

Those in support of the proposed project, including a number of local county officials and the project sponsor believe the project would alleviate flooding damages and is part of a long standing commitment to residents of the project area. These commenters stressed that the pumps are the final piece of a larger flood control plan for the Yazoo Backwater Area. Those in support of the proposed project also stated that periodic flooding contributes to the poor economy of the area because of public service interruption, road damage, people moving away from the area, and agriculture/crop damage. They noted that flooding does not yield to emergency services or school buses, and destroys many kinds of infrastructure. They believe that without the flood protection provided by the pumps, future economic development of the South Delta Region is seriously diminished. Some of these commenters cited the flooding that occurred this past spring in Mississippi and their belief that the pumps could have been used to diminish the damaging

[15] Public comments received in response to EPA Region IV's Proposed Determination may be viewed and downloaded at www.Regulations.gov, Docket Number EPA-R04-OW-2008-0179. See: http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=EPA-R04-OW-2008-0179

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effects of these floods. Further, several commenters, including the project sponsor and the Corps, also suggested that the project would improve water quality and enhance wildlife habitat.

All of the comment letters received by EPA during this section 404(c) review were carefully considered in the preparation of the Recommended Determination and this Final Determination. The following section (C. EPA Headquarters Actions) elaborates on the significant issues raised by the project sponsor, the Corps, and the Department of the Army. Appendix 1 of this Final Determination contains EPA's detailed responses to the major issues raised by the public, the project sponsor, the Corps, and the Department of the Army.

EPA's regulations require that the Regional Administrator either withdraw the Proposed Determination or prepare a Recommended Determination within 30 days after the conclusion of the public hearing, in this case by May 17, 2008 (40 CFR 231.5(a)). However, in order to allow full consideration of the extensive record, including the 47,600 public comments EPA received, Region IV extended the time period provided in 40 CFR 231.5(a) for the preparation of this Recommended Determination until no later than July 11, 2008 (73 FR 27821). This time extension was made under authority of 40 CFR 231.8, which allows for such extensions upon a showing of good cause. EPA Region IV reviewed the information provided during the public comment period, and completed its review in advance of this date.

The Recommended Determination was signed by the Regional Administrator on June 23, 2008, and represents the culmination of EPA Region IV's section 404(c) review of the proposed Yazoo Backwater Area Project. Pursuant to the section 404(c) regulations (40 CFR part 231), the Recommended Determination and its administrative record were submitted to EPA Headquarters on July 2, 2008, initiating the time period for review and final action by EPA's Assistant Administrator for Water.

C. EPA Headquarters' Actions

The proposed Yazoo Backwater Area Project is a complex project with a long history. Recognizing the Headquarters role as decision maker on any final action to prohibit or restrict the project, EPA Headquarters has been engaged in the section 404(c) review since it was initiated on February 1, 2008. Staff from EPA Headquarters attended the public hearing in Vicksburg, Mississippi, and heard first-hand the testimony provided by those who live and work in the South Delta. EPA Headquarters staff also visited the project area on April 17, 2008, five days before the Mississippi River crested at the Steele Bayou flood control structure.[16]

On June 24, 2008, EPA Administrator Stephen L. Johnson and Assistant Administrator for Water Benjamin H. Grumbles met, at their request, with U.S. Senators Thad Cochran and Roger Wicker and Representative Bennie Thompson to discuss an alternative to EPA's ongoing section 404(c) review of the proposed Yazoo Backwater Area Project. At this meeting, Administrator Johnson discussed with the delegation the value of convening an intergovernmental working

[16] On April 23, 2008, water levels on the riverside of the Steele Bayou flood control structure crested at 100.1 feet, NGVD, 1.2 feet shy of the record high stage in 1973. Landward of the Steele Bayou flood control structure, inside the Yazoo Backwater project area, peak water elevations reached 92.2 feet, NGVD, roughly equivalent to the 2-year floodplain (http://www2.mvr.usace.army.mil/WaterControl/new/layout.cfm)

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group to explore alternatives to the current project that appropriately balance flood control and environmental objectives. Administrator Johnson indicated that completion of the section 404(c) review would not preclude such initiatives; rather, the information and results from EPA's review could inform discussions on what are viable alternatives. Administrator Johnson also committed to providing the Mississippi Congressional delegation with copies of the Recommended Determination, which EPA staff hand-delivered to the U.S. House and Senate buildings the following day.

In accordance with the section 404(c) regulations at 40 CFR 231.6, the Assistant Administrator for Water offered the opportunity for final consultation to the Office of the Assistant Secretary of the Army for Civil Works and the Mississippi Board of Levee Commissioners, by letters dated July 2, 2008. The letters provided the Department of the Army and the project sponsor an opportunity to present additional relevant information for the record, including information about any corrective actions that could be taken to prevent unacceptable adverse effects from the proposed project. Further, the letters offered an opportunity to respond to the Recommended Determination to the extent that it raises issues not presented in the Proposed Determination or that it relies on information in the administrative record that was not available at the time the Corps and project sponsor provided comments on the Proposed Determination. As required under the regulations, the Department of the Army and the Mississippi Board of Levee Commissioners were requested to provide any comments within fifteen days of the date of the letter (i.e., July 17, 2008). Finally, the letters offered an opportunity to meet with EPA representatives and discuss any issues related to the section 404(c) review of the Yazoo Backwater Area Pump Project.

The Mississippi Board of Levee Commissioners responded to the consultation notification in a letter dated July 8, 2008, by requesting a 30-day time extension of the final consultation period as well as a meeting with EPA and the Corps. EPA replied in a letter dated July 10, 2008, granting the project sponsor a fifteen day extension, until August 1, 2008, to provide comments. This time extension acknowledged the need to balance the project sponsor's request with the schedule established in the section 404(c) regulations.

On July 22, 2008, the project sponsor submitted initial comments on the Recommended Determination. The major points raised in the letter were also discussed during a meeting held with the Mississippi Board of Levee Commissioners and their counsel on the morning of July 25, 2008, at the EPA's Headquarters Offices in Washington, D.C. The Assistant Administrator for Water presided over the meeting, which was also attended by the Assistant Secretary of the Army for Civil Works, EPA Region IV's Regional Administrator for the section 404(c) action,[17] as well as management, staff, and counsel from EPA and the Assistant Secretary of the Army for Civil Works/Corps of Engineers Headquarters Offices. During the meeting (and in the July 22, 2008 letter), the project sponsor raised six major points: 1) EPA lacks the legal authority to invoke section 404(c) in this case because the project is exempt from most CWA requirements, including section 404(c), due to section 404(r) of the CWA; 2) EPA has exceeded its authority under section 404(c) by recommending a prohibition that would affect the six counties encompassed by the project area; 3) the Recommended Determination does not respond to their previous comments or those provided by the Corps, including the issue of fairness to the people

[17] In this case, EPA's Deputy Regional Administrator for Region VI. See footnote #1.

living in the South Delta; 4) EPA has ignored the significant changes made to the project since 1982 to reduce adverse environmental impacts and enhance environmental benefits; 5) EPA has not identified a less environmentally damaging alternative; and, 6) the Recommended Determination improperly characterizes project impacts. In conclusion, the project sponsor specifically requested that the Recommended Determination be rescinded and remanded back to the Corps.

On August 1, 2008, the Mississippi Board of Levee Commissioners provided additional, detailed comments on the Recommended Determination. The project sponsor also reiterated its request for a time extension to complete its review. EPA responded by granting the project sponsor a second extension of fifteen days, until August 15, 2008, in a letter dated August 1, 2008. On August 15, 2008, the Mississippi Board of Levee Commissioners submitted a third set of comments on the Recommended Determination, including detailed comments on the June 2008 FWS report contained in Appendix 4 of the Recommended Determination, the Recommended Determination's discussion on Environmental Justice, and the information submitted by the Assistant Secretary of the Army for Civil Works in their August 1, 2008 letter (see below). The project sponsor also provided numerous news reports and articles on the effects of recent flooding events along the Mississippi River.

The substantive issues raised by the Mississippi Board of Levee Commissioners in their letters and at the July 25, 2008 meeting are addressed within the context of the discussion and analysis of the project throughout this Final Determination. EPA's detailed responses to the issues raised by the project sponsor during the July 25, 2008, meeting and in their comment letters to the Agency submitted during the public comment period on the Proposed Determination and during the final consultation period are supplied in Appendix 1. In addition, notes from the July 25, 2008, meeting were prepared by EPA staff and placed in the administrative record.

The Department of the Army also requested an unspecified time extension to the final consultation period in an email sent to EPA on July 15, 2008. EPA granted the Department of the Army the same fifteen day extension provided to the Mississippi Board of Levee Commissioners on July 10, 2008 (i.e., until August 1, 2008) in an email reply the same day. In addition, the Assistant Secretary of the Army for Civil Works met with the Assistant Administrator for Water in the afternoon on July 23, 2008. The discussion focused primarily on the Assistant Secretary of the Army for Civil Works' concern with the potential policy implications that EPA's determination could have on other water resources programs, projects and activities, and in particular the use of pumps as an acceptable method for flood damage reduction. The Assistant Secretary of the Army for Civil Works also stated his belief that EPA should commit to finding an alternative flood damage reduction solution for the area. A summary of the July 23, 2008, meeting was placed in the administrative record.

On August 1, 2008, the Assistant Secretary of the Army for Civil Works submitted two letters to EPA in response to the Recommended Determination. One letter provided the Department of the Army's comments on the Recommended Determination and summarized the main concerns raised by the Assistant Secretary of the Army for Civil Works during the July 23, 2008, meeting with the Assistant Administrator for Water. The second letter forwarded additional scientific and technical information developed by the Corps Vicksburg District for consideration as part of the

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section 404(c) review. Eight attachments were provided that contain information on a number of topics including hydrology, larval fish sampling, environmental effects, compensatory mitigation, and species richness.

EPA reviewed the supplemental scientific and technical information provided by the Corps and, where necessary, clarified the relevant information in the Final Determination. The other substantive issues raised by the Department of the Army at the July 23, 2008, meeting and in their August 1, 2008, letter are addressed within the context of the discussion and analysis of this case throughout this Final Determination. EPA's detailed responses to the issues raised by the Assistant Secretary of the Army for Civil Works and the Corps are contained in Appendix 1.

Additional correspondence received by EPA during the final consultation period includes a letter from Representative James Oberstar, dated June 24, 2008, requesting a report on the status of the Proposed Determination. The letter highlighted the importance of EPA's section 404(c) review to the U.S. House of Representatives, Committee on Transportation and Infrastructure and the need for the Agency's Final Determination to be based on a rigorous and open assessment of all available information. Chairman Oberstar emphasized his concern for the project's significant potential adverse impacts to waters of the United States. In a letter dated July 9, 2008, EPA informed Chairman Oberstar that its Headquarters Office was in the process of completing a final review of the project before making a decision whether to affirm, rescind, or modify the Recommended Determination. EPA also acknowledged that section 404(c) is an effective tool available to EPA to ensure protection of our Nation's water resources, and as a result, EPA is judicious in using its section 404(c) authority. EPA agreed with Chairman Oberstar that the Yazoo Backwater Area Project warranted close scrutiny by EPA due to the potentially unacceptable adverse effects on fish and wildlife resources.

EPA also received a letter from U.S. Senators Cochran and Wicker, dated July 18, 2008, which raised the issue of EPA's legal authority to pursue section 404(c) in the context of the proposed project and provided a copy of a Congressional Research Service (CRS) memorandum on the limited exemption for certain federal projects included under section 404(r) of the CWA. EPA provided an initial response to the Senators on July 25, 2008, indicating that EPA had consulted with the Corps and carefully reviewed the requirements, preconditions, and legislative history of CWA section 404(r) prior to initiating section 404(c) review on February 1, 2008. Based on information available at the time, EPA determined that 404(r) was not applicable to the Yazoo Backwater Area Project because the statutory preconditions for qualification under section 404(r) had not been met. EPA also indicated that additional time was needed to evaluate information provided by the Mississippi Board of Levee Commissioners at the July 25, 2008, meeting relevant to this issue. EPA subsequently submitted a letter to the Senators on August 6, 2008, stating that while the CRS report provides an accurate description of the meaning of section 404(r), it does not reach a conclusion regarding the applicability of section 404(r) to the proposed project. After further consultation with the Corps, the Department of the Army, and review of all available information, EPA still has no evidence that an EIS for the proposed project was ever submitted to Congress, let alone before the actual discharge of dredged or fill material in connection with the construction of the project occurred, and prior to either authorization of the project or an appropriation of funds for construction. Thus, EPA continues to believe that the limited exemption established at section 404(r) does not apply to the proposed project.

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On July 29, 2008, the Governor of Mississippi, Haley Barbour, sent a letter to EPA referencing the letter from Senators Cochran and Wicker regarding section 404(r), and similarly questioned EPA's legal authority to invoke section 404(c). The Governor also suggested that an intergovernmental working group be convened to explore alternatives to the current pump project that satisfy both flood control and environmental objectives. The Governor requested that EPA delay its final determination for at least 90 days to allow this process to work. EPA agreed with the Governor's suggestion regarding the value of an interagency work group by letter dated August 1, 2008. However, the letter also stated that EPA expects to proceed to complete its review of the Yazoo Backwater Area Project on a schedule that is consistent with the timeframes established in our regulations. Further, EPA expressed its belief that information and decisions that result from the section 404(c) review of the Yazoo Backwater Area Project will be valuable to the working group and help to inform their discussions and facilitate the preparation of timely recommendations.

A detailed response to comments regarding the applicability of section 404(r) raised by the project sponsor, U.S. Senators Cochran and Wicker, and Governor Barbour, is provided in Appendix 1. The project sponsor has also requested information from EPA regarding section 404(r) under the Freedom of Information Act (FOIA) on August 7, 2008. While EPA will respond to the project sponsor's request, the Agency does not feel it is necessary or appropriate to delay this Final Determination until EPA has responded to their request. Section 404(r), while having potential implications on the use of section 404(c) by EPA to review federal projects is not a part of the section 404(c) review process and in this case EPA has already determined that section 404(r) is not applicable to the proposed project.

Finally, on July 10, 2008, FWS Director, H. Dale Hall, sent a letter to EPA in support of the Recommended Determination. In the letter, the FWS concurred with EPA's conclusion that the Yazoo Backwater Area Project would result in significant degradation and unacceptable adverse effects on wildlife and fisheries resources. The FWS also expressed appreciation for the Recommended Determination's acknowledgment of the full breadth of the proposed project's anticipated adverse impacts to its four National Wildlife Refuges located within the project area.

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III. SITE CHARACTERIZATION

A. Site Ecology

The Lower Mississippi River Alluvial Valley (LMRAV) was a 25 million acre area of forested wetlands that extended along both sides of the Mississippi River from Illinois south to Louisiana and the Gulf of Mexico. Saucier (1994) and Klimas et al. (2005) point out the effect the Mississippi River has had upon topographic diversity in the LMRAV and in the Yazoo River Basin. The effects of glaciation and the subsequent fluvial response of the Mississippi River, has created landforms which are the basis for the various wetland types in the Yazoo Backwater Area. Smith and Klimas (2002) indicate that the Yazoo Basin has 4 hydrogeomorphic (HGM) classes and 7 different wetland subclasses based on the geomorphology of the Yazoo Basin. These classes and subclasses are listed in Table 2 and illustrated in Figure 2.

Table 2. Hydrogeomorphic classes and subclasses of the Yazoo Basin (Smith and Klimas, 2002).

HGM Class	HGM Subclass	Class Characteristics
Riverine	Backwater	Wetland within 5-yr floodplain; floodwaters typically back-up into wetland due to high water
	Overbank	Wetland within 5-yr floodplain; Floodwaters typically flow parallel to channel
Fringe	Isolated	Wetland in topographic depression with water >2 m deep; Not within 5-yr floodplain
	Connected	Wetland in topographic depression with water >2 m deep within 5-yr floodplain
Depression	Isolated	Wetland in topographic depression with water <2 m deep; Not within 5-yr floodplain
	Connected	Wetland in topographic depression with water <2 m deep within 5-yr floodplain
Flat		Wetland not in topographic depression and not within 5-yr floodplain

Historically, the extent, hydrodynamics and duration of seasonal flooding from the Mississippi River fluctuated annually, shaped the topography, recharged the LMRAV systems and created a diversity of dynamic habitats that once supported a vast array of fish and wildlife resources. Although floodplains are characterized as being relatively flat in comparison to the surrounding landscape, it has been well documented that variations in the microtopography (i.e., spatial heterogeneity) along with variations in flooding frequency and duration (i.e., hydrologic heterogeneity) leads to an abundance of biodiversity (Schnitzler et al., 2005; Burnett et al., 1998; and Nichols et al., 1998).

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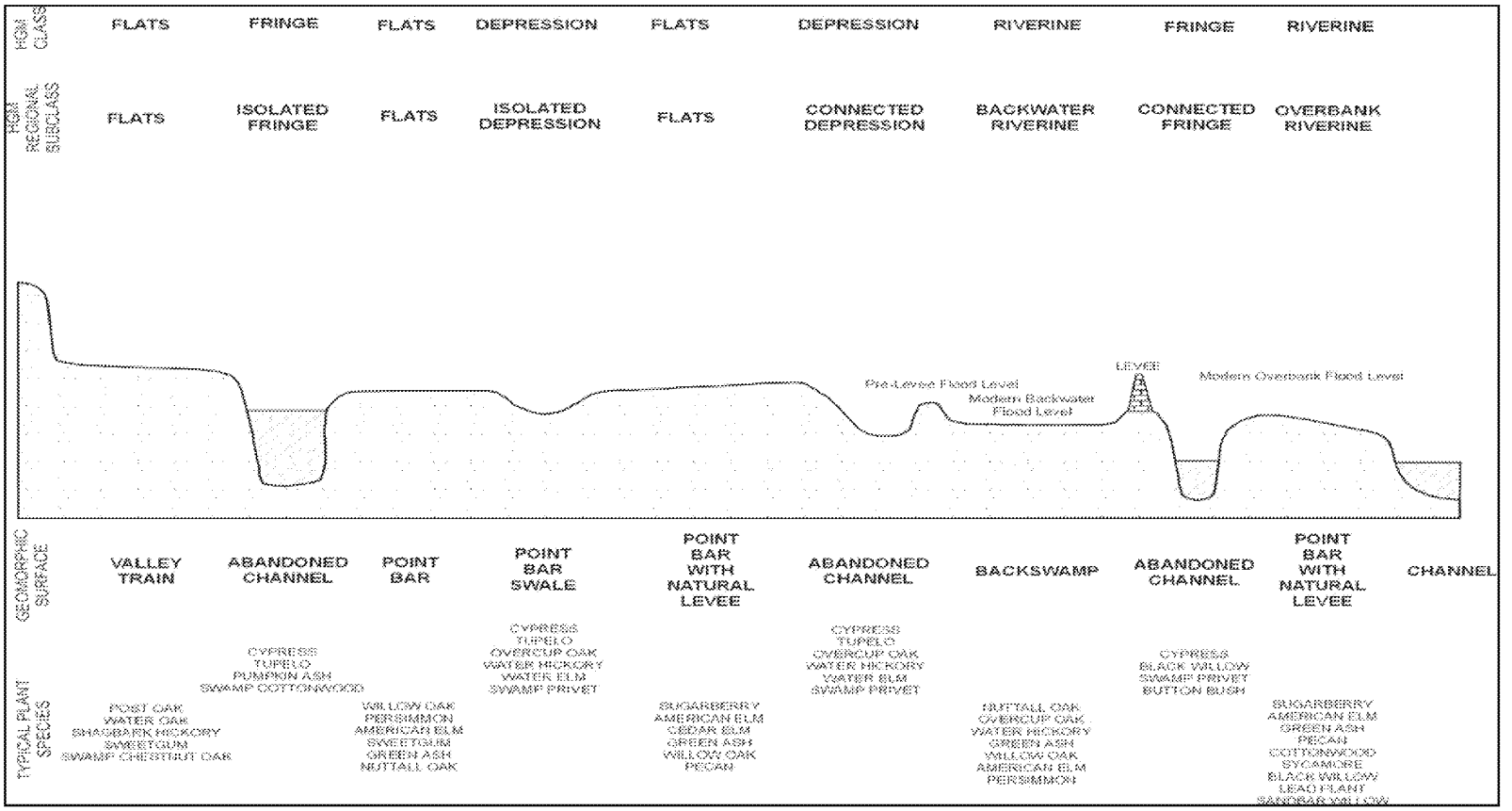

Figure 2. Floodplain cross section and the geomorphic position and dominant plant communities associated with the hydrogeomorphic classes in the Yazoo Basin (from Smith and Klimas, 2002)

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Different wetland species require wet and dry conditions at different times in their life cycle. The various elevations of land in a floodplain combined with various hydrologic events create numerous habitat conditions which are available to animals and plants at different times. It was the spatial and temporal heterogeneity of these bottomland hardwood ecosystems which provided the components for the great biodiversity for which this region was once known (Schnitzler et al., 2005), vestiges of which remain today. The topographic and hydrologic complexity of floodplains is important to the distribution of plant communities, and it is these plant communities that create the primary production necessary to support the immensely diverse food web that make bottomland hardwood ecosystems unique.

Except during major floods, the dominant sources of water in the Yazoo Basin are precipitation and runoff from the hills along the eastern flank of the basin. The only surface outlet is through the Yazoo River, which enters the Mississippi River at the southern end of the basin near Vicksburg. Most stream flow in the Yazoo River originates in the uplands along the eastern flank of the basin and is carried to the Yazoo River via the Coldwater, Yokona, Tallahatchie, and Yalobusha Rivers, and several smaller streams. Interior drainage is provided by numerous small streams that discharge to Deer Creek, the Big Sunflower River, or Bogue Phalia - all of which flow to the lower Yazoo River. The direction of drainage within the basin is generally southward, but can be complicated by the topography left by the abandoned meander belts of the Mississippi River (Smith and Klimas, 2002; Saucier, 1994).

The hydrology of the Yazoo Basin has been modified extensively. Federal projects have largely protected the basin from the effects of major floods, allowing extensive land clearing and agricultural development. For example, the Yazoo and Big Sunflower/Steele Bayou basins are separated from the Yazoo River by a levee from Greenwood south. Water entering or underlying the modern basin is rerouted, stored, and exported from the system in complex patterns that can result in more or less water available to remaining wetlands. For example, heavy winter and spring rains make drainage necessary for agricultural operations while low rainfall periods in summer and fall warrant irrigation of crops. This drainage may involve land leveling as well as ditching, and can have various effects on wetlands. Area wetlands may serve as sumps to which adjacent fields drain or may themselves be drained to streams or larger ditches. During periods of backwater flooding, these same artificial drainage networks may function in reverse, delivering water to low areas far from the source stream channels (Smith and Klimas, 2002).

Hydrology is the single most important factor in the establishment and maintenance of wetlands (Mitsch and Gosselink, 2000; Frederickson, 2005). The hydroperiod is the seasonal pattern of water flow and fluctuations that characterizes each wetland type and provides stability to ecological patterns and processes. The hydroperiod, including flood duration, intensity or magnitude, frequency and timing ultimately limits species composition and influences ecosystem structure and function (Sharitz and Mitsch, 1993).

Three natural patterns of succession are recognized for floodplain sites of major river bottoms: 1) those occurring on permanently flooded sites; 2) those on low elevation wet sites; and 3) those on higher elevation, better drained sites. Floristic composition and successional patterns are strongly influenced by the hydrologic events on the sites and particularly by rates and types of deposition. Small differences in elevation can result in great differences in site quality primarily

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because of differences in hydrology (Hodges, 1997). Historically, forests of the LMRAV, including the project area, were dominated by Sweetgum (*Liquidambar styraciflua*), sugarberry (*Celtis laviegata*), oaks (*Quercus spp.)*, ash (*Fraxinus spp.*), cypress (*Taxodium spp.*) and elm (*Ulmus spp.*) (Ouchley et al., 2000). These extensive forests and associated floodplains had an abundance of plant and animal biodiversity (Wharton, 1982; Frederickson, 2005).

Despite long-term man-made alternations and disturbances, comparison of the species richness (i.e., the number of species in a given area) in the Yazoo Backwater Area with that of larger southeastern United States and Lower Mississippi Valley bottomland hardwood ecosystems, demonstrate that the project area still includes some of the richest wetland and aquatic resources in the Nation. For instance:

- The Coastal Plain of the southeastern United States, which encompasses portions of 11 states, including Mississippi, is documented to contain an estimated 575 terrestrial and semi-aquatic vertebrate species that occur in lowland communities (Echternacht and Harris, 1993). Of these species, 130 are amphibians, 112 are reptiles, 231 are birds, and 102 are mammals. By comparison, the Yazoo Backwater Area which is a fraction of the size of the Coastal Plain of the southeastern United States is documented to contain an estimated 363 terrestrial and semi-aquatic vertebrate species (Figure 3).
- The Mississippi Lowland Forest ecoregion, which coincides with the LMRAV, is documented to contain an estimated 372 terrestrial and semi-aquatic vertebrate species, including 35 amphibians, 52 reptiles, 223 birds, and 62 mammals.[18] By comparison, the Yazoo Backwater Area which is a fraction of the size of the Mississippi Lowland Forest ecoregion is documented to contain an estimated 363 terrestrial and semi-aquatic vertebrate species (Figure 3).

Records of faunal species collected or observed in the Yazoo Backwater Area by the Corps, FWS[19], Mississippi Museum of Natural Science[20], and Mississippi Natural Heritage Program document 21 species of amphibians, 37 species of reptiles, 257 species of birds, 95 species of fish, and 48 species of mammals as occurring within the Yazoo Backwater Area (Appendix 2).

The World Wildlife Fund includes the Lower Mississippi River, and its associated tributaries and floodplains in their Global 200 designation. This designation has been given to the 200 ecoregions in the world which are most critical for the preservation of biodiversity. Selection of the ecoregions was based on species richness, number of species unique to the region, unique higher taxa, unusual ecological or evolutionary phenomena, and global rarity of major habitat types. The Lower Mississippi River ecoregion, which encompasses the Yazoo Backwater Area, is included due to its diversity of fish species and their link to floodplain habitats. The Lower Mississippi River has the second richest assemblage of fish species in North America and is also noted for its diversity of aquatic invertebrates, amphibians, and reptiles. The Yazoo Backwater Area provides habitat for one species of fish found only in the Lower Mississippi River, a shiner

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[18] World Wildlife Fund Mississippi Lowland Forest species list: http://worldwildlife.org/wildfinder/searchByPlace.cfm?ecoregion=NA0409

[19] FWS list of bird species utilizing wildlife refuges in the Yazoo backwater Area: http://www.npwrc.usgs.gov/resource/birds/chekbird/r4/yazoo.htm

[20] Personal Communication between William Ainslie, EPA Region 4, and Scott Peyton, Mississippi Museum of Natural Science, February 5, 2008.

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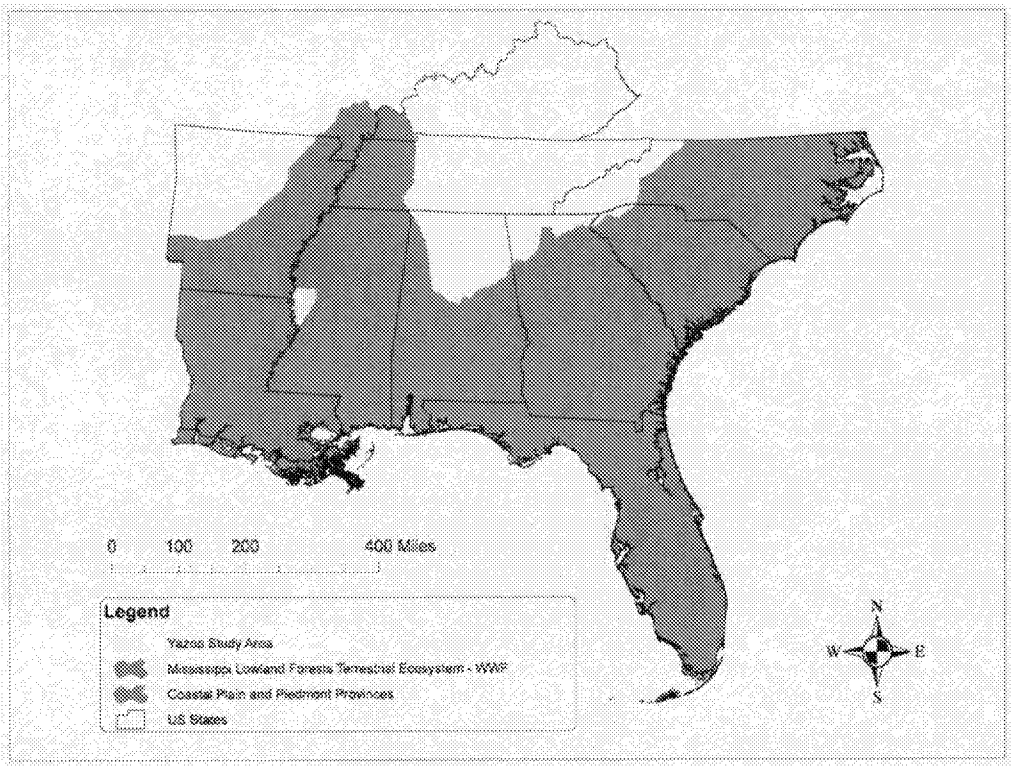

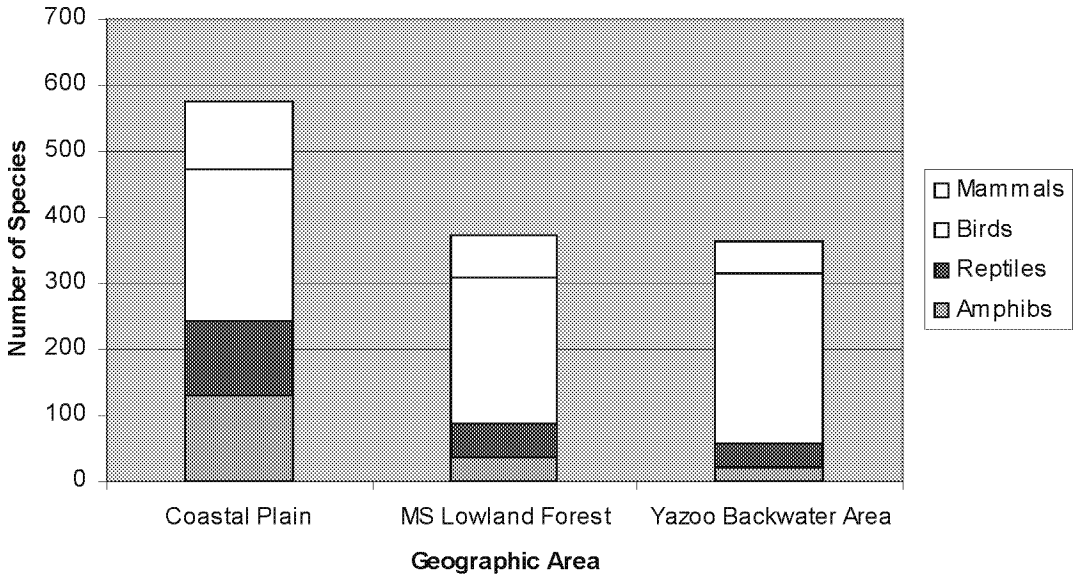

Figure 3. Faunal species number comparison by geographic region

(*Notropis rafinesquei*). In addition, 4 percent of North America's fish species are endemic to the Lower Mississippi River, and these are found in tributary drainages rather than in the Mississippi mainstem.

In its comments on the FSEIS, the FWS reports that the Yazoo Backwater Area is part of a major continental migration corridor for birds funneling through the midcontinent from as far north as the Arctic Circle and as far south as South America. The Yazoo Backwater Project Area comprises approximately 630,000 acres located in the LMRAV, through which 60 percent of all bird species in the U.S., including more than 40 percent of the Nation's waterfowl population and 500,000 to 1,000,000 shorebirds, migrate on a biannual basis. FWS also notes that natural springtime flooding in the area's riverine backwater wetlands coincides with two major events in the LMRAV: 1) native bird and waterfowl migration that requires suitable and productive stopover and foraging habitats to meet migratory energy needs; and 2) breeding bird and waterfowl nesting that requires adequate nesting and foraging habitats to meet reproductive and rearing needs.

On a regional scale, the importance of the project area is recognized by the state of Mississippi's 2005 Comprehensive Wildlife Conservation Strategy (MCWCS). Bottomland hardwood wetlands such as those in the Yazoo Backwater Area provide important habitat for 33 *species of greatest conservation need*[21] including 20 birds, 12 mammals, and 1 reptile. Also, all of the standing and running water systems of the Mississippi Alluvial Plain, including those in the Yazoo Backwater Area, have been classified by the state as critically imperiled because of their high conservation priority rank and the widespread degradation of stream habitats in this region. These waterbodies provide important habitat for 23 *species of greatest conservation need,* including 4 fish, 18 mussels, and 1 reptile. Finally, the stream habitat that remains in the Upper Coastal Plain Yazoo Drainage area, which receives significant hydrologic inputs from the Yazoo Backwater Area, is considered to be vulnerable because of extensive alteration caused by channelization, agricultural use of surrounding lands and impoundments. This portion of the Yazoo River Basin provides important habitat for 17 *species of greatest conservation need* including 1 amphibian, 12 fish, and 1 reptile (Mississippi Museum of Natural Science, 2005).

Over the past 100 years, the greatest changes to the LMRAV landscape have been land clearing for both agriculture and flood control projects. As a result of these and other land use changes, the historic geomorphologic and hydrologic diversity of the LMRAV has been reduced. The landscape level modification of geomorphic topography and reduced flooding, in turn have altered wildlife habitat, which has had an adverse effect on biological diversity and integrity. For example, breeding bird surveys show continuing declines in species richness and population numbers. In addition to the loss of approximately 80 percent of the bottomland forested wetlands within the LMRAV (DOI, 1988), there have been significant alterations in the region's hydrology due to river channel modification, construction of flood control levees and reservoirs,

[21] Species of Greatest Conservation Need (SGCN) are those animals, both aquatic and terrestrial, that are at risk or are declining in a State. They include threatened and endangered species, as well as other species of concern. The SGCN for Mississippi was developed through a rigorous analysis of the Mississippi Natural Heritage Program's list of "Animals of Special Concern" (ASC). An Expert Team of scientists evaluated the approximately 1,500 species from the ASC and narrowed this list down to only the species most at risk – resulting in approximately 300 Species of Greatest Conservation Need statewide (Mississippi Museum of Natural Science, 2005).

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and deforestation. The cumulative effect of these hydrological alterations has reduced both the extent and duration of the annual seasonal flooding, adversely affecting the forested wetlands and their associated wetland-dependent species (Harris and Gosselink, 1990).

The significant cumulative aquatic resource losses across the LMRAV are mirrored in the Mississippi Delta and in the Yazoo Backwater Area. The Mississippi Comprehensive Wildlife Conservation Strategy reports that only 15 percent of the Mississippi Delta remains forested. The largest remaining segment is the complex of bottomland hardwood forests approximately 100,000 acres in size within and surrounding the Delta National Forest. Much of this important complex of remaining forests and forested wetlands is located in the Yazoo Backwater Area (Mississippi Museum of Natural Science, 2005).

B. Wetland Functions

The FSEIS estimates that the Yazoo Backwater Area contains between 150,000 to 229,000 acres of wetlands. In addition to serving as critical fish and wildlife habitat, project area wetlands also provide a suite of other important ecological functions. These wetlands protect and improve water quality by removing and retaining pollutants, temporarily store surface water[22], maintain stream flows, and support aquatic food webs by processing and exporting significant amounts of organic carbon. Wetlands in the Yazoo Backwater Area that will be impacted by the proposed project have been identified by the Corps as belonging to the HGM *riverine backwater* subclass. This classification indicates that these wetlands flood as a result of impeded drainage of small streams, channels, and drainage ditches due to high water in larger downstream reaches. As a result of this impeded drainage, low lying areas associated with these small streams fill with relatively still "backwater." The characteristics of the riverine backwater wetlands in this area are: a direct connection to a channel during flood stages equivalent to at least the 5-year frequency return period; the primary source of hydrology to the wetland is backwater; and surface water largely drains from the site back to the channel as flood stages fall (as opposed to being retained on the site in depressions) (Smith and Klimas, 2002).

Hydrology is considered by most to be the critical determinant of the establishment and maintenance of specific types of wetlands and wetland processes (Mitsch and Gosselink, 2000). The combination of the hydrologic, soil, and vegetative characteristics of this wetland subclass contribute to the wetland processes, or functions, which support the area's diverse and abundant flora and fauna. In 2002, the Corps and EPA, in partnership with FWS, the Natural Resources Conservation Service (NRCS), the National Marine Fisheries Service (NMFS) and the Federal Highway Administration (FHWA), published a comprehensive guidebook (Yazoo Basin HGM Guidebook) for applying the HGM approach to assessing wetland functions of selected regional wetland subclasses in the Yazoo Basin (Smith and Klimas, 2002). The HGM wetland assessment outlined in the Yazoo Basin HGM Guidebook uses indicators of flooding, plant community and soil structure to assess wetland functions given the assumption that these

[22] EPA acknowledges that the proposed pumping station is designed to significantly alter the floodwater detention function provided by project area wetlands. However, the floodwater detention function is important from an ecological perspective; it is a fundamental component of the hydrologic regime (i.e., timing, frequency, depth, and duration of water reaching area wetlands) of project area wetlands, necessary for these wetlands to perform critical ecological functions, such as providing fish and wildlife habitat.

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structural indicators are representative of wetland function and, if altered, would adequately capture a change in wetland function. As thoroughly discussed in the Yazoo Basin HGM Guidebook and outlined below, maintenance of the hydrologic regime (i.e., timing, frequency, and duration of water reaching area wetlands) is the most important factor in ensuring that riverine backwater wetlands in the Yazoo Backwater Area perform important functions, such as temporary storage of surface water, nutrient cycling, organic carbon export, pollutant filtering/removal, and maintenance of biologically diverse plant and animal habitat.

Functional Capacity Indices (FCI) are the result of combining the HGM assessment's hydrologic, plant, soil and landscape indicators to estimate a change in function as the result of change in indicators. The FCIs are scaled between zero and one, with one being the optimal score for a function. Table 3 shows the baseline FCIs for the 8 riverine backwater functions for 5 typical land uses in the Yazoo Backwater Area. Mature forested areas generally have the highest scores across all functions due to their mature plant community and well developed soils. The other cover types show that as plant community and soil indicators are degraded by various land uses (e.g., silviculture, agriculture) FCIs decrease indicating a reduction in function. Each of the functions included in Table 3 below is described in more detail below (with the exception of "detain precipitation" which is not expected to change significantly as a result of the proposed pumping station).[23] However, there is considerable overlap between the hydrologic, plant, and soil indicators and the role they play in wetland function. EPA views the "with-project" FCIs as indicators of the effect this project will have on the wetland ecosystems in the project area. In other words, these wetland functions will not be viewed as separate, interchangeable entities, but as integrated signals of ecosystem health.

Table 3. Baseline functional capacity indices for riverine backwater wetlands by land use type for the Yazoo Backwater Area (FSEIS HGM Assessment, 2007).

Function	Mature Forest	Middle Aged Forest	Pasture/ Planted/ Early Aged Forest	Recently Logged	Agricultural	Other
Detain Floodwater	0.98	0.78	0.75	0.73	0.25	na
Detain Precipitation	0.83	1.00	0.48	0.76	0.56	na
Cycle Nutrients	0.95	0.88	0.56	0.67	0.29	na
Export Organic Carbon	0.64	0.58	0.32	0.42	0.17	na
Physical Removal of E and C	0.53	0.69	0.21	0.49	0.43	na
Biologial Removal of E and C	0.64	0.58	0.32	0.42	0.17	na
Maintain Plant Communites	0.93	0.94	0.55	0.71	0.00	na
Provide Wildlife Habitat	0.92	0.88	0.48	0.74	0.00	na

1. Temporary Storage of Surface Water (i.e., Detain Floodwater)

When riverine backwater wetlands are allowed to temporarily detain and moderate surface water they provide a number of important benefits. Surface water interaction with wetlands tends to dampen and broaden the flood wave, which reduces peak discharge downstream. Wetlands can reduce the velocity of water currents and, as a result, reduce erosion. Some portion of the surface water volume detained within riverine backwater wetlands is likely to be evaporated or

[23] Physical and biological removal of elements ("E") and Compounds ("C") are considered together in this discussion under the heading "Pollutant Filtering and Removal."

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transpired, thereby reducing the overall volume of water moving downstream. The portion of the detained flow that infiltrates into the alluvial aquifer, or which returns to the channel very slowly via low-gradient surface routes, may be sufficiently delayed that it contributes significantly to the maintenance of baseflow in some streams long after flooding has ceased. Retention of particulates is also an important component of this function because sediment deposition directly alters the physical characteristics of the wetland (including hydrologic attributes) and positively influences downstream water quality. Temporary storage of surface water is a fundamental component of the hydrologic regime (i.e., timing, frequency, and duration of water reaching area wetlands) of project area wetlands, necessary for these wetlands to perform critical ecological functions, such as providing fish and wildlife habitat, as discussed in greater detail in the following sections.

2. Nutrient Cycling

In riverine backwater wetlands, nutrients are stored within, and cycled among, four major compartments: (a) the soil; (b) primary producers such as vascular and nonvascular plants; (c) consumers such as animals, fungi, and bacteria; and (d) dead organic matter, such as leaf litter or woody debris, referred to as detritus. The transformation of nutrients within each compartment and the flow of nutrients between compartments are mediated by a complex variety of biogeochemical processes associated with primary production and decomposition. These biogeochemical processes and their ability to support the rich array of flora and fauna found in the Yazoo Backwater Area are directly linked to maintenance of the spatial extent, depth, frequency, and duration of time riverine backwater wetlands in the project area are inundated.

3. Organic carbon export

The high productivity and close proximity of riverine backwater wetlands to streams make them important sources of dissolved and particulate organic carbon for aquatic food webs and biogeochemical processes in downstream aquatic habitats. Dissolved and particulate organic carbon is a significant source of energy for the microbes that form the base of the detrital food web in aquatic ecosystems. The ability of riverine backwater wetlands to perform this critical function is directly linked to factors associated with their natural hydrologic cycle of backwater flooding, including: (a) the large amount of organic matter in the litter and soil layers that comes into contact with surface water during flooding; (b) relatively long periods of inundation and, consequently, contact between surface water and organic matter, thus allowing for significant leaching; (c) the ability of the labile carbon fraction to be rapidly leached from organic matter when exposed to water; and (d) the ability of surface water to transport dissolved and particulate organic carbon from the floodplain to the stream channel.

As the surface water rises during a hydrologic event, biological productivity is expected to be stimulated by release of nutrients from the newly flooded soil. In addition, surface water warms as it spreads out on the floodplain improving fish yields (Sparks, 1995). Organic matter wetted by the surface water and then dried decomposes faster and subsequent flood events then carry fine and dissolved organic matter to the adjacent streams in support of aquatic foodwebs. Not explicitly captured in the description of this function is the role that soil microbes and

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invertebrates play in processing the organic material into forms which can be utilized by other organisms in the food chain, completing the nutrient cycle.

The role of invertebrates in decomposition and nutrient cycling in bottomland hardwood forests, such as those in the Yazoo Backwater Area, is very important, as is their subsequent role in the food chain. Loosely bound nutrients (e.g., potassium and magnesium) as well as simple sugars are leached from the organic material soon after inundation occurs. Sometimes this leaching can occur within 24-48 hours of flooding. The rapid release of nutrients by leaching along with any additional nutrient inputs from surface water promotes colonization of leaf litter surfaces by algae and microbes (i.e., fungi and bacteria). Microbes are important because they immobilize and concentrate nutrients from leaf litter and surface water inputs and provide invertebrates an available and primary source of nutrition. Microbes also make the particles of leaf litter more palatable and digestible to invertebrates due to the reduction of complex carbohydrates to simpler, and more digestible, sugars.

Shredders, like amphipods, isopods, crayfish and crane fly larvae, are the first invertebrates to begin the decomposition process by consuming coarse organic particles and processing the material into finer particles. The resultant fine particulate organic matter, with its increased surface area is subsequently colonized by microbes which are then utilized by grazers (particularly snails in the Planoridae and Physidae families). Midge larvae, freshwater worms and fingernail clams are common bottomland hardwood collectors that feed on fine particulate organic matter. The processed fine particulate organic matter and associated nutrients then become available for plant uptake as the nutrient cycle is completed. Natural flooding regimes are essential to maintaining the balance between litter decomposition and its accumulation, as well as sustaining the biotic component of detrital processing and wetland productivity (Batema et al., 2005).

4. Pollutant Filtering and Removal

The area's riverine backwater wetlands permanently remove or temporarily immobilize elements and compounds that are imported to the wetland from various sources, but primarily via the flood cycle. Elements include macronutrients essential to plant growth (e.g., nitrogen, phosphorus, and potassium) as well as heavy metals (zinc, chromium, etc.) that can be toxic at high concentrations. Compounds include pesticides and other imported materials. The primary benefit of this function is that the removal and sequestration of elements and compounds by wetlands reduces the load of nutrients, heavy metals, pesticides, and other pollutants in rivers and streams. This often translates into improved water quality and aquatic habitat in adjacent or down gradient rivers and streams.

Once nutrients and compounds arrive in riverine backwater wetlands, they may be removed and sequestered through a variety of biogeochemical processes including complexation, chemical precipitation, adsorption, denitrification, and decomposition to inactive forms, hydrolysis, uptake by plants, and other processes. The effective performance of many of the most critical biogeochemical processes depends on maintenance of the hydrologic cycle of flooding in riverine backwater wetlands and the anoxic/reducing environment created by periodic cycles of inundation and saturation. For example, denitrification will not occur unless the soil is anoxic

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and the reduction-oxidation (redox) potential falls below a certain level. Flooding and soil inundation for approximately 14 days causes soils to become anoxic. When this occurs and other soil conditions are favorable (i.e., availability of soil carbon) the nitrogen in nitrate (NO_2) is removed by denitrification and released as nitrogen gas to the atmosphere. In addition, sulfate is reduced to sulfide, which then reacts with metal cations to form insoluble metal sulfides such as copper sulfide (CuS), iron sulfide (FeS), lead sulfide (PbS), and others which then fall out of the water column and are retained by the wetland sediments (Smith and Klimas 2002).

5. Plant Habitat

The ability of riverine backwater wetlands to maintain a characteristic plant community is important because of the intrinsic value of the plant community and the many attributes and processes of wetlands that are influenced by the plant community. For example, primary productivity, nutrient cycling, and the ability to provide a variety of habitats necessary to maintain local and regional diversity of animals are directly influenced by the plant community. Due to the inundation by nutrient rich surface water, diverse assemblages of plants grow in riverine backwater wetlands and contribute to the primary production of these ecosystems. The growth of different plant communities as a result of variable hydrologic regimes and topography contributes to the uptake and release of nutrients and provides many layers of potential habitat (i.e., litter layer to canopy) for the hundreds of wildlife species which utilize these wetlands. In addition, the plant community of river connected wetlands such as riverine backwater wetlands in the Yazoo River Basin influences the quality of the physical habitat, nutrient status, and biological diversity of downstream systems. As noted in the Yazoo Basin HGM Guidebook, maintaining the natural hydrologic regime of these wetlands is consistently cited as the principal factor controlling plant community attributes (Smith and Klimas 2002).

Riverine backwater wetlands in the Yazoo Backwater Area typically contain vegetative communities dominated by green ash (*Fraxinus pennsylvanica*) and Nuttall oak (*Quercus nuttallii*), as well as overcup oak (*Q. lyrata*) and water hickory (*Carya aquatica*) in more low lying areas. In addition to these dominant canopy species, willow oak (*Q. phellos*), Sugarberry (*Celtis laviegata*), American elm (*Ulmus americana*), cedar elm (*U. crassifolia*), Red maple (*Acer rubrum*), Cypress (*Taxodium distichum*), water elm (*Planera aquatica*), and Black willow (*Salix nigra*) were also found dominating many of the field sampled plots in the area. Appendix 3 contains a detailed wetland plant species list for the Yazoo Backwater Area.

6. Fish and Wildlife Habitat

A broad array of fish and wildlife species utilize the riverine backwater wetlands in the Yazoo Backwater Area during some part of their life cycles. Terrestrial, semi-aquatic, and aquatic animals use these wetlands extensively. These wetlands provide important habitat for a diversity of organisms, are sites of high levels of secondary production, and are essential in the maintenance of complex trophic interactions. Habitat functions span a range of temporal and spatial scales. For example, invertebrate communities utilize the organic matter generated in these wetlands as a food source and the vertical structure of the plant community as refugia from flooding. Amphibian and reptile species use the wetlands for breeding and foraging habitats and fish utilize floodplains for spawning, rearing, and foraging. Birds and mammals utilize the

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wetlands for food, cover, and nesting. Most wildlife and fish species found in riverine backwater wetlands of the Yazoo River Basin depend on certain aspects of wetland structure and dynamics such as specific vegetation composition and proximity to other habitats, but of particular importance to the life cycles of these species is the periodic flooding or ponding of water associated with the hydrologic regime of riverine backwater wetlands (Smith and Klimas 2002).

In addition to the information provided in the FSEIS, EPA evaluated additional information regarding faunal assemblages and species in the project area, including information provided by the FWS at the request of EPA (Appendix 4). As noted above, the Yazoo Backwater Area is an area that is micro-topographically and geomorphologically diverse. It can be broadly classified as a river-floodplain ecosystem characterized by seasonal floods which exchange nutrients and organisms among a mosaic of habitat types. The movement of surface water onto the floodplain and the associated exchange of materials lead to the biological productivity of these bottomland hardwood ecosystems (Junk et al., 1989; Bunn and Arthington, 2002; and Sparks, 1995). A growing body of evidence indicates that the ecological diversity and integrity of large floodplain rivers are maintained by flood pulses, channel-forming floods, and by river-floodplain connectivity. The native biota has developed strategies to take advantage of these flood pulses.

a. Invertebrates

Invertebrates are at the base of the faunal food web as primary consumers playing an important role in the breakdown of organic carbon as discussed earlier in Section III.B.3. Many invertebrate species respond to various inundation regimes found throughout the floodplain. Common taxa collected from forested wetlands, include: isopods (*Asellus* sp.), fingernail clams (*Pisidium* sp), amphipods (*Cragonyx* sp), crayfish (*Procambarus* sp.), and oligochaetes (Wehrle, 1992). Isopods and amphipods (primary shredders); midge larvae, aquatic worms and fingernail clams (collectors); and orb snails (grazers) were encountered more frequently in naturally flooded forests within the Delta National Forest than in artificially flooded greentree reservoirs or clearcut areas indicating natural conditions promote productive invertebrate populations (Wehrle, 1992). These organisms are very abundant in flooded bottomland hardwood forests facilitating organic carbon and nutrient cycling as well as providing an abundant food source for amphibians, reptiles, birds, and mammals. Wehrle et al. (1995) found that invertebrate biomass and density in the Delta National Forest was greater in seasonally flooded forest than in greentree reservoirs which have more static flood levels, indicating that invertebrate populations have increased numbers of taxa and individuals when a variable flood regime is present.

b. Amphibians and Reptiles

There are 21 species of amphibians which have been documented as occurring in the project area. Frogs [e.g., Southern cricket frog (*Acris gryllus*) and green frog (*Rana clamitans*)] newts [(e.g., eastern newt (*Notophthalmus viridescens*)] and salamanders [e.g., marbled (*Ambystoma opacum*) and mole (*Ambystoma talpoideum*)], toads (*Bufo spp*), and treefrogs [e.g., Bird-voiced (*Hyla avivoca*), Cope's gray (*Hyla chrysoscelis*), and green (*Hyla cinerea*) treefrogs] comprise the predominant species (Appendix 2). The list of species from the project area includes 60 percent of the number of species listed as occurring in the larger Mississippi Lowland ecoregion. There are 37 species of reptiles listed as occurring in the project area, most of which are snakes [e.g., copperhead (*Agkistrodon contortrix*), water moccasin (*Agkistrodon piscivorous*), rat snake

(*Elaphe obsolete*)] skinks [e.g., Five-lined (*Eumeces fasciatus*), and Broadhead (*Eumeces laticeps*)], and turtles [e.g., false map (*Graptemys pseudogeographica*) and common musk (*Stenotherus odoratus*)] (Appendix 2). This represents 71 percent of the number of species found in the entire Mississippi Lowland ecoregion.

The backwater flooding that currently occurs in the project area benefits a myriad of aquatic and terrestrial species. All of the 21 amphibian species, and all but 5 of the 37 reptile species benefit from the flood pulse. Shallow areas at the periphery of the flooded zone hold water for the shortest period, from days to a couple of months, and provide breeding habitat for species such as the mole salamanders, which are winter breeders in Mississippi, and for winter-breeding frogs such as leopard frogs, pickerel frogs, spring peepers, and chorus frogs. Areas which are deeper and flooded for longer periods (i.e., places closer to the main channel of the river) are utilized by the summer-breeding frog species as water levels drop in late spring and summer.

Larval amphibians make significant contributions to the biomass of other vertebrates, including many of the wading birds. Aquatic turtles, such as the common red-ear slider, also support the diet of many species of fish, birds, and mammals, which eat their eggs and hatchling turtles. Turtles produce several clutches of eggs per season, over a reproductive lifetime of several decades, and thus can be a significant food source for numerous aquatic and terrestrial species (Appendix 4).

c. Fish

Riverine floodplain ecosystems support productive inland fisheries and a high degree of species richness for fish (Hoover and Kilgore, 1998). River floodplains and backwater ecosystems are crucial to numerous fish species. In a diverse floodplain, fish will seek out different flow regimes and temperatures among the floodplain habitats in order to fulfill certain life-history requirements (Turner et al., 1994). Riverine backwater wetlands provide abundant food, which promotes rapid growth along with providing complex habitat used as refugia by fish. Flooding of these areas, particularly in late winter and spring, provide backwater dependent fish with the necessary conditions, including water with little or no current, soft-sediment substrates, and aquatic or inundated terrestrial vegetation, for spawning, nursing, and juvenile and adult feeding. Forested wetlands along the Big Sunflower River provide excellent habitat for fish spawning and rearing (Hoover and Kilgore, 1998). Life history and production dynamics of fish in river floodplain ecosystems are linked primarily to hydrologic regimes and heterotrophic processes (e.g., microbes convert organic materials to forms utilized by invertebrates which in turn are food for fishes). The warmer waters found in flooded backwater locations stimulate biological activity of aquatic invertebrates and fishes in these systems (Jackson, 2005). As water gradually covers the forest floor, invertebrate eggs, such as water fleas, begin to hatch and feed upon bacteria and fungi colonizing detritus. Flooding also increases aquatic habitat for fish. For instance flooding will introduce snags which provide important in-stream habitat for fish and attachment substrates for invertebrates.

FWS reports that despite being leveed and gated, the Yazoo Backwater Area is a highly productive fishery for catfishes [flathead (*Pylodictis olivaris*), blue (*Ictalurus furcatus*) and channel (*Ictalurus punctatus*)] and catostomids [primarily buffalofishes (e.g., Smallmouth

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(*Ictiobus bulbalus*) and Bigmouth buffalo (*Ictiobus cyprinellas*)]. These two groups in particular, are sought by subsistence and artisanal (i.e., small scale commercial) fishermen in the Yazoo Backwater Area. Blue sucker (*Cycleptus elongates*), which was once considered an important commercial fish but is now listed as a fish of special concern by the American Fisheries Society, is also found in the project area (Hand and Jackson, 2003). Blue sucker stocks are fairly strong and dynamic in the Yazoo River Basin and depend on the functional integrity (i.e., seasonal flooding, incorporation of organic material into streams, and maintenance of deep water by natural geomorphic processes) of river ecosystems like the upper Yazoo River (Hand and Jackson, 2003; Appendix 4). Many of these species utilize floodplains for either feeding or spawning. The catfishes use floodplains for foraging and cover while the buffaloes use the floodplains for spawning and foraging. Larger individuals and more abundant stocks of bigmouth buffalo, smallmouth buffalo and channel catfish, are produced as a result of the interaction between floodplain and stream during flooding (Jackson and Ye, 2000).

As noted in Table 4, fish collection records indicate at least 95 species of fish potentially occur in the Yazoo Backwater Area (see Appendix 2). Of these, FWS estimates that over 58 species depend on backwater flooding and access to the floodplain to fulfill numerous life history requirements. Wharton (1982) reported that at least 20 families and 53 species of fish use various portions of the floodplain for foraging and spawning. In Arkansas' Cache River, considered by many to represent a reference standard for HGM riverine backwater wetland ecosystems in the Lower Mississippi River Alluvial Valley, Kilgore and Baker (1996) reported similar results with most fish species utilizing floodplain habitats at some time during the year, many for spawning and rearing. Fish find different microhabitats to fulfill life history requirements in hydrologically and microtopographically diverse floodplains. Based on the increased availability of vegetation and associated food and habitat as the moving littoral zone traverses the floodplain, the pattern of annual flooding in the Cache River appears to be of paramount importance in structuring the wetland fish assemblage (Kilgore and Baker, 1996). Another Lower Mississippi River Alluvial Valley reference backwater ecosystem, the Atchafalaya River, also supports a diverse fish assemblage due to interactions between the flooding and the floodplain similar to the Yazoo Backwater Area (Bryan et al., 1974). Fish undertake longitudinal (i.e., along the river/stream channel) and lateral (i.e., across the floodplain) migrations to spawning and feeding areas because optimal conditions for both activities vary with the flood cycle and do not often occur simultaneously in the same areas (Sparks, 1995).

Table 4. List of potential fish species occurring in the Yazoo Backwater Area based on collections by the Corps and the Mississippi Museum of Natural Science from Sharkey, Issaquena, Yazoo and Humphreys counties. Backwater dependency based on literature or collection records in backwater areas.

Species Name	**Common name**	**Corps***	**Backwater Dependant^**
Alosa chrysochloris	Skipjack herring		
Ameiurus melas	Black bullhead	X	X
Ameiurus natalis	Yellow bullhead	X	X
Ameiurus nebulosus	Brown bullhead		X
Amia calva	Bowfin	X	X
Ammocrypta vivax	Scaly sand darter	X	
Anguilla rostrata	American eel	X	

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Aphredoderus sayanus	Pirate perch	X	X
Aplodinotus grunniens	Freshwater drum	X	X
Campostoma anomalum	Central stoneroller		
Carpiodes carpio	River carpsucker	X	
Carpiodes cyprinus	Quillback		
Centrarchus macropterus	Flier	X	X
Cycleptus elongatus	Blue sucker	X	
Cyprinella camura	Bluntface shiner	X	
Cyprinella venusta venusta	Blacktail shiner	X	X
Cyprinus carpio	Common carp	X	
Dorosoma cepedianum	Gizzard shad	X	X
Dorosoma petenense	Threadfin shad	X	X
Elassoma zonatum	Banded pygmy sunfish	X	X
Erimyzon oblongus	Creek chubsucker		
Esox americanus	Redfin pickerel	X	X
Etheostoma asprigene	Mud darter	X	X
Etheostoma chlorosoma	Bluntnose darter	X	X
Etheostoma fusiforme	Swamp darter	X	X
Etheostoma gracile	Slough darter	X	X
Etheostoma whipplei artesiae	Redfin darter	X	
Fundulus chrysotus	Golden topminnow	X	X
Fundulus dispar	Starhead topminnow	X	
Fundulus notatus	Blackstripe topminnow	X	X
Fundulus olivaceus	Blackspotted topminnow	X	X
Gambusia affinis	Mosquitofish	X	X
Hiodon alosoides	Goldeye	X	
Hiodon tergisus	Mooneye	X	
Hybognathus hayi	Cypress minnow		X
Hybognathus nuchalis	Mississippi silvery minnow	X	X
Hypophthalmichthys nobilis	Bighead carp		
Ichthyomyzon castaneus	Chestnut lamprey	X	
Ictalurus furcatus	Blue catfish	X	X
Ictalurus punctatus	Channel catfish	X	X
Ictiobus bubalus	Smallmouth buffalo	X	X
Ictiobus cyprinellus	Bigmouth buffalo	X	X
Ictiobus niger.	Black buffalo		X
Labidesthes sicculus	Brook silverside	X	X
Lepisosteus oculatus	Spotted gar	X	X
Lepisosteus ossens	Longnose gar	X	X
Lepisosteus platostomus	Shortnose gar	X	X
Lepomis cyanellus	Green sunfish	X	X
Lepomis gulosus	Warmouth	X	X
Lepomis humilis	Orangespotted sunfish	X	X
Lepomis macrochirus	Bluegill	X	X
Lepomis marginatus	Dollar sunfish	X	X
Lepomis megalotis	Longear sunfish	X	X
Lepomis microlophus	Redear sunfish	X	X
Lepomis miniatus	Spotted sunfish	X	X
Lepomis symmetricus	Bantum sunfish	X	X
Luxilus chrysocephalus isolepis	Striped shiner	X	
Lythrurus umbratilis cyanocephalus	Redfin shiner	X	X
Macrhybopsis aestivalis	Speckled chub	X	
Macrhybopsis storeriana	Silver chub	X	X
Menidia beryllina	Inland silverside	X	
Micropterus punctulatus	Spotted bass	X	
Micropterus salmoides	Largemouth bass	X	X
Morone chrysops	White bass	X	X
Morone mississippiensis	Yellow bass		X
Morone saxatilis	Striped bass	X	

Moxostoma poecilurum	Blacktail redhorse	X	
Notemigonus crysoleucas	Golden shiner	X	X
Notropis atherinoides	Emerald shiner	X	X
Notropis blennius	River shiner		
Notropis buchanani	Ghost shiner	X	X
Notropis longirostris	Longnose shiner		
Notropis lutrensis	Red shiner	X	X
Notropis maculatus	Taillight shiner		
Notropis rafinesquei	Yazoo shiner	X	
Notropis sabinae	Sabine shiner	X	
Notropis shumardi	Silverband shiner	X	X
Notropis texanus	Weed shiner		
Notropis volucellus	Mimic shiner	X	X
Noturus gyrinus	Tadpole madtom	X	X
Noturus nocturnus	Freckled madtom	X	
Opsopoeodus emiliae	Pugnose minnow	X	X
Percina caprodes	Logperch		
Percina sciera	Dusky darter	X	
Percina shumardi	River darter		
Polyodon spathula	Paddlefish	X	X
Phoxinus erythrogaster	Southern redbelly dace		
Pimephales notatus	Bluntnose minnow	X	
Pimephales promelas	Fathead minnow	X	X
Pimephales vigilax	Bullhead minnow	X	X
Pomoxis annularis	White crappie	X	X
Pomoxis nigromaculatus	Black crappie	X	X
Pylodictis olivaris	Flathead catfish	X	
Semotilus atromaculatus	Creek chub		
Stizostedion canadense	Sauger	X	
Total: 95		78	58
*Collected by Corps in the YBA. ^Backwater dependency based on FWS literature or collection records in backwater areas.			

The longer the fish can remain on the floodplain the greater the recruitment potential for the rivers' fish stocks (Jackson, 2005). It is commonly accepted that temperature, day-length, and the rise in water level are important for spawning. Upon hatching, most freshwater fish possess a yolk sac, which supplies nutrients for the first 7-10 days. Once the sac is used up, the fry have reached a critical stage where they must encounter food quickly, or starve. Flooded hardwoods and the abundance of food they produce enable fish larvae to encounter the critical food supply necessary for survival and growth. As the amount of flooded hardwoods increase, the supply of spawning and nursery habitat and the associated invertebrate populations, also increase. The result is an acceleration in the productivity of the habitat and, therefore, greater survival and growth in the fish populations (McCabe, et al., 1982). Studies suggest that reproductive success of early spring spawners will be poorer when there is reduced spring flooding. "In both tropical and temperate rivers, fish yields per unit surface area are considerably greater in rivers with flood pulses and floodplains than in nearby impoundments where flood pulses are reduced or absent" (Jackson, 2005).

In shallow flooded areas, such as the Yazoo Backwater Area, larval fish feed on rotifers, copepods, and cladocerans. Juvenile bluegill as well as other species feed primarily on aquatic insects, particularly midge larvae and small crustaceans (Ross, 2001). Crawfish (primarily *Procambrus clarkii*) constitute a principle food source for many juvenile and adult fishes which utilize the Yazoo Backwater Area, including largemouth bass, warmouth, yellow bullhead, and

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blue catfish (Bryan et al., 1975). During seasonal inundation of bottomland hardwood wetland systems such as the Yazoo Backwater Area, crayfish occupy open water on the floodplains and adult channel catfish aggregate in locations where the river channel and floodplain are coupled and forage heavily on crayfish (Flotemersch and Jackson, 2005).

d. Birds

There are 223 species of birds listed as occurring in the Mississippi Lowland ecoregion by the World Wildlife Fund. FWS has documented 184 of these species as well as an additional 73 (for a total of 257) utilizing the complex of National Wildlife Refuges located in the Yazoo Backwater Area (see Appendix 2). The FWS wildlife refuge list is a more comprehensive list, with greater species richness due to the length of the record (observations began in 1956) and the inclusion of "rare" migrants. Each season of the year, "rare" migrants will utilize the diverse assemblage of habitats present at area refuges but are not regular inhabitants. Hence, the species richness for birds at the refuges tends to be higher than ecoregional or physiographic area richness estimates. There are 41 bird species on the National Wildlife Refuge List for the Yazoo Complex which are listed as "rare." These rare species are often not included in other bird species lists. The Mississippi Lowland ecoregion list is comprised of regular residents/migrants in the region. A comparison of the Wildlife Refuge list without "rare" species and the Mississippi Lowland ecoregion list is 216 to 223 respectively.

FWS has reported that project area wetlands support an abundant and diverse bird community reflective of similar bottomland hardwood wetlands in the LMRAV (Appendix 4). Smith et al. (1993) listed 200 species of birds that occur in the LMRAV, largely in bottomland hardwood wetlands, which is 85 percent of the 236 species of birds listed in eastern North America. Table 5 identifies wetland dependent bird species found in the Yazoo Backwater Area.

Table 5. Birds of the Yazoo River Basin documented as requiring seasonal flooding during winter (W), spring migration (M), or breeding season (B), as determined by the FWS (Appendix 4)

Common Name	Scientific Name	Season Of Use	References
Spotted Sandpiper	*Actitis macularia*	M	Yazoo NWR list
Wood Duck	*Aix sponsa*	W, B	Heitmeyer et al. 1981, Reinecke et al. 1987, Drobney 1977
Roseate Spoonbill	*Ajaia ajaja*	M	Yazoo NWR list
Northern Pintail	*Anas acuta*	W, M	Fredrickson & Heitmeyer 1988, Heitmeyer 2001
American Wigeon	*Anas americana*	W, M	Fredrickson & Heitmeyer 1988, Heitmeyer 2001
Northern Shoveler	*Anas clypeata*	W, M	Fredrickson & Heitmeyer 1988, Heitmeyer 2001
Green-winged Teal	*Anas crecca*	W, M	Fredrickson & Heitmeyer 1988, Heitmeyer 2001
Blue-winged Teal	*Anas discors*	W, M	Fredrickson & Heitmeyer 1988, Heitmeyer 2001

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Mallard	*Anas platyrhynchos*	W, M	Fredrickson & Heitmeyer 1988, Hietmeyer 1988, Heitmeyer 2001, Heitmeyer & Fredrickson 1981, Reinecke et al. 1987
American Black Duck	*Anas rubripes*	W, M	Fredrickson & Heitmeyer 1988, Heitmeyer 2001
Gadwall	*Anas strepera*	W, M	Fredrickson & Heitmeyer 1988, Heitmeyer 2001
Anhinga	*Anhinga anhinga*	B	Yazoo NWR list
Greater White-fronted Goose	*Anser albifrons*	W, M	Yazoo NWR list
Great Egret	*Ardea alba*	B	Unpub. report 2002, Yazoo NWR list
Great Blue Heron	*Ardea herodias*	B	Unpub. report 2002, Yazoo NWR list
Ring-necked Duck	*Aythya collaris*	W, M	Fredrickson & Heitmeyer 1988, Heitmeyer 2001
American Bittern	*Botaurus lentiginosus*	M, B	Unpub. report 2002, Yazoo NWR list
Canada Goose	*Branta canadensis*	W, M	Fredrickson & Heitmeyer 1988
Green Heron	*Butorides virescens*	B	Yazoo NWR list
Sanderling	*Calidris alba*	M	Yazoo NWR list
Dunlin	*Calidris alpina*	M	Yazoo NWR list
Baird's Sandpiper	*Calidris bairdii*	M	Yazoo NWR list
Western Sandpiper	*Calidris mauri*	M	Twedt et al. 1997
Pectoral Sandpiper	*Calidris melanotus*	M	Twedt et al. 1997
Least Sandpiper	*Calidris minutilla*	M	Twedt et al. 1997
Semipalmated Sandpiper	*Calidris pusilla*	M	Twedt et al. 1997
Killdeer	*Charadrius vociferus*	M, B	Twedt et al. 1997
Little Blue Heron	*Egretta caerulea*	B	Rodgers & Smith 1995, Unpub. report 2002
Reddish Egret	*Egretta rufescens*	B	Yazoo NWR list
Snowy Egret	*Egretta thula*	B	Yazoo NWR list
Tricolored Heron	*Egretta tricolor*	B	Unpub. report 2002, Yazoo NWR list
Acadian Flycatcher	*Empidonax virescens*	B	Heitmeyer et al. 2005, Yazoo NWR list
White Ibis	*Eudocimus albus*	B	Unpub. report 2002
Common Snipe	*Gallinago gallinago*	W, M	Twedt et al. 1997
Common Moorhen	*Gallinula chloropus*	B	Yazoo NWR list
Black-necked Stilt	*Himantopus mexicanus*	M, B	Yazoo NWR list
Least Bittern	*Ixobrychus exilis*	M, B	Unpub. report 2002, Yazoo NWR list
Short-billed Dowitcher	*Limnodromus griseus*	M	Twedt et al. 1997
Long-billed Dowitcher	*Limnodromus scolopaceus*	M	Twedt et al. 1997

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Hooded Merganser	*Lophodytes cucullatus*	W, B	Fredrickson & Heitmeyer 1988, Yazoo NWR list
Wood Stork	*Mycteria americana*	M	Unpub. report 2002
Yellow-crowned Night-Heron	*Nyctanassa violacea*	B	Fredrickson 2005, Unpub. report 2002

Large numbers of 12 species of waterfowl commonly use bottomland hardwood habitats in the southeastern U.S., small numbers of 11 species regularly use bottomland hardwood areas, and 8 species less commonly use bottomland hardwood (Fredrickson and Heitmeyer, 1988; Heitmeyer, 2001). All of these species of waterfowl utilize habitats in the Yazoo Backwater Area. Waterfowl occupy many niches in bottomland hardwood wetlands of the LMRAV. The flooded forests of the LMRAV provide waterfowl with many of their needs. Acorns, as well as seeds from wetland plants growing in forest openings are important foods. Leaf litter furnishes a rich substrate for invertebrates, which can be a significant component of waterfowl diets (Heitmeyer, 1988). Nutrient reserves, such as invertebrates, fuel migration and help meet energetic requirements during periods of low, widely dispersed food availability (Heitmeyer et al., 2005). Population size and recruitment of most species of waterfowl are correlated with wetness of primary breeding habitats, and, at least for some species, also migration and wintering habitats. The amount and type of habitat flooded, annual food production, and availability of refuges within bottomland hardwood and associated wetland habitats in the LMRAV influences local and regional distribution of species (e.g., Nichols et al., 1983), and subsequent production and survival of mallards and wood ducks (Heitmeyer and Fredrickson, 1981; Reinecke et al., 1987). The wood duck is an important resident species in the Yazoo River Basin. Wood ducks require wetland areas that provide a high-quality plant and invertebrate food base. During the breeding season, female wood ducks may use stored lipid reserves to assist with egg production; however, they must consume essentially all of the protein needed for egg formation on a daily basis during the laying period (Drobney, 1977). The required source of most of these proteins is a variety of invertebrates produced in these wetland habitats.

In bottomland hardwood wetland ecosystems, one of the most important elements of their productivity is the invertebrate population (Griffith and Welker, 1987). In turn, hydrology is the most important factor that determines vegetative structure and function (Fredrickson, 1979; Klimas et al., 1981; Schoenholtz, 1996), and thus invertebrate communities (Moore, 1970; Reid, 1985; Fredrickson and Reid, 1990; Magee et al., 1999; Sharitz and Batzer, 1999). Wetland invertebrates, such as adult aquatic insects, insect larvae and nymphs, crustaceans and mollusks, provide an important food source for wetland bird species during critical physiological periods such as breeding and migration (Reid, 1985). Short-term flooding regimes may determine the occurrence and abundance of invertebrates (Fredrickson and Reid, 1988). The duration and timing of flooding in river basins, such as the Yazoo River Basin, directly influences availability of aquatic habitat and indirectly affects invertebrate populations. Densities of invertebrates change rapidly and dramatically as organisms break or enter dormant stages and otherwise respond to changing environmental conditions (Smock, 1999). Fragmentation and modification of the timing and duration of natural flooding in bottomland hardwood ultimately reduces long-term productivity of these wetlands, limiting habitat availability, and resulting in a decline of wetland bird use (Fredrickson and Reid, 1990). For example, when forests become fragmented and drier, small rodent populations increase, causing greatly reduced survival of tree seedlings and changes to detrital bases which have ripple effects throughout most food chains in the

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system (Heitmeyer et al., 2005). "In Mississippi, invertebrate biomass was reduced by approximately one-half (80.05 vs. 40.64 kg/ha) in consecutive years in a naturally flooded bottomland hardwood forest with less frequent flooding during the second winter" (Wehrle et al., 1995). Wehrle (1992) also documented a positive correlation between water depth and invertebrate abundance in naturally flooded hardwood bottomlands at Noxubee National Wildlife Refuge in Mississippi, where lower sites which flooded deeper and longer had greater invertebrate biomass.

Fourteen of 18 species of wading birds found in North America use bottomland hardwood habitats, and 12 of these species breed regularly in this system (Heitmeyer et al., 2005). Diets of most wading birds vary with seasonal availability, and many species forage extensively on small fish, amphibians, reptiles, and crayfish. Waders generally depend on seasonally-fluctuating water levels in bottomland hardwood and associated wetlands to make prey more available. One species that nests in the Yazoo Backwater Area, the Little Blue Heron, has recently shown declines in its population. Although the overall causes for this population change cannot be directly determined, it is believed that altered hydrocycles and habitat conversion have caused and continue to cause the greatest threats to this species. Food limitation, caused by wetland destruction and degradation, appears to be a significant factor controlling its breeding success and, therefore, its population numbers (Rodgers and Smith, 1995). Among the wading birds listed as priority species for management in the LMRAV are the following: Little Blue Heron, Tricolored Heron, American Bittern, Least Bittern, Black-crowned Night Heron, Yellow-crowned Night Heron, Great Egret, White Ibis, and Wood Stork (Appendix 4).

For many shorebird species, migration "stop-over" habitats play a vital role in their ability to accumulate fat reserves. Shorebirds unsuccessful in obtaining necessary fat are thought to have very low survival rates (Brown, Hickey, and Harrington, 2000). If these fat deposits are crucial for breeding and if they are dependent on feeding conditions on migratory stopovers south of breeding area, then changes in quantity and quality of migratory habitat could influence breeding populations and fitness parameters (Appendix 4).

Several species of secretive marsh birds, such as rails and gallinules, commonly use bottomland hardwood habitats, primarily during migration. Some populations of this bird group, such as the King Rail, have declined alarmingly in the past 30 years, due mostly to loss of wetlands (Meanley, 1992). Reid (1989) discusses this issue: "The Mississippi River corridor has historically formed important breeding and migratory habitat for King Rails…[m]ajor degradations to this ecosystem have occurred in the last century and include constriction of banks that modify flow and flood capacity, dike construction that impacts channel direction, and addition of toxicants through point and non-point pollution. Perhaps the greatest direct threat to King Rail habitats has been the large reduction in herbaceous floodplain wetlands through agricultural, urban, and industrial developments…" The most important food items for King Rails are crayfish and aquatic insects. Crayfish formed 61 percent by volume of foods in spring in rice fields and associated wetlands in eastern Arkansas (Meanley, 1956). Seasonal flooding of wetlands in the Yazoo project area is required for the production of these important foods as well as nesting cover.

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Other aquatic-associated migrants utilizing the deeper open water portions of the Yazoo Backwater Area include the pied-billed grebe, double-crested cormorant, and anhinga. Anhingas breed in the area, typically in low elevation sites where large bald cypress trees and permanent water occur.

About 130 species of songbirds regularly use bottomland hardwood habitats, most of which have been documented in the Yazoo Backwater Area (see Appendix 2). Most songbirds in this system are insectivorous during spring migration and the breeding season. These birds capitalize on pulses of certain foods, often linked with flood pulses, which produce insect hatches in spring and lepidopteran larvae in early summer (Heitmeyer et al., 2005).

e. Mammals

There are 62 species of mammals listed as occurring in the Mississippi Lowland ecoregion by the World Wildlife Fund. Of these, 45 occur in the Yazoo Backwater Area and an additional 3 species have been collected which were not listed by World Wildlife Fund (see Appendix 2). Thus 77 percent of the number of species which occur at the ecoregion scale also occur in the project area. The project area has representative species from the 7 mammalian orders: Insectivora [(e.g., southeastern shrews (*Sorex longirostris*), least shrews (*Cryptotis parva*), and eastern moles (*Scalopus aquaticus*)]; Chirpotera (e.g., bats); Lagomorpha [e.g., eastern cottontail (*Sylvilagus floridanus*) and swamp rabbits (*Sylvilagus aquaticus*)]; Rodentia [e.g., squirrels, mice, beaver (*Castor canadensis*), muskrat (*Ondatra zibethicus)*]; Carnivora [e.g., Louisiana black bear (*Ursus americanus*), river otter (*Lutra canadensis*), long tailed weasel (*Mustela frenata*), raccoons (*Procyon lotor*)]; Marsupialia [opossum (*Didelphis virginiana*)]; and Artiodactyla [white-tail deer (*Odocoileus virginianus*)]. The species richness of mammals in bottomland hardwood wetlands is equal to or exceeds the richness in adjacent upland habitats. Many mammal species are omnivores and have diverse diets in order to take advantage of complex food chains and food availability after major events like floods. Food chains in bottomland hardwood wetlands are long and complex and ultimately detrital based (i.e., all begin at the bottom of the food chain with invertebrate shredders, grazers, and collectors which process plant material). As with the other wildlife groups discussed above, invertebrates form a major food resource for predators and are available in detrital-based and production-based food webs. Small mammals, such as shrews, will consume large volumes of insects (Wigley and Lancia, 1998).

f. Nationally Significant Public Lands

Significant, seasonally-inundated public lands are located in the Yazoo Backwater Area including: (a) the Delta National Forest (61,800 acres); (b) the Yazoo National Wildlife Refuge (NWR) Complex [including the Yazoo (13,000 acres), Holt Collier (1,400 acres), Theodore Roosevelt (4,000 acres), and part of Panther Swamp (14,000 acres) refuges]; (c) Twin Oaks Mitigation Area (5,675 acres); (d) Mahanna Mitigation Area (12,675 acres); and (e) Lake George Wildlife Management Area (8,383 acres). Figure 4 illustrates the locations of the FWS NWRs and the Delta National Forest in and near the Yazoo Backwater Area.

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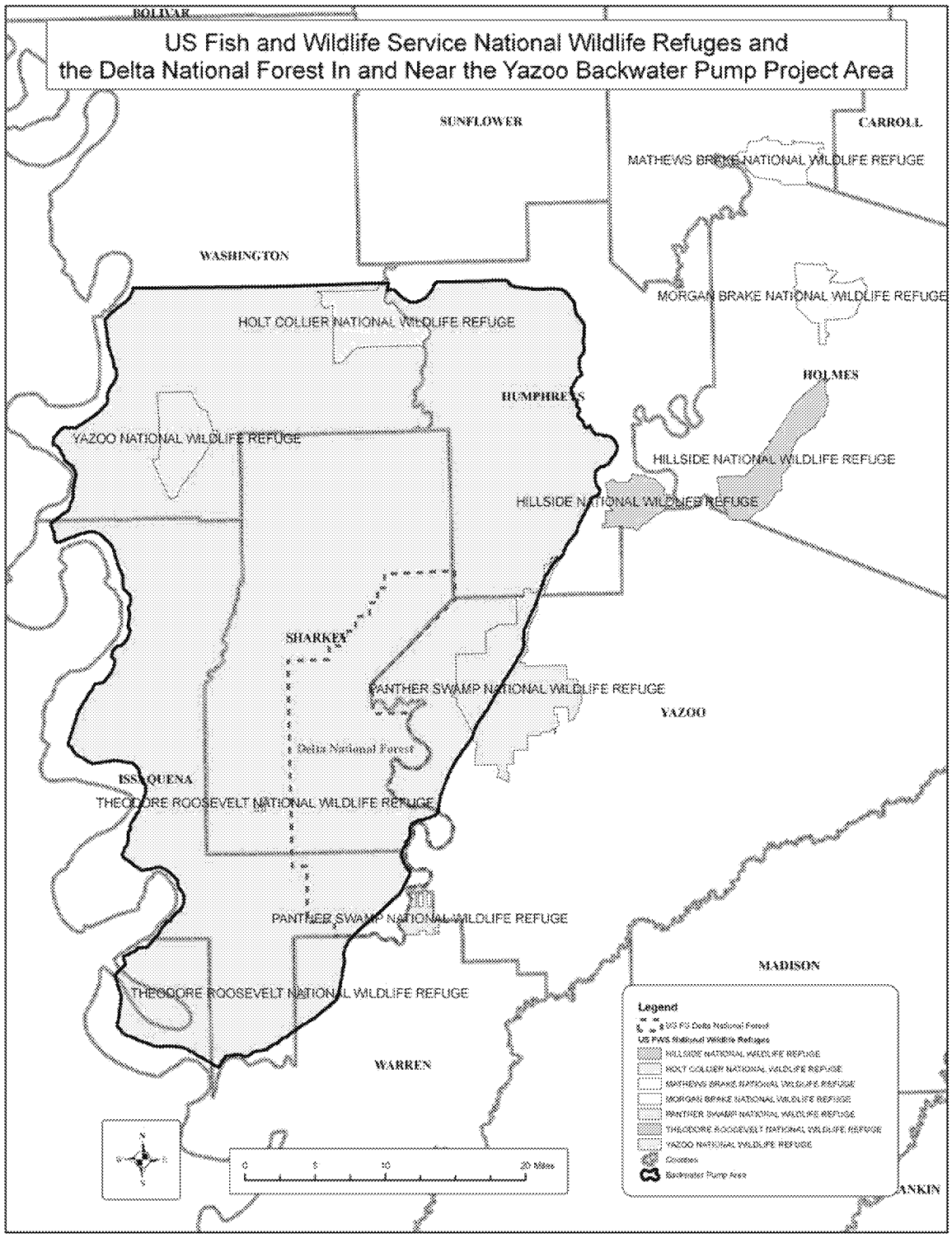

Figure 4. The locations of the U.S. Fish and Wildlife Service National Wildlife Refuges and the Delta National Forest in and near the Yazoo Backwater Area

According to the FWS, the four NWRs located in the Yazoo Backwater Area are managed, in part, to provide habitat for breeding and migratory birds with an emphasis on waterfowl. They are also managed to provide opportunities for compatible public use or recreational activities. The NWR System Improvement Act of 1997 states that the Secretary of the Interior shall "ensure that the biological integrity, diversity and environmental health of the NWR System are maintained for the benefit of present and future generations of Americans." The NWR System Improvement Act also established six priority public uses on refuge lands where they are compatible with the defined purpose(s) of each refuge. These priority public uses are hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation.

According to the FWS, Mississippi has a 30,538,118 acre land base of which only 1,042,408 acres or 3 percent is publicly owned and not all of those acres are open to public recreation. Thus, these refuges provide important public recreational opportunities in an area where such opportunities are limited. In 2001, there were 357,000 licensed hunters and 586,000 anglers in the state of Mississippi. FWS reports that in 2002, an estimated $13.7 million in revenue was generated by hunting and angling activities and wildlife watchers spent $974 million, which supported 12,258 jobs in Mississippi.

There are an estimated 103,000 visits to Panther Swamp, Holt Collier, and Yazoo NWRs each year (only 320 acres is owned within the Theodore Roosevelt NWR acquisition boundary and these acres were only recently obtained; as such visitor use data is not yet available for this refuge). Historically, the refuges' visitor services programs focused on traditional recreational uses, primarily hunting and fishing. However, NWRs now fulfill a much broader need and offer more services than before. Of the 103,000 people per year that visit the refuges in the Yazoo Backwater Area, the majority (80-87 percent) are there to observe, hear, photograph, or learn about wildlife in a natural setting. According to the FWS, these refuges provide vast acreages of bottomland hardwood forested wetlands that are home for a diverse assemblage of fish and wildlife found nowhere else in Mississippi.

C. Summary

Based on the administrative record, EPA finds that the Yazoo Backwater Area contains ecologically significant fish and wildlife resources and habitat. EPA bases its conclusion on several factors including extensive species lists and collection records from the Corps; Mississippi Department of Wildlife, Fisheries, and Parks; the Mississippi Natural Heritage Program and Natural Science Museum; and the FWS National Wildlife Refuges. All of these sources as well as a great deal of published literature indicate that the Yazoo Backwater Area includes significant wetland and aquatic resources of national importance. The biodiversity of the Yazoo Backwater Area is a product of the topographic and hydrologic complexity which is a result of the fluvial geomorphology of the Mississippi River. This complexity has led to the development of numerous wetland and aquatic habitats which are connected via the backwater flood pulse and foster tremendous wetland plant and wildlife productivity. The wetlands in the Yazoo Backwater Area represent a remnant of the once vast bottomland hardwood wetlands of the LMRAV. The Yazoo Backwater Area is of major importance as a migratory corridor for many species of birds and mammals including the federally protected Louisiana Black Bear.

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The productivity of the fishery and those species dependent on backwater areas indicates that river floodplain connectivity is still operating. The area provides not only habitat for a wide range of fish and wildlife but also provides wetland functions which promote improved surface water storage and water quality. These wetland functions contribute to the ecosystem health of the Yazoo Backwater Area. Despite historic and cumulative influences by human activities, the wetland, wildlife and fisheries resources of this area are significant.

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IV. ADVERSE ENVIRONMENTAL IMPACTS

A. Section 404(c) Standard

The CWA requires that exercise of the final section 404(c) authority be based on a determination of an "unacceptable adverse effect" on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. In making this determination EPA takes into account all information available to it, including any written determination of compliance with the Section 404(b)(1) Guidelines. EPA's regulations at 40 CFR 231.2(e) define "unacceptable adverse effect" as:

> *Impact on an aquatic or wetland ecosystem which is likely to result in significant degradation of municipal water supplies or significant loss of or damage to fisheries, shellfishing, or wildlife habitat or recreation areas. In evaluating the unacceptability of such impacts, consideration should be given to the relevant portions of the Section 404(b)(1) Guidelines (40 CFR part 230).*

Those portions of the Guidelines relating to significant degradation of waters of the United States, water quality impacts, evaluation of secondary and cumulative impacts and impact minimization are particularly important to evaluating the unacceptability of environmental impacts. The Guidelines prohibit any discharge of dredged or fill material where: (1) there is a less environmentally damaging practicable alternative to meet the project purpose; (2) the proposed project would violate other environmental standards, including applicable water quality standards; (3) the proposed project would cause or contribute to significant degradation of the Nation's waters; or (4) the proposed project fails to adequately minimize and compensate for wetland and other aquatic resource losses (see 40 CFR 230.10(a)-(d) and 230.11(g) and (h)).

B. Extent and Location of Wetland Impacts

This Final Determination is based on the unacceptable adverse effects on fishery areas and wildlife associated with FSEIS Plans 3 through 7, and Modified Plan 6, which according to the FSEIS includes impacts to between approximately 28,400 – 118,400 acres of wetlands. According to the FSEIS, the construction and operation of the proposed project (i.e., FSEIS Plan 5) would degrade the critical functions and values of approximately 67,000 acres of wetland resources in the Corps' wetland assessment area (Table 6). EPA has determined that the range of impacts to wetlands and their associated fisheries and wildlife resources identified in the FSEIS are significant and unacceptable.

EPA's concerns regarding this proposed project are amplified because we believe the spatial extent of wetlands potentially impacted by the proposed project is much greater than that estimated in the FSEIS. As discussed in Appendix 5, EPA's Environmental Monitoring and Assessment Program (EMAP) analysis identified approximately 52,000 acres of wetlands which are located on the 2-year floodplain but outside of the wetland assessment area established in the FSEIS (Figure 5). EPA believes that as much as 24,000 acres of these 52,000 acres of wetlands are connected to backwater flooding and will be adversely impacted by the project to an even greater degree than the wetlands considered in the FSEIS. However, the FSEIS did not evaluate

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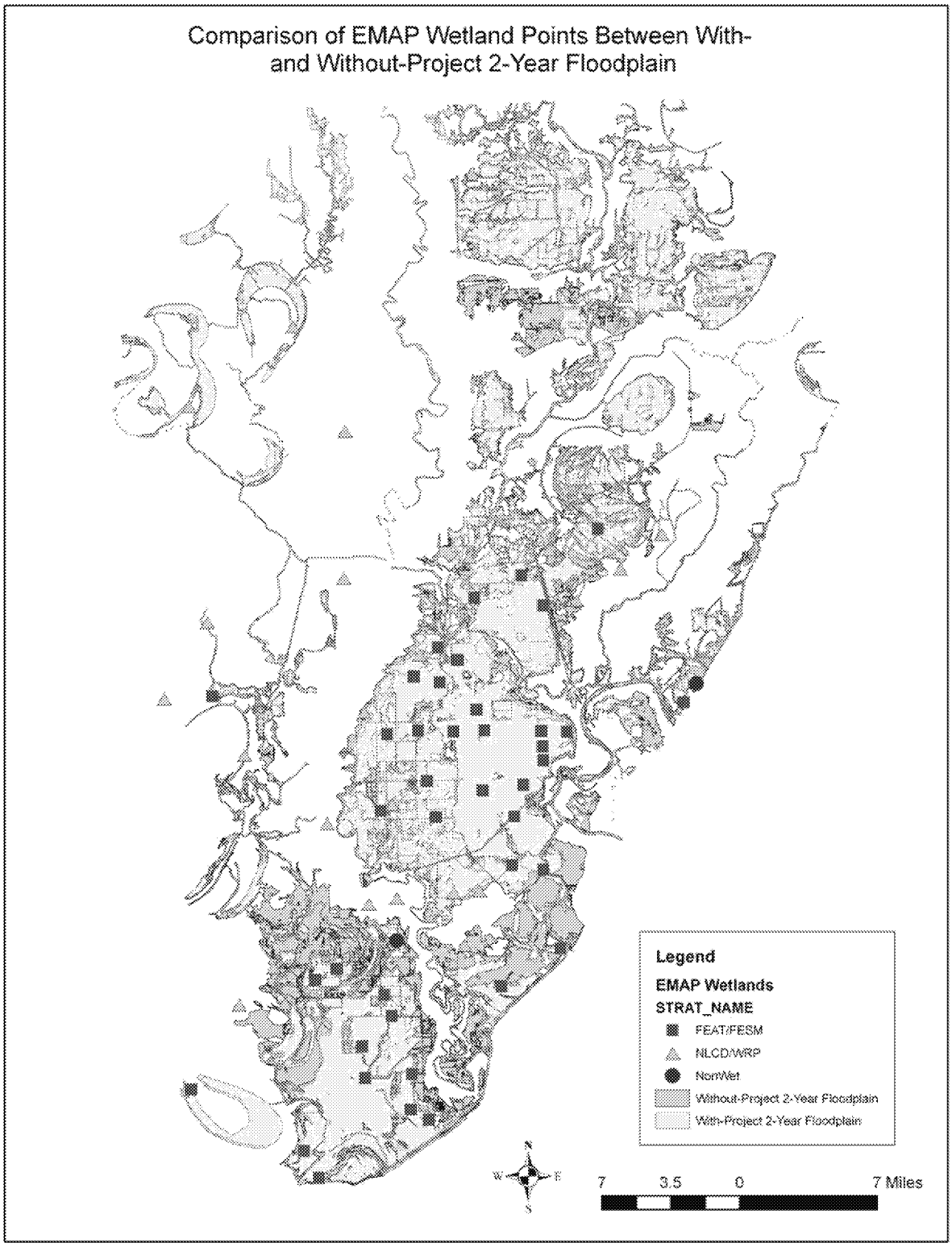

Figure 5. EMAP wetland points on 2-year floodplain with and without project

impacts to these wetlands. Therefore the following section also includes a discussion of the scope and nature of the adverse impacts to these 24,000 acres of wetlands.

Table 6. Change in flood duration, by cover type, in the FSEIS wetland assessment area (FSEIS HGM Assessment Report, 2007)

Land Cover Type	Acres Changed
Mature forest	29,822
Middle aged forest	341
Early aged forest	18,174
Recently logged	78
Agricultural	17,577
Other	949
Total	**66,941**

C. Adverse Impacts to Wetland Functions

EPA has concluded that the wetland, fish, and wildlife functional assessments in the FSEIS underestimate the scope and nature of adverse impacts to the 67,000 acres of wetlands that were evaluated in the FSEIS for the proposed project. EPA encouraged the use of the HGM assessment method and the Habitat Evaluation Procedure (HEP) as tools to help assess wetland functions for the FSEIS evaluations, and still supports the use of those tools. However, EPA believes that certain modeling assumptions and factors used by the Corps in the application of these assessment tools lead to a significant underestimation of the proposed pumping station's adverse impacts on the aquatic ecosystem, as well as a significant overestimation of the project's environmental benefits. These concerns are summarized in Appendix 6. In addition to underestimating the scope and nature of the adverse effects to the 67,000 acres of wetlands noted in the FSEIS for the proposed project, the Corps provided no evaluation of the adverse effects to the approximately 24,000 acres of wetlands on the 2-year floodplain that EPA's EMAP evaluation determined would be affected by the proposed project (Appendix 5). The following discussion of the adverse impacts of the proposed project is designed to provide a more complete evaluation of the proposed project's adverse impacts on wetlands and their associated fish and wildlife resources. In framing this discussion and providing our rationale for the Final Determination, EPA has carefully considered comments from the public as well as the Corps, the project sponsor, and the Department of the Army.

As discussed in Section III, the annual hydrologic cycle of water moving into and out of the project area defines the ecological attributes of the project area's wetland and aquatic resources, which in turn fuels the fundamental processes essential to fish and wildlife productivity. This annual water cycle, or the flood pulse (Junk et al., 1989; Odum et al., 1995; Sparks, 1995), not only makes the project area's diverse habitats accessible to fish and wildlife but also provides the primary linkages that transfer energy and organisms between the project area wetlands and streams, and the rest of the lower Mississippi River ecosystem.

The basic objective of the proposed project is to limit the spatial extent, frequency, and length of time the Yazoo Backwater Area floods. As illustrated by Figures 6 and 7, the hydrologic effect of this project, in addition to the effects of previous flood control projects in the area, will be to

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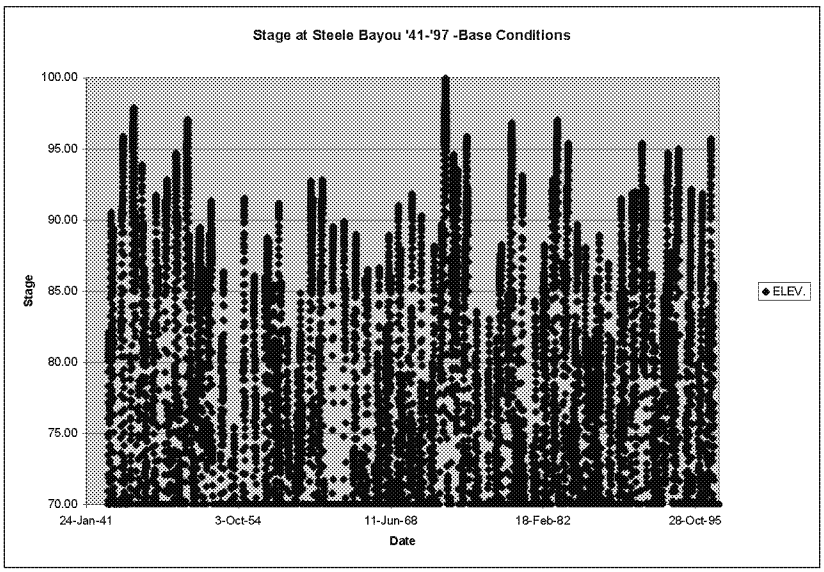

Figure 6. Annual peak water stages at Steele Bayou (1941-1997), without project

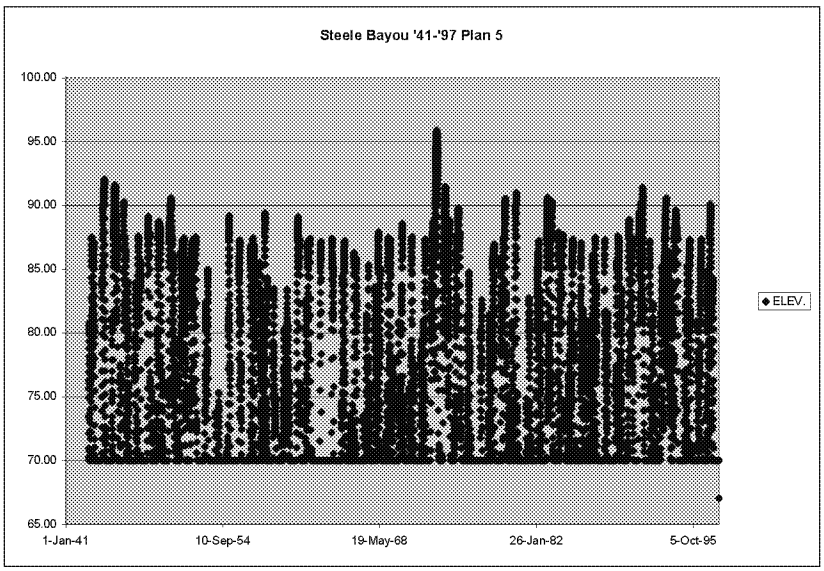

Figure 7. Annual peak water stages at Steele Bayou (1941-1997) with project

Figures 6 and 7 show the base flooding conditions at Steele Bayou without and with the Backwater Pumps project. They were generated using the Corps Period of Record stage data to display annual peak discharges. The number and magnitude of flood events above the 90' NGVD elevation without the project (Figure 6) is drastically reduced with the project (Figure 7). The with project condition shows how the flood peaks have been "shaved-off" leading to a more regular flood regime and less hydrologic diversity (i.e., the floods don't occur as often or for as long, and are not as severe).

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further dampen and restrict the variability in flood regime (the flood pulse) which currently contributes to the biodiversity of the project area's wetlands. The ecological effect of altering the hydrologic cycle of this area will be to eliminate or significantly degrade many of the critical functions provided by the wetlands in the Yazoo Backwater Area, including temporary storage of surface water, nutrient cycling, organic carbon export, pollutant filtering/removal, and maintenance of biologically diverse plant and animal habitat. This in turn will adversely impact the diverse array of fish and wildlife species that live and depend on project area wetlands.

Table 7 shows the estimated with project FCIs for riverine backwater wetlands within the Yazoo Backwater Area. In calculating these FCIs, the Corps assumed that only one of the 19 indicators used in the HGM models (flood duration) would change as a result of the project.

All other indicators, including flood frequency, were assumed to remain constant. Despite the change in only one indicator, 4 functions (Export Organic Carbon, Physical and Biological Removal of Elements and Compounds, and Wildlife Habitat) showed impacts across all land use types (when compared to based conditions, shown in Table 3). As discussed below, when viewed in the context of effects on wetland biota and ecosystem integrity, these impacts become severe. Further, as discussed below and in Appendix 6, we believe that if particular shortcomings in the application of HGM had been addressed, the results of the FSEIS HGM analysis would have shown even greater impacts from the project. Both the Corps and the project sponsor take issue with EPA's assertion that the wetland impacts have been underestimated because the Corps' functional analysis indicates that project impacts to the wetlands are not significant. The project sponsor further asserts that the Recommended Determination suggests that all 67,000 acres of wetlands that would be impacted by the proposed project are high quality wetlands and impacts to these 67,000 acres represent "total wetland destruction." In the analysis conducted by EPA in the Proposed Determination and Recommended Determination, EPA fully recognizes that the baseline conditions of the 67,000 acres of impacted wetlands differ depending upon land cover type and the degree of the impacts to these 67,000 acres of wetlands will vary depending upon a number of factors, including their location and elevation. It is EPA's conclusion that the Corps underestimates the impacts to wetlands because of modeling assumptions and other factors used by the Corps in its analysis, as discussed in the following sections. These concerns were highlighted in the Proposed Determination and the Recommended Determination and have been extensively discussed with the Corps.

Table 7. With project functional capacity indices for riverine backwater wetlands by land use type for the Yazoo Backwater Area (FSEIS HGM Assessment, 2007)

Function	Mature Forest	Middle Aged Forest	Pasture/ Planted/ Early Aged Forest	Recently Logged	Agricultural	Other
Detain Floodwater	0.98	0.78	0.75	0.73	0.25	na
Detain Precipitation	0.83	1.00	0.48	0.76	0.56	na
Cycle Nutrients	0.95	0.88	0.56	0.67	0.29	na
Export Organic Carbon	0.47	0.58	0.32	0.42	0.17	na
Physical Removal of E and C	0.39	0.69	0.21	0.49	0.43	na
Biologial Removal of E and C	0.47	0.58	0.32	0.42	0.17	na
Maintain Plant Communites	0.93	0.94	0.55	0.71	0.00	na
Provide Wildlife Habitat	0.89	0.88	0.48	0.74	0.00	na

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1. Temporary Storage of Surface Water (i.e., Detain Floodwater)

The FSEIS HGM assessment incorporates a flood duration variable in 4 of the 8 functions considered (i.e., Organic Carbon Export, Physical and Biological Removal of Elements and Compounds, and Wildlife Habitat). However, duration of surface water storage is not incorporated in the temporary storage of surface water function used by the Corps in their analysis; the specific function this project is designed to alter. With this omission, the HGM models do not show the project as having any effect on the temporary storage of surface water. In its discussion of the temporary storage of surface water function in the Yazoo Basin HGM Guidebook, the authors stress the importance of flood duration to the performance of this function.

Similarly, despite information in the FSEIS Engineering Appendix (Table 6-14) which notes that areas above the 1-year floodplain will be flooded less frequently because of the project, the frequency of flooding variable in the HGM assessment models reflects no change, for any function. This again seems incongruous, since the entire objective of the project is to reduce the extent, frequency and duration of flooding. Thus, although certain analyses in the FSEIS clearly acknowledge that the ability of project area wetlands to perform the temporary storage of surface water function will be reduced, the decision to exclude (in the case of duration) or hold constant (in the case of frequency) key variables prevents the FSEIS HGM assessment from adequately evaluating the change in this function.

The FSEIS HGM assessment also does not take into account those wetlands which occur outside the Corps' wetlands assessment boundary, which EPA believes would be affected by a change in duration and frequency (Figure 5). If these wetland areas had flooding reduced to a 5-year or greater return interval, which is indicated by the Corps' hydrologic data, then these wetlands could shift from the riverine backwater wetland subclass to the *flats* wetland subclass (see Table 2). This change in HGM subclass would result in the complete loss, by definition, of the functions performed by riverine backwater wetlands (i.e., temporary storage of surface water, organic carbon export and pollutant removal and sequestration functions). These functions are lost because the floodwaters no longer reach these areas with the regularity comparable to reference riverine backwater wetlands. Flat wetlands do not perform the functions associated with the regular inundation by floodwaters in riverine wetlands. The reduction in flood frequency and duration in the wetlands outside the FSEIS assessment area and the subsequent change in HGM subclass, results in a complete loss and/or change in key functions in approximately 24,000 acres of wetlands, none of which were evaluated by the FSEIS.

The reduction or elimination of the temporary storage of surface water function of wetlands in the Yazoo Backwater Area as a result of the proposed project could increase peak discharges and water currents in the Mississippi River. By maintaining water levels of regular flood events at approximately 87.0 feet, NGVD, at the Steele Bayou gauge, water would not be allowed to collect for significant periods of time in the backwater wetlands. Instead, water that would otherwise remain in the wetlands would be drawn off by the pump and discharged to the Mississippi River. Reducing or eliminating the temporary storage of surface water function of project area wetlands will also decrease the amount of water delivered to plants and allowed to infiltrate into the alluvial aquifer in the Yazoo Backwater Area. The effect of the project is to

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increase the overall volume of water moving downstream. Not allowing adequate time for surface water infiltration in the Yazoo Backwater Area will also reduce the amount of water that returns to area streams as baseflow. This is particularly critical in the Yazoo Backwater Area as dewatering of the alluvial plain has already resulted in extremely low seasonal flows in area streams. For example, the Sunflower River flow rate often drops below the minimum low flow rate established by the USGS (i.e., the 7Q10 low flow rate) (Mississippi Museum of Natural Science, 2005).

2. Nutrient Cycling and Organic Carbon Export

These two functions are very tightly linked. Both involve the decomposition of organic material which is mediated by microbial and invertebrate communities supplied with moisture and nutrients from surface water. Nutrients are stored within, and cycled among: the soil; primary producers such as vascular and nonvascular plants; consumers such as bacteria, fungi, and animals; and dead organic matter (detritus) such as leaf litter or woody debris. The transformation of nutrients within and between these compartments is mediated by a complex variety of biogeochemical processes which, like organic carbon export, involve the breakdown of plant material to more readily used constituents. Certain nutrient transformations, namely denitrification, are mediated by microbes that occur in an anaerobic environment.

The moisture required for this and other biogeochemical processes represented by this function, can be delivered by the flood pulse. Nutrients can also be imported to the wetland via surface water. These nutrients can be used by the microbial and invertebrate communities to continue the nutrient cycling. Despite the recognition of the role of invertebrate biota in the processing of organic material and the subsequent cycling of this material to support internal wetland processes, and the role hydroperiod plays in supporting the invertebrate biota, no hydrologic indicator was explicitly incorporated by the Corps in its analysis of this function. This omission results in an underestimation of the effect of this project on nutrient cycling.

Reducing the spatial extent, depth, frequency, and duration of time wetlands in the project area are inundated will significantly reduce the amount of dissolved and particulate organic carbon available for wetland and aquatic food webs as well as biogeochemical processes in downstream aquatic habitats. The microbial and invertebrate communities, which are critical to the breakdown and recycling of organic matter in these wetlands and serve as the base of the food web for wildlife, are adapted to the periodic pulsing of floodwaters which currently occurs. Without these periodic flood pulses, microbial and invertebrate communities will diminish, and this will affect the capacity of the wetland to maintain the base of the food chain. The cycling and export of dissolved and particulate carbon requires prolonged contact between soil organic matter, surface water, and the invertebrate community and subsequent transport downstream – circumstances that would be dramatically altered by the proposed project.

In the 24,000 acres occurring in the 2-year floodplain and that were not evaluated in the FSEIS, the organic carbon export function would be lost completely since flooding would be reduced to a point (i.e., 10 year return) where floodwaters no longer access the wetland on a regular basis. Without regular input and export of nutrients and dissolved organic carbon by floods, these

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normally riverine wetlands would convert to flat wetlands and would no longer perform this particular function.

3. Pollutant Filtering and Removal

Reducing the spatial extent, depth, frequency, and duration of time wetlands in the project area are inundated will reduce the capacity of area wetlands to remove water pollutants thus exacerbating existing water quality problems in the Yazoo Backwater Area. Many water pollutants are imported to wetlands via flood water. Hydrologic alterations associated with the proposed project (i.e., prevention of surface water from accessing wetlands) will reduce the level of sediment deposition as well as the levels of permanent removal and temporary immobilization of nutrients, metals, and other elements and compounds in project area wetlands. Loss or reduction of this important water quality enhancement function is of particular concern in light of existing water quality concerns in the Yazoo Backwater Area. The state reports that overall water quality is lower in this area than anywhere else in the state, as evidenced by a region-wide advisory regarding fish consumption, and numerous consumption bans in some area waters because of high pesticide levels (Mississippi Museum of Natural Science, 2005).

In the 24,000 acres of wetlands occurring in the 2-year floodplain that were not evaluated in the FSEIS, the pollutant removal functions would be lost completely since flooding would be reduced to a point (i.e., 10 year return) where floodwaters no longer access the wetlands on a regular basis. Without regular input of the elements and compounds by floods, these normally riverine wetlands would convert to flat wetlands and would no longer perform this particular function. Given that the Yazoo Backwater Area already contains CWA section 303(d)-listed impaired waterbodies (see Appendix 7), the extensive loss of pollutant filtering and removal functions by wetlands impacted by the proposed project could exacerbate the elevated concentrations of the pollutants of concern, potentially causing or contributing to violations of applicable state water quality standards (40 CFR 230.10(b)). Although reforestation within the Yazoo Backwater Area could, theoretically, result in water quality benefits, EPA has significant concerns with the ability of the proposed project's reforestation features to achieve these benefits (see Sections IV.E.).

4. Plant Habitat

The HGM assessment assumes that vegetative species composition remains approximately static over time, or that any species shift that does occur as a result of the project would be within the range of the reference standards. However, EPA maintains that if the hydrologic regime of the area is changed significantly, as is proposed by the project, the changes in the plant and animal communities would be much greater than was accounted for in the FSEIS. EPA has considered comments, from the Corps and the project sponsor, which question the availability of area specific data that would document the change in plant community structure due to hydrologic changes. Although precise predictions of forest changes occurring in the Yazoo Backwater Area with the project are not possible, the scientific literature strongly suggests that bottomland hardwood forests shift over time to more drought tolerant/less flood tolerant species composition when backwater flooding is significantly reduced or eliminated. This shift is important because a change in plant community not only signals a change in hydrology, but also in the habitat

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resources available to wildlife. For example, a shift from hard mast trees (e.g., oaks) to soft mast trees (sweetgum and red maple) represent a loss of the food value of acorns. The plants also provide the structure for animal habitat. A diverse habitat is one with many layers of plants (i.e., herbs, shrubs, young trees, old trees, dead trees, etc.). If the hydrology is altered the forest structure could be altered, which in turn would alter wildlife habitat.

Reduction or elimination of hydrologic regimes has resulted in documented vegetative species composition changes over time in bottomland hardwood forests. For example, loblolly pine *(Pinus taeda)* and red maple *(Acer rubrum)* replaced swamp tupelo *(Nyssa sylvatica)* in the lower reaches of South Carolina's Santee River as a result of a water diversion project that caused the site to become significantly drier. The diversion of water from the Santee River took place during the 1930's and the change in species composition took nearly 60 years to become evident on the site (Kellison et al., 1998). Red maple (a constituent of project area wetlands) was found to rapidly takeover sites with reduced hydroperiod in riverine bottomland hardwoods of the Mississippi Embayment in west Tennessee (Wilder and Roberts, 2005). This invasion of former bottomland hardwoods by red maple took approximately 30 years to occur. Red maple's takeover is attributed to the loss of the flood pulse hydrology characteristic of these systems. Similar plant community conversion times could be expected in the Yazoo Backwater Area if the proposed project is implemented.

A study conducted in the Ouachita River basin in South Arkansas recorded that intolerance to soil saturation/flooding is an important factor in the development of various floodplain community types. It serves to exclude those species that might otherwise grow there if the soils were not saturated/flooded during part of the growing season. This became evident in those areas where flooding and/or soil saturation are no longer a factor, since these sites were commonly invaded by flood intolerant woody species such as shortleaf pine (*Pinus echinata*) and blackjack oak (*Quercus marilandica*) (Huffman, 1980). Although vegetative species may differ, a similar invasion of flood intolerant species could occur with the implementation of this project. These studies indicate that vegetative change is measured on the scale of decades and that over the life of this project, and beyond, the change in hydrologic regime in the project area will have an effect on the plant community.

EPA expects that large areas in the Yazoo Backwater Area currently dominated by Nuttall oak and green ash or overcup oak and water hickory will eventually become drier and be replaced by less flood tolerant species such as sweetgum, which produces mast that has a lower biological value to wildlife. This shift will result in a commensurate reduction in the habitat for other wetland dependent plant species found in the Yazoo Backwater Area such as pondberry, which is listed as federally *endangered* under the Endangered Species Act.[24]

The effect of this project will be more pronounced on the vegetative community in the 24,000 acres of wetlands that would be impacted in the 2-year floodplain but was not analyzed in the FSEIS. As indicated by the HGM classification of subclasses contained in the Yazoo Basin

[24] The FWS's Biological Opinion (BO) for the proposed project, dated July 2, 2007, concludes that the project is likely to adversely affect the pondberry, but it would not jeopardize the continued existence of the endangered plant. The BO includes a detailed discussion of the effects of this proposed project on extant colonies of pondberry in the project area, which is not repeated here.

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HGM Guidebook, the change in subclass from a riverine backwater wetland to a flat wetland occurs if the wetland only floods at greater than a 5-year frequency flood. As a result of this hydrologic shift, a commensurate vegetative shift is indicated by the appearance of drier species such as Shellbark hickory (*Carya laciniosa),* Black hickory (*Carya texana*), Sycamore *(Platanus occidentalis),* Pumpkin ash (*Fraxinus tomentosa*), Water locust *(Gleditsia aquatica),* Eastern cottonwood (*Populus deltoids*), and Slippery elm (*Ulmus rubra).* All of these species occur in drier sites, typical of flats. This shift in plant community is the signal that the hydrology of the wetland has been altered from a backwater flood driven system to a rain water driven system. Flats do not receive floodwater the same as backwater wetlands, therefore they do not function the same as backwater wetlands and subsequently will not support the same habitat for wetland dependent fauna as riverine backwater wetlands.

5. Fish and Wildlife Habitat

The hydrologic regime of backwater riverine wetlands creates seasonal pulses of nutrient flow and food resources. The timing of these seasonal pulses of energy is important to many wetland faunal species inhabiting the Yazoo Backwater Area. The consequences of even modest changes in the timing of events can adversely affect these species. The proposed project would significantly degrade critical habitat for over 40 wetland dependent bird species (e.g., little blue herons, yellow-crowned night herons, wood storks, Acadian flycatcher wood ducks, mallards, blue and green-winged teal) (Table 5) and over 50 species of fish (e.g., catfish, sunfish and crappies) which have been documented as utilizing wetlands and other waterbodies in the Yazoo Backwater Area and Yazoo River (Table 4). The proposed project would also degrade important habitat for 33 *species of greatest conservation need* that depend on bottomland hardwood wetlands in the Yazoo Backwater Area; 23 *species of greatest conservation need* that depend on standing and running waterbodies in the Yazoo Backwater Area; and 17 *species of greatest conservation need* that depend on the Yazoo River and its major tributaries and their associated floodplains (Mississippi Museum of Natural Science, 2005; Appendix 4).

a. Invertebrates

Isopods (*Caecidotea spp.*), amphipods (*Crangonyx spp.*), midges (*Chironomidae*), freshwater worms (*Oligocheata*), crayfish (*Decapoda*), and fingernail clams (*Sphaeriidae*) make up a critical component of the macroinvertebrate communities that thrive in the area's riverine backwater wetlands due to the presence of saturated soils, organic material and periphyton (a layer of microbial organisms which colonize detrital material). These invertebrates not only contribute to the breakdown of organic material (shredders and grazers) but they are also critical sources of prey for fish, waterfowl, rodents, bats, and birds. The draining and drying of area wetlands associated with the proposed project would significantly reduce the species diversity, as well as the richness and productivity of the area's macroinvertebrate community, thus adversely impacting an extensive list of vertebrate species which depend upon the wetlands' rich macroinvertebrate community for nourishment. Project impacts on these wetland invertebrates would have a cascading adverse effect on wetland functions (e.g., organic carbon and nutrient cycling), and animals dependent on this food source. For example, delayed or reduced flood hydrology caused by the proposed project in late fall or early winter could delay and decrease detrital invertebrate populations in late winter and spring, which would affect, among other

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factors and other species, the foraging resources for mallards, egg-laying of night herons and hooded mergansers, embryo development in raccoons and storage of nutrient reserves needed by hibernating black bears (Heitmeyer et al., 2005). While EPA agrees that reforestation can produce more organic material and provide more material for carbon cycling and consumption, it must occur on frequently flooded land to benefit trophic interactions between the plant material and the invertebrate community. As discussed in more detail in Sections IV. D. and E, and Appendix 8, EPA does not believe the reforestation component of the project adequately ensures re-establishment of appropriate wetland hydrology to fully mitigate for lost wetland functions.

b. Amphibians and Reptiles

Reducing the spatial extent, depth, frequency, and duration of time wetlands in the project area are inundated will also adversely impact all 21 amphibian as well as 32 of the reptile species in the Yazoo River Basin that depend upon wetlands for breeding and foraging habitat. The life cycles of amphibians and reptiles in alluvial floodplain ecosystems are linked to hydrology as well as soil conditions and climate (Jones and Taylor, 2005). Abiotic factors that influence habitat conditions within floodplains include hydrologic regime, flood pulse intensity and duration, topography, wetland permanence (hydroperiod), water quality, and connectivity to rivers or streams. For many amphibians, the hydrology associated with floodplain wetlands is necessary for breeding and egg laying (Appendix 4).

All the amphibian species listed as occurring in the Yazoo Backwater Area (Appendix 2) require wetlands and/or ephemeral pools for breeding (Jones and Taylor, 2005). The proposed project would reduce the amount of surface water that reaches these floodplain habitats making it difficult for portions of the amphibian population to survive (Semlitsch, 2005). For example, newts (*Notophthalmus viridescens*) require wetlands for breeding and egg deposition, while requiring vernal and ephemeral pools for adult life stages. The proposed project would also adversely affect reptile and amphibian species by reducing flood pulses and wetland water recharge, modifying river-wetland connectivity, and increasing habitat fragmentation. The reduction in flooding would also adversely affect the ability of amphibians to disperse to other suitable habitats (Jones and Taylor, 2005). Further, amphibians provide a valuable prey base for aquatic insects, fish, crayfish, birds, and mammals. Thus, a decline in amphibian and reptile populations will impact food resources for other animal groups.

c. Fish

The proposed project will reduce the spatial extent, depth, frequency, and duration of time wetlands in the project area are inundated, and therefore limit or eliminate access by fish to important habitat (Table 4). Reduction in access to the floodplain, as a result of the project, would result in decreased fishery production through loss of physical spawning habitat, loss of spawning opportunity (i.e., adequate period of time when habitat is available) or reduced fecundity and/or physiological condition resulting from poorer nutrition (Brunson, 1998). Some fish utilize the floodplains both to feed and to spawn (e.g., sunfish, buffalo fish). Other species move into the floodplain primarily to take advantage of the abundant food resources to improve vigor in preparation for spawning (e.g., catfish). Catfish will return to the channel to spawn, but do so in improved condition due to the foraging opportunities provided by access to the floodplain. Crayfish, an abundant floodplain invertebrate, is vital to the reproduction of catfish

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by supplying essential fatty and amino acids for egg formation (Flotemersch and Jackson, 2005). However, catfish that cannot access the floodplain due to decreased flooding cannot take advantage of this significant food resource. Further, reductions in the interaction of floodplains with the river by flood control activities such as channelization, dredging, and levee construction can modify channel catfish interactions with terrestrially burrowing crayfish and reduce potential benefits from this foraging (Flotemersch and Jackson, 2003). The proposed pumping plant would produce similar effects by restricting the spatial extent of surface water on the floodplain with the commensurate effect of reducing foraging opportunities for fish by restricting their access to floodplain resources.

The FWS noted in its review of the FSEIS, the backwater floodplain in the project area supports a diverse fishery, and relative fish abundance is highly dependent upon seasonal overbank or backwater flooding. It also noted that reproduction by 55 of the 140 (39 percent) resident fish species in the Mississippi River is dependent on backwater flooded areas. In its January 18, 2008, detailed comments on the FSEIS, FWS concluded that the proposed action would reduce the areal extent of flooding in the Yazoo Backwater Area that is critical to fishery reproduction by approximately 46 percent, or 112,600 acres, during the critical spawning and rearing months. Spring flooding is the major factor responsible for fishery productivity within the Yazoo River Basin. It provides access to protective spawning and nursery habitat for the species which utilize backwater areas outside the stream channels where larger predatory fish species live. These shallowly flooded areas remain inundated for a duration that allows water temperatures to rise quickly, providing suitable spawning habitat, and allowing for optimum larval fish growth. Once the larval fish hatch and their yolk sack is absorbed (7 to 10 days), these seasonally flooded bottomland hardwood areas provide protective shallow water areas with an abundance of cover for protection from predators, as well as the organic matter, nutrients, and invertebrates needed for larval and juvenile fish growth (Appendix 4).

According to the Aquatics Appendix and reported again in the Main Report of the FSEIS, fish spawning habitat is the controlling resource for this project (i.e., the resource which suffers the greatest loss and requires the greatest amount of compensatory mitigation). The results of the HEP analysis indicate that the change in hydrologic regime will adversely affect fish populations. According to the HEP model used, fish spawning habitat requires 8 days of continuous inundation at least 1 foot in depth, from March to May. The Corps has also stated that most fish species reach sexual maturity in one or two years, so a flood that occurs once every two years is necessary to maintain reproductive populations. However, eight days is insufficient for any substrate spawning fish to spawn (Appendix 4). Eggs take 3 to 5 days to hatch. Larval fish fry are barely able to swim the first 7 to 10 days while the yolk sac is being absorbed. If surface water recedes in 8 days or less, fry would be forced to retreat to deeper channels and lake habitats where mortality rates are high. Extended periods of shallow inundation in hardwood and other vegetated areas provide critical nursery habitat for growth and escape from predators. Any reduction in extent or duration of inundation of flooded bottomland hardwood wetlands would reduce the fish productive capacity of the wetland (Wilkinson et al., 1987). The reduction in the extent and duration of the spring flood pulse would severely reduce the current fish productivity of the lower Yazoo Basin. Conversely, "managing the existing leveed floodplain to prolong inundation, increase water temperatures during spring flooding, and

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maintain connectivity of floodplain habitats with the main river channel should benefit fish production in the LMR [Lower Mississippi River]" (Schramm et al., 1999).

The Corps has concluded that at least 3,300 acres of suitable fish habitat would be lost as a result of the project. However, this amount of lost habitat is inconsistent with information in the FSEIS (Table 10-10, FSEIS Wetland Appendix) which indicates that there are approximately 39,000 acres that currently flood for 14 days or less but greater than 7 days. Based on the criterion of 8 days of inundation from March to May for suitable spawning, it appears reasonable that some portion of these 39,000 acres would be suitable for fish spawning in addition to the 3,300 acres noted in the HEP analysis. According to the FSEIS, those acres currently flooded for 7-14 days will flood for less than 7 days after the project (i.e., shift to the <2.5 percent flood duration band). In other words, EPA's interpretation of the FSEIS (Table 10-10, FSEIS Wetlands Appendix) is that there is currently some portion of the 39,000 acres of suitable fish spawning habitat that meets the criterion of 8 days of inundation which will become unsuitable after project implementation. Therefore, these impacts appear underestimated in the FSEIS's Aquatics Appendix (FSEIS, Appendix 11).

d. Birds

Backwater riverine wetlands such as the ones that would be impacted by the proposed project are used by more bird species than most other ecosystems in North America (Heitmeyer et al., 2005). Project area wetlands provide significant migratory bird habitat, particularly for waterfowl, shorebirds, over-water nesting waterbirds and wading birds (Table 5). The loss of the productive shallowly flooded wetlands, especially in the spring months when the proposed pumps will typically be in operation, will impact migratory birds such as shorebirds and waterfowl as they stopover and forage in preparation for their seasonal migration. Fewer shallowly flooded wetlands will reduce foraging habitat, which will equate to reduced nutritional uptake and could result in higher mortality or reduced reproductive fitness as the birds travel the great distances between their southern wintering areas and their breeding areas in the northern U.S., Canada, and the Arctic. Breeding for many species could be adversely affected during the spring-time nesting season because foraging areas would be reduced. As a result of the reduction in flooding, adult birds will have to travel longer distances to find food, which equates to longer times away from the nest or foraging for food and may ultimately lead to higher nest mortality and lower recruitment (Appendix 4).

According to Twedt et al. (1997), shallowly flooded wetlands must be present in the Yazoo River Basin for shorebirds during northbound (spring) migration. These ephemeral shallow mud flats and sandbars provide critical food sources (primarily invertebrates) for adults during their long migration to breeding areas to the north. Shorebird species that have been documented using wetlands in the project area included the following:

> Common Snipe; Kildeer; Lesser Yellowlegs; Greater Yellowlegs; Semipalmated Sandpiper; Western Sandpiper; Least Sandpiper; Pectoral Sandpiper; White-rumped Sandpiper; Long-billed Dowitcher; Short-billed Dowitcher; Black-bellied Plover; and American Golden-plover.

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For many shorebird species, migration "stop-over" habitats play a vital role in their ability to accumulate fat reserves, which in turn affects their survival. For example, studies of female pectoral sandpipers (*Calidris melanotus*) show that the body fat of migrating females increases as they fly north, which indicates the importance of feeding areas along migratory stopovers. Further, the length of stay in stopover sites is positively related to invertebrate abundances, indicating longer stays at stopover points that offer higher ingestion rates. Mean egg volume is positively related to female body fat, and clutches with higher egg volume hatched larger chicks suggesting a relationship between female condition and reproductive success. All of these findings indicate the importance of wetlands, such as those in the Yazoo Backwater Area, as spring migration stopover habitat for pectoral sandpipers (Appendix 4).

Recent studies of habitat use and energetics in spring migration stopover sites suggest the need to conserve complexes of small wetlands; such landscape connectivity is needed for maintenance of a variety of foraging sites within close proximity (Appendix 4). Management of wetland and agricultural units that maintain shallowly flooded fields (1–15 cm deep) during migratory periods provide good foraging sites (Helmers, 1993).

If the frequency of spring flooding in the Yazoo Backwater Area is significantly reduced, then the loss of this seasonal wetland habitat would result in lower survival rates, and therefore, reduced northward shorebird migrations. Other shorebird species impacted by this reduced flooding frequency, which have been documented in the project area, include the following:

> Spotted Sandpiper; Baird's Sandpiper; Sanderling; Dunlin; Black-necked Stilt and Solitary Sandpiper.

The proposed project could also affect resident breeding waterfowl, such as wood ducks (*Aix sponsa*) and hooded mergansers (*Lophodytes cucculatus*) (Kaminski, 1998). Both duck species breed in Mississippi and nest in natural tree cavities or artificial nest boxes. Reduced flood pulses in the spring could adversely impact nesting and brood rearing in these birds. These species depend heavily on food resources derived from shallowly flooded forested wetlands (Heitmeyer et al., 2005) and will move their broods to newly flooded bottomland hardwood areas flooded by spring and summer flood pulses, to take advantage of the available plant and animal foods (Kaminski, 1998). Reduction in flooding, due to the project, would adversely impact food resources for these breeding waterfowl (Appendix 4).

The proposed project would reduce the extent of flooding within wetlands in the 2- to 5- year floodplain potentially from January through June. The reductions to late winter and spring flooding would result in significant adverse impacts to those birds which not only utilize the Yazoo Basin, but are dependent upon backwater flooding during these periods (Table 5). As discussed above, species that require flooded habitat for foraging and/or nesting would obviously be the most severely affected. The reduction in the extent and duration of the spring flood pulse would accelerate the decline of many bird species that depend upon the wetland habitats of the lower Yazoo River (Appendix 4).

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e. Mammals

EPA is aware of the public's concern regarding the effects of flooding on wildlife populations, particularly mammals, and the belief that flood control would benefit these wildlife species, particularly species that are important to hunters in the Mississippi Delta. Despite selective pressures from regular and sometimes extensive flooding, bottomland hardwoods provide a greater amount of habitat diversity than other habitats. Many mammals typical of bottomland hardwood habitats are mobile and can usually move away from rising waters. However, small ground dwelling species (e.g., mice, voles, shrews) cannot as easily escape from flooding and thus do not have high populations in these bottomlands. Flood waters can have disruptive effects on mammal populations by temporarily altering feeding and shelter habitats. For example, deer and bear will move out of bottomland hardwood areas during high water during which time food resources may be limited. However, as surface water recedes, mammalian species typical of these areas will return to take advantage of the diverse feeding, breeding and shelter opportunities provided by bottomland hardwood wetlands.

The cumulative impacts of this project would result in shortened food chains and more simplified trophic structures. Long-term land use and hydrologic perturbations, similar to those occurring in the project area, lead to loss of organisms of lower trophic levels that are more site specific (i.e., unable to move away from disturbances) than those of higher trophic levels. Animals of higher trophic levels (i.e., frogs and toads, fish, and shorebirds) seem to acquire their energy and nutrients from a diversity of food sources (i.e., energy flow pathways). A diverse food energy source is the seasonally migratory ecotone which results from fluctuating water levels in the bottomlands (i.e., the aquatic terrestrial transition zone of Junk et al. (1989), or the moving littoral zone of Kilgore and Baker (1996)). Under normal conditions, an aerobic, primary-production based food chain occurs side by side with a detritivore-based food chain. At approximately the tertiary level of the food chain vertebrates such as frogs, fish, and wading birds, as well as some furbearing mammals, begin to rely on both primary production and detritus pathways and thus integrate variance within and between pathways. Many North American fur-bearing species are found in the project area including red fox (*Vulpes vulpes*), black bear (*Ursus americanus*), mink (*Mustela vison*), and river otter (*Lutra canadensis*). Most of these species have amphibious life habits, exist at the interface of the aquatic and terrestrial subsystems, utilize both aquatic and terrestrial energy sources and are adversely affected by stresses on either energy pathway.

6. Summary

In summary, the proposed project would degrade and eliminate critical ecological functions provided by wetlands in the Yazoo Backwater Area including temporary storage of surface water, nutrient cycling, organic carbon export, pollutant filtering/removal, and maintenance of biologically diverse plant and animal habitat. The proposed project would alter the timing, and reduce the spatial extent, depth, frequency, and duration of time project area wetlands flood. These alterations would adversely impact the spawning, rearing and foraging habitat of approximately 58 species of backwater dependent fish identified by the FWS. The proposed hydrologic alterations would also adversely impact approximately 42 species of birds that FWS reports are dependent on bottomland hardwood wetlands and their associated flood regime for

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fulfillment of specific life requisites. These species utilize the flooded wetlands of the project area for feeding and nesting, as well as providing essential nutrition during migratory flights. Further, the proposed hydrologic alterations will adversely impact approximately 21 species of amphibians and 32 species of reptiles by disrupting their reproductive cycles and feeding opportunities and thereby reducing overall productivity. Whereas many mammals are not as dependent on the flood pulse as other species, reduction of flooding is likely to impact food resources for these animals (e.g., insects, crayfish, amphibians, acorns and fruits). In light of the cumulative impacts on bottomland hardwood wetlands in the project area, further degradation of resources for these animals is detrimental. EPA believes that impacts to these functions and species at the scale associated with this project will result in significant degradation (40 CFR 230.10(c)) of the Nation's waters, particularly in light of the extensive historic wetland losses in the lower Mississippi Valley and specifically the Yazoo Backwater Area. Further, as discussed below, we do not believe the proposed compensatory mitigation would reduce these adverse impacts to an acceptable level.

D. Compensatory Mitigation

The Section 404(b)(1) Guidelines require that adverse environmental impacts associated with the proposed discharge of fill material to waters of the United States first be avoided to the maximum extent practicable and then minimized to the extent appropriate and practicable. For unavoidable impacts which remain, compensatory mitigation is required to offset wetland and other aquatic resource losses. If, as discussed in Section V.C., the Corps had selected a less damaging alternative, the opportunity to identify an effective compensatory mitigation plan would have been improved. EPA has determined that the anticipated level of adverse impacts associated with the Yazoo Backwater Area Project will not be adequately offset by the proposed compensatory mitigation.

To offset the project's extensive adverse environmental impacts, the Corps proposes 10,662 acres of compensatory mitigation. Compensation would consist of reforestation and conservation of areas located in previously cleared wetlands to restore those areas to bottomland hardwood forests. However, compensation sites have not been specifically identified for the proposed mitigation. Rather, the FSEIS states that conservation easements will be purchased from "willing sellers" to conduct the proposed compensatory mitigation.

EPA has significant concerns regarding the adequacy of the proposed compensatory mitigation. Based on our review of the HGM analysis, we maintain that compensation requirements for impacts of this type and on this scale are much greater than that estimated in the FSEIS (see Appendix 8). In addition, there do not appear to be enough acres of cleared wetlands with the proper hydrology and soils in the target area to satisfy more accurate projections of the mitigation needs of the proposed project. Moreover, the significant hydrologic alterations associated with the proposed pumps would further reduce the amount of cleared wetlands with the proper hydrology in the target area to enable wetland restoration. Even if sufficient compensation acreage were available, we do not believe that impacts of this scale and concentration could be effectively compensated for to avoid causing or contributing to significant degradation (40 CFR 230.10(c)), given that reliance on willing sellers would likely result in a noncontiguous patchwork of fragmented compensation sites that cannot deliver the

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ecological benefits predicted by the FSEIS. For example, "reforestation" that ends up being located in a patchwork of areas which are no longer connected to the floodplain will not offset the extensive impacts to fisheries identified in the FSEIS (Appendix 8). Given the level of proposed hydrologic impacts to flooding, lack of detailed mitigation plans, and dependence on willing sellers, it is unlikely that mitigation sites could be successfully located in the 1-to 2-year post-project floodplain. In light of our mitigation analysis, we do not believe that enough adequate land is available to mitigate the proposed project's extensive impacts to the area's riverine backwater wetland ecosystem.

We also maintain that the project fails to include all appropriate and practicable steps to minimize and compensate for the project's adverse impacts on the aquatic ecosystem as required by 40 CFR 230.10(d). The Section 404(b)(1) Guidelines prohibit discharges that would cause or contribute to significant degradation. As previously discussed, we have shown that this project would cause or contribute to significant degradation. If the project is going to rely on compensatory mitigation to reduce impacts to an acceptable level, there must be a comprehensive and detailed mitigation plan which would inform whether in fact the impacts could reliably be offset to avoid significantly degrading the Nation's waters. These plans should include a number of critical details regarding the mitigation project(s) including: clearly articulated project goals and objectives; project site selection criteria; site protection instruments (e.g., conservation easements); detailed quantitative and qualitative baseline information describing both the impact and compensation sites; a detailed discussion of the mitigation project's credit determination methodology and results; a maintenance plan; ecological performance standards used to evaluate the degree to which the compensation projects are replacing lost functions and area; detailed monitoring requirements; a long-term management plan describing necessary long-term stewardship of the compensation sites and who is responsible for performing this stewardship; an adaptive management plan; and financial assurances to ensure project construction, implementation, and long-term management.

Another critical element of these plans is the site specific mitigation work plans. These plans include detailed written specifications and work descriptions for the compensatory mitigation project, including, but not limited to: geographic boundaries of the project; construction methods, timing, and sequence; source(s) of water, including connections to existing waters and uplands; methods for establishing the desired plant community; plans to control invasive plant species; the proposed grading plan, including elevations and slopes of the substrate; soil management; and erosion control measures.

Despite the extensive anticipated environmental impacts associated with the proposed project, no specific compensation project sites have been identified or secured. Thus, the mitigation plan included in the FSEIS lacks most of the aforementioned details. In particular, it lacks accurate information regarding baseline conditions at compensation sites, as well as substantiated information regarding potential environmental benefits likely to accrue at these sites if reforestation activities are successfully implemented. Without these details it is not possible to determine that the potential adverse environmental impacts of a project would be successfully minimized and compensated for to avoid significantly degrading the Nation's waters.

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What information is included in the FSEIS describing compensatory mitigation raises more concerns. The Corps only promises that 10,662 acres of compensatory mitigation will take place prior to initiating operation of the pumps and notes that this minimum may not be located in the target area or even the greater Yazoo – Mississippi Delta, raising significant concerns that important wetland functions will not be replaced in the watershed. The FSEIS indicates that no requirements will be included to implement hydrological modifications, to monitor hydrology, or to otherwise ensure that the compensation projects will result in fully functioning wetland systems. This is of particular concern since the Corps envisions mitigation projects being located in areas whose hydrology will be impacted by the proposed pumping station. The conservation easements used to provide long-term site protection described in the FSEIS (if such sites can be found) will not require landowners to ensure that sites are or will retain wetland characteristics and will allow potentially ecologically disruptive silvicultural practices in these areas. Additionally, the monitoring provisions described in the FSEIS entail only initial visual inspections in the early years of project implementation followed by remote sensing techniques in later years. These are inadequate and are one of many weaknesses in the mitigation plan, which make it impossible to conclude that impacts will be reduced permanently below the threshold of significant degradation.

E. Uncertainty of the Proposed Reforestation

Consistent with our comments regarding the proposed compensatory mitigation, EPA believes the Corps does not provide effective assurances regarding the project's primary nonstructural component – the proposed reforestation of up to 40,571 acres of cleared wetlands (i.e., up to 55,600 acres less the 10,662 acres the Corps proposes to use as compensation for this project and the 4,367 acres it proposes to use as compensation for impacts associated with already implemented aspects of related projects) through the purchase of conservation easements from willing sellers. Reforestation sites have not been specifically identified in the FSEIS and, as with the compensatory mitigation, there do not appear to be enough acres of cleared wetlands with the appropriate hydrology and soils in the target area to meet this goal. Even if there were enough potential wetland reforestation acres, reliance on willing sellers does not provide effective assurance that the acreage proposed (up to 40,571 acres) will ultimately be made available for the reforestation effort.

The reforestation component also suffers from the same technical problems associated with the compensatory mitigation plan in that it would likely result in a fragmented patchwork of reforestation sites with limited benefits. In addition to logistical and technical issues, the management of the reforestation lands (e.g., ensuring the implementation and success of planting efforts, providing long-term stewardship), the restoration of wetland hydrology, the replacement of temporal losses incurred before replanted trees become fully functional bottomland hardwood forested wetlands (hardwoods typically require a minimum of 60-70 years before they are mature), and the continuation of silvicultural practices in the reforestation areas are also major uncertainties. In light of these uncertainties, the environmental benefits suggested by the FSEIS to accrue from the proposed reforestation have not been substantiated.

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F. Summary

The proposed project would degrade critical ecological functions provided by wetlands in the Yazoo Backwater Area including temporary storage of surface water, nutrient cycling, organic carbon export, pollutant filtering/removal, and maintenance of biologically diverse plant and animal habitat. EPA maintains that impacts to these functions at the scale associated with this project will result in significant degradation (40 CFR 230.10(c)) of the Nation's waters, particularly in light of the extensive historic wetland losses in the lower Mississippi Valley and specifically the Yazoo Backwater Area. EPA does not believe the potential impacts of the Yazoo Backwater Area Project can be adequately mitigated to reduce the impacts to an acceptable level. Additionally, EPA does not agree that the environmental benefits suggested by the FSEIS to accrue from the project's nonstructural component (e.g., the reforestation of up to 40,571 acres) have been substantiated.

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V. ADDITIONAL CONSIDERATIONS

A. Recreation

As previously noted, a 404(c) determination can be based on an unacceptable adverse effect on recreational areas. As noted in Section III.B.6.f, significant, seasonally-inundated public lands are located in the Yazoo Backwater Area including the Delta National Forest, four NWRs (Yazoo, Holt Collier, Theodore Roosevelt, and Panther Swamp), as well as three state wildlife management areas. The FSEIS acknowledges these lands as significant resources (FSEIS, page 90). As stated in the FSEIS, "The lands in the lower Mississippi Delta are noted for high value fish and wildlife resources. The area serves as an integral part of the economic and social life of local residents and sportsmen from around the Nation" (FSEIS, Main Report, Appendix 1 Mitigation, page 1-29). However, it does not evaluate how these resources and particularly their recreational values will be affected by the proposed project. In its January 18, 2008, detailed comments on the FSEIS as well as its April 29, 2008, detailed comments on EPA's Proposed Determination, the FWS indicated that the proposed project will have an unacceptable adverse effect on recreational areas in the Yazoo Backwater Area, particularly the area's four NWRs.

According to the FWS, all four NWRs in the project area would be adversely impacted by the proposed project. These refuges are managed, in part, to provide habitat for breeding and migratory birds with an emphasis on waterfowl. As FWS noted in its comments on the FSEIS and the Proposed Determination, the proposed project would reduce flooding on all four NWRs by 59 percent (6,695 acres) within the 2- to 5-year floodplain – significantly reducing the extent of habitat for migratory birds and the capability of these NWRs to achieve the purpose for which they were Congressionally established.

The NWRs are also managed to provide opportunities for compatible public use, or recreational activities. FWS believes that the anticipated adverse impacts to wildlife and fisheries associated with the proposed project (discussed above) will adversely affect related recreational values associated with these refuges – resulting in degradation or loss of their public benefit.

FWS estimates that approximately 10 percent of the visits to these refuges are from big game, upland game, and waterfowl hunters and 3 percent are from anglers. In 2007, there were an estimated 7,100 big game, 2,300 upland game, and 1,000 waterfowl hunter visitations. These visitations are based on use cards that are submitted by the user. However, this is a conservative estimate since it has been documented that only approximately 60 percent of the use cards are returned.

Managing wildlife populations and their habitats is a primary responsibility of FWS's "wildlife first" mission. If appropriately managed, hunting provides a biologically sound form of outdoor recreation that is used extensively throughout the Refuge System to manage wildlife populations. Hunting programs on the refuges within the Yazoo Backwater Area are coordinated annually with the Mississippi Department of Wildlife, Fisheries, and Parks, and hunting activities are managed in a manner that does not cause disturbance to migratory waterfowl in sanctuary areas within the refuges. According to the FWS:

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- Deer hunting is the most popular hunting and fishing-related public use on the refuges. Hunting programs also offer opportunities to take dove, waterfowl, rabbits, squirrels, raccoons, other fur bearers, turkey, and feral swine. Large portions of the refuges are accessible by all-terrain vehicles on designated trails, which are only available for hunting and fishing purposes.
- Waterfowl hunting is the second most popular hunting and fishing-related public use on the refuges. Records obtained through hunter use card returns on Panther Swamp NWR indicate that approximately 1,000 people hunt waterfowl each year depending on waterfowl abundance which is dependent on available rainfall, backwater flooding and riverine sources for food and rest areas. The proposed pump project will result in reductions in spring flooding, which will reduce the quality and quantity of waterfowl habitat during the remainder of the year. This would cause waterfowl to disperse to other locations on and off the affected area of the refuge. Hunters will then seek alternate areas causing a negative impact to waterfowl hunting on the NWR and the local economy.
- Fishing is the third most popular hunting and fishing-related public use on the refuges. There are numerous lakes and streams suitable for fishing on the refuges, and boat ramps are available on Panther Swamp NWR. In 2007, 3,000 visits were associated with fishing within the affected area of Panther Swamp NWR. Most of this is subsistence angling by economically disadvantaged people in the local area. Further degradation of the fishery anticipated as a result of the proposed project would reduce quality fishing opportunities on Panther Swamp NWR dramatically impacting local anglers.

The FWS fully anticipates that the proposed project's adverse impacts to fish and wildlife habitat values on the four NWR's in the Yazoo Backwater Area would adversely impact visitation and recreational opportunities, as well as environmental education and interpretation opportunities at these refuges – particularly as examples of remaining intact Lower Mississippi Alluvial Valley bottomland hardwood ecosystems. Although EPA does not cite impacts to recreation as a basis for this Final Determination, it is likely that these impacts would be significant.

B. Environmental Justice

In recognizing that minority and/or low-income communities frequently may be exposed disproportionately to environmental harms and risks, EPA is committed to protecting these burdened communities from adverse human health and environmental effects, consistent with Executive Order 12898 (EO), "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Feb. 11, 1994)." The main provision of EO 12898 states that "To the greatest extent practicable and permitted by law,…each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations" (EO 12898, Section 1-101).

During its NEPA review of the Yazoo Backwater Area Project, the Corps included an environmental justice (EJ) analysis, conducted pursuant to EO 12898, in the FSEIS (FSEIS, Appendix 8 – Problem Identification/Socio-Econ Profile/Environmental Justice). Because EO 12898 directs agencies to implement its provisions "consistent with, and to the extent permitted

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by, existing law" (EO 12898, Section 6-608), the scope of an EJ analysis is directly tied to the statutory and regulatory authority for the federal agency action. When the Corps reviews a project to determine whether to grant authorization under CWA section 404, it conducts a broad "public interest review" based on an evaluation of the "probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest" (33 CFR 320.4). In addition, under NEPA, the Corps examines the environmental effects, including human health, economic and social effects, of the project (33 CFR 230.1 and 230.4; 40 CFR 1508.8 and 1508.14).[25] Thus, in conducting its EJ analysis for the Yazoo Backwater Area Project the scope of the Corps' authority was broad and it considered a wide range of environmental, social and economic factors.

The Corps' EJ analysis discusses the general demographics of the project area, potential flood protection and potential economic development that could accrue from the project within communities with potential EJ concerns. EPA commends the Corps for including the EJ analysis in the FSEIS. However, the Corps EJ analysis may convey a message to members of communities with potential EJ concerns that specific flood control and economic development benefits will follow the completion of the project. Given the communities' expectations of the benefits of the project, EPA believes that it is appropriate to discuss the proposed benefits of the project that EPA believes may not be realized.

The Corps has not demonstrated which surrounding communities will be protected and which will remain subject to flooding after the project is completed. Since publication of the FSEIS, the Corps has provided EPA with Corps flood maps and GIS data indicating the location of structures within the 10-, 50-, and 100-year floodplains of the project area. According to the Corps' maps, most structures within the sparsely populated project area will not be protected from future flooding while a portion of the structures will benefit from the project. However, the maps do not include elevation information, structure type (i.e., residence, business, farm building, garage, etc.), whether the structures are habitable, and if so occupied or vacant, or what proportion of these structures are owned/occupied by residents with potential EJ concerns. Without the inclusion of the relative proximity of susceptible minority and/or low-income populations to the floodplains, it is impossible to know whether any such communities will be protected against 1-year, 2-year, or 100-year floods.

The Corps has not fully analyzed the impact of this project on potential economic development in communities with potential EJ concerns. According to the FSEIS, the primary economic benefits that may accrue from this project are from increased agricultural production. However, the primary agricultural beneficiaries have declined over 50 years from 2,913 farmers who owned 140 acres each to 192 farmers who own 2,036 acres each. While farm land use has increased in the area, earnings and overall contribution to the local economy have declined from 42 percent in 1969 to 17.4 percent by 2000 (FSEIS, Appendix 8, Table 8-23). The substantial decrease in small farms and farmers and the increased mechanization and industrialization within the project area may impact farm ownership and farm employment opportunities for members of communities with potential EJ concerns. Moreover, instead of resulting in additional farming jobs, post-project farm employment may continue to decrease due to greater opportunities for

[25] The requirements of NEPA do not apply to EPA when taking an action under 404(c). See CWA section 511(c)(1).

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intensified farming and increased access to drier land, which may further promote the use of greater mechanization.

In the Proposed Determination, EPA Region IV raised concerns that the FSEIS did not address potential adverse impacts to populations that depend on subsistence fishing and/or hunting. EO 12898 states that "[i]n order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence" (EO 12898, Section 4-4).

The project sponsor's comments on EPA's Proposed Determination and Recommended Determination stated that the Yazoo Backwater Area is sparsely populated and very few people rely on subsistence hunting or fishing. The Corps stated that it does not believe that the proposed project would adversely impact subsistence fishing and/or hunting as it relates to communities with potential EJ concerns. Recent studies conclude that subsistence fishing and hunting in the Mississippi Delta is conducted by members of communities with potential EJ concerns (Brown, Xu and Toth 1998). EPA notes that those practices could be affected by the proposed project's adverse impacts on the areas' fisheries and wildlife resources. Brown and Toth (2001) state that "[t]he rich natural resource base of the [MS] Delta is accessed extensively and in some cases intensively by local residents." Brown and Toth also state that white subsistence fishers in the Mississippi Delta eat over 100 pounds of fish a year, while African American subsidence fishers may consume fish at even greater numbers. As evidence of current subsistence fishing and/or hunting, EPA received comments from FWS; conservation organizations (e.g., American Rivers, Gulf Restoration Network, National Wildlife Federation, National Audubon Society, etc.); and private citizens, stating that low-income and minority residents in the Yazoo Backwater Area rely on fish and other wildlife, taken from the project area, to supplement their food sources and income and can be classified as subsistence fishers and/or hunters. FWS stated "[i]n 2007, 3,000 visits were associated with fishing within the affected area of Panther Swamp NWR [in the Yazoo Backwater Area]. Most of this is subsistence angling by economically disadvantaged people in the local area. Further degradation of the fishery anticipated as a result of the project is expected to reduce quality fishing opportunities on Panther Swamp NWR and this will have a dramatic impact to the local anglers." Given EPA's conclusion above that the proposed project would significantly degrade critical habitat for over 50 species of fish and other wildlife in the Yazoo Backwater Area and the impacts to the wetlands, fish and wildlife resources cannot adequately be mitigated, it is likely the project could adversely impact minority and/or low-income populations that depend on the Yazoo Backwater Area's natural resources for subsistence.

The project sponsor contends that, because the studies cited above were based on surveys made prior to the issuance of a fish advisory by the Mississippi Department of Environmental Quality in June of 2001, none of the data can be applied to the use of subsistence fishing by minorities today. The 1998 and 2001 studies on subsistence fishing and hunting in the Mississippi Delta provide evidence that subsistence fishing by minorities has historically occurred and support EPA's conclusion, based on comments received from the FWS and several conservation

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organizations and individuals that subsistence fishing does in fact occur presently in the Yazoo Backwater Area.

Again, EPA commends the Corps for including the EJ analysis in the FSEIS for the proposed project; however, EPA believes the Corps has not demonstrated the project would provide the proposed benefits of flood protection and economic development, specifically to members of communities with potential EJ concerns in the Yazoo Backwater Area. Additionally, when determining the project would benefit members of communities with potential EJ concerns, the Corps did not examine whether the proposed project would adversely impact minority and/or low-income populations that depend on the Yazoo Backwater Area's natural resources for subsistence.

Like the Corps, EPA has met with the members of local communities with potential EJ concerns and listened to their concerns and expectations regarding the Yazoo Backwater Area Project. The members of communities with potential EJ concerns with whom EPA met expressed a strong belief, based on the proposed benefits touted by the project sponsor, that the project would protect their homes and property against flooding and bring economic development, jobs, and a return of residents to the area. However, as noted above, these project benefits have not been demonstrated. EPA is very sensitive to the importance of providing improved flood protection for the people living and working in the project area, which includes minority and low-income populations. Although EPA's section 404(c) determination would effectively prohibit the construction of the pumps as proposed, the Agency continues to believe there are alternatives that can provide improved flood protection or mitigation of flood damage to the communities within the Yazoo Backwater Area and EPA remains fully committed to participating in discussions with other federal and state agencies, and the public, to identify a solution for reducing flood damages in the Yazoo Backwater Area.

An EPA action pursuant to CWA section 404(c) should also consider the EJ impacts of the Agency's action under EO 12898. Given the Agency's commitment to environmental justice, during the section 404(c) process it examined, to the greatest extent practicable and permitted by law, any "disproportionately high and adverse human health or environmental effects" that may result from undertaking a 404(c) action in the context of the Yazoo Backwater Area Pumps Project.

The federal agency action that EPA is reviewing in the context of EO 12898 in this case is EPA's utilization of section 404(c) to preserve the fish and wildlife resources of the Yazoo Backwater Area by protecting important habitat. In the context of section 404(c), review of the Agency's action under EO 12898 is unique since EPA is not the permitting authority.

As stated above, the scope of an EJ analysis is directly tied to the statutory and regulatory authority for the federal agency action. Under CWA section 404(c), EPA is authorized to prohibit, restrict, or deny the specification of a defined area as a disposal site for the discharge of dredged or fill material into waters of the United States only when it determines that the discharge would have an unacceptable adverse effect on "municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas." Thus, when EPA examines whether there are any "disproportionately high and adverse human

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health or environmental effects," in the context of a section 404(c) action, EPA examines the potential effects prohibiting the discharge will have on the "municipal water supplies, shellfish beds and fishery areas, wildlife and recreational areas" ("404(c) resources") of the project site. EPA then examines whether those effects, if any, of the section 404(c) action on the 404(c) resources will have a "disproportionately high and adverse human health or environmental [effect]" on "minority populations and low-income populations" of the project area.

Applying the analysis above, EPA examined the potential effects of prohibiting the proposed project on the 404(c) resources that are located in the Yazoo Backwater Area and what effect that would have, if any, on members of communities with potential EJ concerns. EPA's section 404(c) action, by prohibiting the project, is preventing any impact to the 404(c) resources. With no project and no unacceptable adverse effect on the 404(c) resources, there are no disproportionately high and adverse human health or environmental effects on the minority or low-income populations of the project area.

As stated above, EPA has questions on whether there would be substantial economic development or flood control benefits that would specifically go to members of communities with potential EJ concerns in the Yazoo Backwater Area. However, even if there were, economic development and flood control are outside the scope of 404(c) and thus outside the scope of EPA's EJ review under EO 12898. EPA's authority under 404(c) is limited to prohibiting, restricting, or denying the specification of any defined area as a disposal site for the discharge of dredged or fill material into waters of the United States only when it determines that the discharge would have an unacceptable adverse effect on 404(c) resources. A section 404(c) review does not involve a balancing of environmental benefits against non-environmental costs, such as the benefits of the foregone project (see 44 FR 58078). EPA wants to make clear that while economic development and flood control are outside the scope of section 404(c), and thus an EJ review conducted in the context of section 404(c), the Agency acknowledges the importance of providing improved flood protection to all community members in the project area, including members of communities with potential EJ concerns. As previously stated, EPA remains fully committed to participating in discussions with other federal and state agencies, and the public, to identify a solution for reducing flood damages in the Yazoo Backwater Area.

For the reasons stated above, EPA concludes that its section 404(c) determination will not have a disproportionately high and adverse human health or environmental effects on minority or low-income populations of the project area.

C. Project Alternatives

The FSEIS evaluates ten alternatives, including four alternatives with combined structural and nonstructural features, one completely structural alternative, four primarily nonstructural alternatives, and the "no action" alternative. The completely structural alternative (Plan 3 in the FSEIS) and all of the combination alternatives (Plans 4 through 7) include a 14,000 cfs pump station. They vary with respect to pump-on elevation (i.e., between 80 and 91 feet, NGVD), nonstructural features (except for Plan 3), and operational plans for the Steele Bayou control

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structure.[26] The nonstructural alternatives all propose reforestation of cleared agricultural lands (in varying amounts) and one or more the following features: conservation easements, income insurance, and relocation or flood-proofing of structures. One nonstructural alternative (Plan 2B) also includes the construction of 14 ring levees. We acknowledge that the Corps considered additional nonstructural alternatives in the FSEIS in response to EPA Region IV's November 2000, comments on the DSEIS. However, all of the non-structural alternatives carried forward in the FSEIS were determined to be economically unjustified (i.e., the benefit to cost ratio was less than one) based on the Corps' evaluation protocols. Plan 5, which represents the proposed project, was ultimately selected by the Corps as the Recommended Plan.

As mentioned previously, the Corps proposed two alternatives to the Recommended Plan during the first consultation period following EPA's initiation of the section 404(c) review. One of these alternatives was Plan 6 from the FSEIS and the second was a modification of Plan 6. Both of these alternatives include a 14,000 cfs pumping station with a pump-on elevation of 88.5 feet, NGVD (though Modified Plan 6 raises the pump-on elevation to 91 feet, NGVD from December through February). Both also include 81,400 acres of reforestation (including reforestation for compensatory mitigation). Refer to Table 1 for a comparison of these alternatives with Plan 5. As noted in the FSEIS, Plan 6 reduces impacts to wetlands from 67,000 to approximately 48,000 acres. While the Corps had not developed precise estimations of wetland impacts associated with its Modified Plan 6, it noted that this value would likely fall between 28,408 and 48,066 acres, the impact estimates for FSEIS Plans 7 and 6 respectively.

EPA's primary responsibility is to utilize its expertise with environmental matters to review the proposed project to ensure consistency with the requirements of the CWA, including, in the context of 404(c), determining whether there are unacceptable adverse effects on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. EPA Headquarters has determined that the Recommended Determination and administrative record developed in this section 404(c) review support the conclusion that Plan 5, Plan 6 and Modified Plan 6 would result in unacceptable adverse effects on fishery areas and wildlife. EPA's Final Determination is based solely on environmental harms to fisheries and wildlife in the Yazoo Backwater Area and this determination is appropriate given the structure and language of the CWA and case law. As a result, this Final Determination prohibits the construction of Plan 5, Plan 6 and Modified Plan 6. EPA believes strongly that this final action does not preclude the opportunity to begin discussions and coordination with state and federal interests to evaluate alternative flood protection measures that are consistent with this Final Determination.

The devastating effects of flooding experienced in other parts of the country this summer highlight the importance of improved flood protection in the Yazoo Backwater Area. As we have stated throughout our section 404(c) review, EPA fully supports the goal of improved flood protection for residents living and working in the Mississippi Delta. Improving flood protection and conserving vital wetland, fish and wildlife resources are mutually achievable goals for a project in the Yazoo Backwater Area. EPA strongly believes that our section 404(c) review is consistent with both of these important goals because it provided for greater public involvement,

[26] As previously noted, however, operation of the Steele Bayou control gates is not dependant upon the construction and implementation of the proposed project.

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greater transparency, and more complete information on which to make decisions. We also believe that the information and decisions resulting from this section 404(c) review will help to inform discussions and facilitate the preparation of timely recommendations for alternative flood control proposals.

EPA remains fully committed to participating in discussions with other federal and state agencies, and the public, to identify a solution for reducing flood damages in the Mississippi Delta. We support the Governor of Mississippi's recommendation to convene an intergovernmental working group to explore alternatives to the current Yazoo Backwater Area Pump Project that satisfy both flood control and environmental objectives. EPA recommends that the working group conduct a comprehensive evaluation of the flood management needs in the region and the full range of options to effectively address those needs. EPA recommends that such a study include facilitators and an independent peer-review process to ensure a balanced analysis. Based on the public input from the section 404(c) review, which reveals that there are many different perspectives on the area's flooding concerns (e.g., what is in most need of protection, and what the proposed project would accomplish) it will be necessary to clearly identify the goals and objectives for floodplain management in the area before constructive discussions on potential alternatives can occur.

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VI. FINAL DETERMINATION

This Final Determination under section 404(c) of the CWA addresses unacceptable adverse effects on fishery areas and wildlife associated with construction and operation of the proposed Yazoo Backwater Area Pumps Project. The section 404(c) regulations define an unacceptable adverse effect as an impact on an aquatic ecosystem that is likely to result in significant degradation of municipal water supplies or significant loss of or damage to fisheries, shellfishing, or wildlife habitat or recreation areas (40 CFR 231.2(e)). Section 231.2(e) of the section 404(c) regulations states that the evaluation of the unacceptability of such impacts should consider relevant portions of the Section 404(b)(1) Guidelines. The relevant portions of the Section 404(b)(1) Guidelines in this case are their prohibition of any discharge that 1) would cause or contribute to significant degradation of the Nation's waters (40 CFR 230.10(c)) and 2) fails to adequately minimize and compensate for wetland and other aquatic resource losses (40 CFR 230.10(d)).

Based upon an independent evaluation by EPA Headquarters of the Recommended Determination and the administrative record submitted by the Regional Administrator and in full consideration of materials submitted by the project sponsor, the Corps and the Assistant Secretary of the Army for Civil Works, I have determined that the aquatic environment, which would be adversely impacted by the proposed project, contains significant fisheries and wildlife resources. According to the Corps, the Yazoo Backwater Area contains between 150,000 to 229,000 acres of wetlands, as well as an extensive network of streams, creeks, and other aquatic resources. Extensive information collected on the Yazoo Backwater Area demonstrates that it includes some of the richest wetland and aquatic resources in the Nation. These include a highly productive floodplain fishery, substantial tracts of highly productive bottomland hardwood forests that once dominated the LMRAV, and important migratory bird foraging grounds. These wetlands provide important habitat for an extensive variety of wetland dependent animal and plant species, including the federally protected Louisiana black bear and pondberry plant. In addition to serving as critical fish and wildlife habitat, project area wetlands also provide a suite of other important ecological functions. These wetlands protect and improve water quality by removing and retaining pollutants, temporarily store surface waters, maintain stream flows, and support aquatic food webs by processing and exporting significant amounts of organic carbon.

The administrative record developed in this case fully supports the conclusion that the construction and operation of the proposed project (i.e., Plan 5 of the FSEIS) and the two alternative proposals offered by the Corps in February 2008 (i.e., Plan 6 and Modified Plan 6), would dramatically alter the timing, and reduce the spatial extent, depth, frequency, and duration of time project area wetlands flood. These large-scale hydrologic alterations would significantly degrade the critical ecological functions provided by at least 28,400 to 67,000 acres of wetlands in the Yazoo Backwater Area, including those functions that support wildlife and fisheries resources. Although not proposed to go forward, FSEIS Plans 3, 4, and 7, would also result in a dramatic alteration of the hydrologic regime in the Yazoo Backwater Area, significantly degrading the critical ecological functions provided by between approximately 28,400 and 118,400 acres of wetlands (see FSEIS Main Report, Table 17, page 1-20). In addition, EPA believes that the Corps has not adequately evaluated the degradation to critical ecological functions that the proposed project would have on 24,000 acres of wetlands outside the FSEIS

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wetland assessment area. EPA does not believe that impacts of this magnitude are consistent with the CWA. Further, these impacts must be viewed in the context of the significant cumulative losses across the LMRAV, which has already lost over 80 percent of its bottomland forested wetlands, and specifically in the Mississippi Delta where the proposed project would significantly degrade important bottomland forested wetlands.

EPA also finds that the Corps has not demonstrated that potential impacts of the Yazoo Backwater Area Project can be adequately mitigated to reduce the impacts to an acceptable level. Additionally, EPA finds that the environmental benefits suggested by the FSEIS to accrue from the project's nonstructural component have not been substantiated.

EPA also notes that the FWS, in its comments on the Proposed and Recommended Determinations, concurred with EPA Region IV's conclusion that the proposed project would result in extensive and unacceptable adverse effects on wildlife and fisheries. FWS also highlighted its concerns that the proposed project would significantly degrade the wildlife habitat provided by its four National Wildlife Refuges located within the Yazoo Backwater Area – reducing the capability of these refuges to achieve the purpose and intent for which they were congressionally established.

After evaluation of the Recommended Determination and the full administrative record, including public comments and the written documents and information provided by the project sponsor, the Corps and the Assistant Secretary of the Army for Civil Works subsequent to the Recommended Determination, I have determined that the discharge of dredged or fill material in connection with the construction of FSEIS Plans 3 through 7, and Modified Plan 6 would have an unacceptable adverse effect on fishery areas and wildlife. Based on these findings, the Final Determination prohibits, pursuant to section 404(c) of the CWA, the specification of the subject wetlands and other waters of the United States as described in the FSEIS as a disposal site for the discharge of dredged or fill material for the purpose of construction of FSEIS Plans 3 through 7, and Modified Plan 6.[27]

The adverse effects associated with the prohibited projects are the result of a combination of operational factors including the capacity of the pumping station and its associated pump-on elevations. While this Final Determination prohibits the construction of FSEIS Plans 3 through 7, and Modified Plan 6, the data supporting this Final Determination indicates that derivatives of the prohibited projects that involve only small modifications to the operational features or location of these proposals would also likely result in unacceptable adverse effects and would generate a similar level of concern and review by EPA.

The staff at the Corps Vicksburg District deserves recognition for the years of commitment and effort that have been necessary to evaluate the Yazoo Backwater Area Pumps Project. EPA also

[27] FSEIS Plan 2B (one of the nonstructural alternatives considered in the FSEIS) does not include a pumping station, however, it does include the construction of fourteen ring levees, which would result in adverse impacts to approximately 92,100 acres of wetlands. Although Plan 2B would result in significant adverse environmental impacts comparable to those whose effects we have determined to be unacceptable, EPA has not included it in the prohibition since the FSEIS concluded it was not a practicable alternative because it is "locally unacceptable" and "not economically justified."

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wants to emphasize our respect and appreciation for the Corps' cooperation with us on our review of this project. EPA recognizes that pumps are often an important and appropriate component of flood control projects. However, in this instance, I have concluded the adverse impacts on wetlands and their associated fisheries and wildlife resources are unacceptable.

EPA continues to support the goal of providing improved flood protection for the residents of the Mississippi Delta; however, the Agency believes that this vital objective can be accomplished consistent with ensuring effective protection for the area's valuable natural resources. EPA is committed to participating in discussions with other federal and state agencies, and the public, concerning the best way to provide flood protection while protecting wetlands and other natural resources.

Dated: AUG 3 1 2008

Benjamin H. Grumbles
Assistant Administrator for Water

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Literature Cited

Batema, D.L., R.M. Kaminski, and P.A. Magee. (2005). Wetland invertebrate communities and management of hardwood bottomlands in the Mississippi Alluvial Valley. In L.H. Frederickson, S.A. King, and R.M. Kaminski (Eds), *Ecology and Management of Bottomland Hardwood Systems: The State of our Understanding*; *Gaylord Memorial Laboratory Special Publication No.10,* (pp. 173-190). Puxico, MO: University of Missouri-Columbia Press.

Brunson, 1998. Potential implications for fish populations. In *Implications of providing managed wetlands/flood protection options using two-way floodgates in conjunction with the Yazoo Backwater Pumps, unpublished report,* (pp. 54- 64). Department of Agricultural Economics and Department of Wildlife and Fisheries, Mississippi Agricultural and Forestry Experiment Station, Forest and Wildlife Research Center, Mississippi State University.

Brown, S., C. Hickey, and B. Harrington (Eds.). (2000). *The U.S. shorebird conservation plan*. Manomet, MA: Manomet Center for Conservation Sciences.

Brown, R.B. and J.F. Toth Jr. (2001). Natural Resource Access and Interracial Associations: Black and White Subsistence Fishing in the Mississippi Delta. *Southern Rural Sociology,* 17 81-110.

Brown, R.B., X. Xu and J.F. Toth Jr. (1998). Lifestyle Options and Strategies: Subsistence Activities in the Mississippi Delta. *Rural Sociology,* 63 599-623.

Bryan, C.F, F.M Truesdale, and D.S. Sabins. (1975). *Annual Report. A Limnological Survey of the Atchafalaya Basin.* Louisiana Cooperative Fishery Unit, Louisiana State University.

Bryan, C.F., F.M. Truesdale, D.S Sabins, and C.R Demas. (1974). *Annual Report. A Limnological Survey of the Atchafalaya Basin.* Louisiana Cooperative Fishery Unit, Louisiana State University.

Bunn, S.E. and A.H. Arthington. (2002). Basic principles and ecological consequences of altered flow regimes for aquatic biodiversity. *Environmental Management*, 30(4), 492-507.

Burnett, M.R., P.V. August, J.H. Brown, and K.T. Killingbeck. (1998). The influence of geomorphological heterogeneity on biodiversity: A patch-scale perspective. *Conservation Biology,* 12(2), 363-370.

ED_004275A_00002834-00085

Department of the Interior (DOI). (1988). *The Impact of Federal Programs on Wetlands, Volume I: The Lower Mississippi Alluvial Plain and the Prairie Pothole Region, A Report to Congress by the Secretary of the Interior*. Washington, DC: Department of the Interior.

Drobney, R.D. (1977). *The feeding ecology, nutrition, and reproductive bioenergetics of Wood Ducks, Ph.D. Dissertation*. University of Missouri, Columbia, MS.

Echternacht, A.C. and L.D. Harris. (1993). The fauna and wildlife of the southeastern United States. In W.H. Martin, S.G. Boyce, and A.C. Echternacht (Eds), *Biodiversity of the Southeastern United States: Lowland Terrestrial Communities.* (pp. 81-116). New York: John Wiley and Sons.

Flotemersch, J.E. and D. C. Jackson. (2005). Use of terrestrially burrowing crayfish by channel catfish in a floodplain-river ecosystem. In. L. H. Fredrickson, S. L. King and R.M. Kaminski (Eds.), *Ecology and management of bottomland hardwood systems: the state of our understanding* (pp. 225-233). Puxico, MO: University of Missouri-Columbia.

Flotemersch, J.E. and D.C. Jackson. (2003). Seasonal foraging by channel catfish on terrestrially burrowing crayfish in a floodplain-river ecosystem. *International Journal of Ecohydrology & Hydrobiology*, 3(1), 61-70.

Fredrickson, L.H. (2005). Contemporary bottomland hardwood systems: structure, function and hydrologic condition resulting from two centuries of anthropogenic activities. In L. H. Fredrickson, S. L. King and R.M. Kaminski (Eds.), *Ecology and management of bottomland hardwood systems: the state of our understanding*, (pp. 19-35). Puxico, MO: University of Missouri-Columbia.

Fredrickson, L.H. and F.A. Reid. (1990). Impacts of hydrologic alteration on management of freshwater wetlands. In J.M. Sweeney (Ed.), *Management of Dynamic Ecosystems*, (pp. 71-90). West Lafayette, IN: Northern Central Section of The Wildlife Society.

Fredrickson, L.H. and F.A. Reid. (1988). *Invertebrate response to wetland management, Waterfowl Management Handbook.* Washington, DC: US Department of Interior, Fish and Wildlife Service.

Fredrickson, L.H. and M.E. Heitmeyer. (1988). Waterfowl use of forested wetlands of the southern United States: an overview. In M.W. Weller (Ed.), *Waterfowl in Winter*, (pp. 307-323). Minneapolis, MN: University of Minnesota Press.

ED_004275A_00002834-00086

Fredrickson, L.H. (1979). Lowland hardwood wetlands: current status and habitat values for wildlife. In P.E. Greeson, J.R. Clark and J.E. Clark (Eds.), *Wetlands functions and values: the state of our understanding*: *Proceedings of a National Symposium on Wetlands* (pp. 296-306). Minneapolis, MN: American Water Resources Association.

Griffith M. and G. Welker. (1987). *Cheyenne Bottoms: an Environmental Assessment.* Pratt, KS: Kansas Wildlife and Parks Department.

Hand, G.R. and D.C. Jackson. (2003). Blue sucker stock characteristics in the upper Yazoo River basin, Mississippi, USA. *Fisheries Management and Ecology*, 10, 147-153.

Harris, L.D. and J.G. Gosselink. (1990). Cumulative impacts of bottomland hardwood forest conversion on hydrology, water quality, and terrestrial wildlife. In J.G. Gosselink, L.C. Lee and T.A. Muir (Eds.), *Ecological Processes and Cumulative Impacts: Illustrated by Bottomland Hardwood Wetland Ecosystems,* (pp. 259-324). Chelsea, Michigan: Lewis Publishers.

Heitmeyer, M.E., R.J. Cooper, J.G. Dickson, and B.D Leopold. (2005). Ecological relationships of warmblooded vertebrates in bottomland hardwood ecosystems. In L. H. Fredrickson, S.A. King, and R.M. Kaminski (Eds.), *Ecology and Management of Bottomland Hardwood Systems: The State of our Understanding*, (pp. 281-306). Puxico, MO: University of Missouri-Columbia Press.

Heitmeyer, M.E. (2001). Waterfowl. In J.G. Dickson (Ed.), *Wildlife of Southern Forests: Habitat and Management,* (pp. 209-223). Blaine, WA: Hancock House Publishers.

Heitmeyer, M.E. (1988). Body composition of female mallards in winter in relation to annual cycle events. *Condor,* 90, 669-680.

Heitmeyer, M.E. and L.H. Fredrickson. (1981). Do wetland conditions in the Mississippi Delta hardwoods influence mallard recruitment? *Transactions of the North American Wildlife and Natural Resources Conference* 46, 44-57.

Helmers, D.L. (1993). Enhancing the management of wetlands for migrant shorebirds. *Transactions of the North American Wildlife and Natural Resources Conference*, 58, 335-344. Washington, DC: Wildlife Management Institute.

Hodges, J.D. (1997). Development and ecology of bottomland hardwood sites. In J.A. Stanturf and M.G. Messina (Eds.), *Forest Ecology and Management: Special Issue: Harvest Impacts on Bottomland Hardwood Ecosystems*, (pp. 117-125). New York, NY: Elsevier Science.

ED_004275A_00002834-00087

Hoover, J.J. and K.J. Kilgore. (1998). Fish Communities. In M.G. Messina and W.H. Conner (Eds.), *Southern Forested Wetlands: Ecology and Management*, (pp. 237-289). Boca Raton, FL: Lewis Publishers.

Huffman, R.T. (1980). The relation of flood timing and duration to variation in selected bottomland hardwood communities of southern Arkansas. In *Miscellaneous Paper EL-80-4*, (pp. 18–20). Vicksburg, MS: U. S. Army Corps of Engineers Waterways Experiment Station.

Jackson, D.C. (2005). Fisheries dynamics in temperate floodplain rivers. In L. H. Fredrickson, S. L. King, and R. M. Kaminski (Eds.), *Ecology and Management of Bottomland Hardwood Systems: The State of Our Understanding*, (pp. 201-212). Puxico, MO: University of Missouri-Columbia Press.

Jackson, D.C. and Q. Ye. (2000). Riverine fish stock and regional agronomic responses to hydrologic and climatic regimes in the upper Yazoo River basin. In I. G. Cowx (Ed.), *Management and Ecology of River Fisheries. Fishing News Books,* (pp. 242-257). London: Blackwell Science.

Jones, J.C. and J.D. Taylor. (2005). Herptofauna communities in temperate river floodplain ecosystems of the southeastern United States. In L.H. Frederickson, S.A. King, and R.M. Kaminski, (Eds.), *Ecology and Management of Bottomland Hardwood Systems: The State of our Understanding*, (pp. 235-257). Puxico, MO: University of Missouri-Columbia.

Junk, W.J. P.B. Bayley, and R.E. Sparks. (1989). The flood pulse concept in river-floodplain systems. In D.P Dodge (Ed.), *Proceedings of the International Large River Symposium, Canadian Special Publication of Fisheries and Aquatic Sciences 106,* (pp.110-127). Ottawa, Ontario: Canadian Department of Fisheries and Oceans.

Kaminski, R.M. (1998). Potential implications for waterfowl. In *Implications of providing managed wetlands/flood protection options using two-way floodgates in conjunction with the Yazoo Backwater Pumps, unpublished report,* (pp. 41-53). Department of Agricultural Economics and Department of Wildlife and Fisheries, Mississippi Agricultural and Forestry Experiment Station, Forest and Wildlife Research Center, Mississippi State University.

Kellison, R.C., M.J. Young, R.R. Braham, and E.J. Jones. (1998). Major alluvial floodplains. In M.G. Messina and W.H. Conner (Eds.), *Southern Forested Wetlands*, (pp. 298-299). Boca Raton, FL: CRC Press, LLC.

Kilgore, K.J. and J.A.Baker. (1996). Patterns of larval fish abundance in a bottomland hardwood wetland. *Wetlands* 16(3), 288-295.

ED_004275A_00002834-00088

Klimas, C.V., R.D. Smith, and J. Raasch. (2005). Hydrogeomorphic classification of forested wetlands in the Lower Mississippi Valley: Implications for restoration and management. In L.H. Frederickson, S.A. King, and R.M. Kaminski (Eds.), *Ecology and Management of Bottomland Hardwood Systems: The State of our Understanding,* (pp. 77-92). Puxico, MO: University of Missouri-Columbia.

Klimas, C.V., C.O. Martin and J.W. Teaford. (1981). *Impacts of flooding regime modifications on wildlife habitats of bottomland hardwood forest in the Lower Mississippi Alluvial Valley. Technical Report EL-81-13.* Vicksburg, MS: U.S. Army Engineers Waterways Experiment Station.

Magee, P.A., F.A. Reid and L.H. Fredrickson. (1999). Temporarily flooded wetlands of Missouri: Invertebrate ecology and management. In D.P. Batzer, R.B. Rader and S.A. Wissinger (Eds.), *Invertebrates in freshwater wetlands of North America: ecology and management,* (pp. 691-710). New York: John Wiley and Sons.

McCabe, C.A., Hall, H.D., and Barkley, R.C. (1982). *Yazoo Area Pump Study. A Fish and Wildlife Coordination Act Report.* Washington, DC: U.S. Fish and Wildlife Service.

Meanley, B. (1992). King Rail. In A. Poole, P. Stettenheim, and F. Gill (Eds.), *The Birds of North America, No.3. Philadelphia*: Washington, DC: The Academy of Natural Sciences and the American Ornithologists' Union.

Meanley, B. (1956). Food habits of the king rail in the Arkansas ricefields. *Auk,* 73, 252-258.

Moore, W.G. (1970). Limnological studies of temporary ponds in southeastern Louisiana. *Southwestern Naturalist* 15, 83-110.

Mississippi Museum of Natural Science. (2005). *Mississippi's Comprehensive Wildlife Conservation Strategy.* Jackson, Mississippi: Mississippi Department of Wildlife, Fisheries and Parks, Mississippi Museum of Natural Science. See: http://www.wildlifeactionplans.org/pdfs/action_plans/ms_action_plan.pdf

Mitsch, W.J. and J.G. Gosselink. (2000). *Wetlands, 3rd Edition.* New York: Van Nostrand Reinhold.

Nichols, W.F., K.T. Killingbeck and P.V. August. (1998). The influence of geomorphological heterogeneity on biodiversity: A landscape perspective. *Conservation Biology*, 12(2), 371-379.

Nichols, J.D., K.J. Reinecke and J.E. Hines. (1983). Factors affecting the distribution of mallards wintering in the Mississippi Alluvial Valley. *Auk,* 100, 932-946.

ED_004275A_00002834-00089

Odum, W.E., E.P. Odum, and H.T. Odum. (1995). Nature's pulsing paradigm. *Estuaries* 18(4), 547-555.

Ouchley, K., R.B. Hamilton, W.C. Barrow, Jr., and K. Ouchley. (2000). Historic and present day forest conditions: Implications for bottomland hardwood forest restoration. *Ecological Restoration 18* (1), 21-25.

Reid, F.A. (1989). *Differential habitat use by waterbirds in a managed wetland complex, Ph.D. Dissertation*. University of Missouri, Columbia.

Reid, F.A. (1985). Wetland invertebrates in relation to hydrology and water chemistry. In M.D. Knighton, (Ed.), *Water Impoundments for Wildlife: A Habitat Management Workshop, Technical Report NC-100,* (pp. 72-79). St. Paul, MN: USDA Forest Service.

Reinecke, K.J., C.W. Shaiffer and D.Delnicki. (1987). Winter survival of female mallards in the lower Mississippi Valley. *Transactions of the North American Wildlife and Natural Resources Conference,* 52, 258-263.

Rodgers, J.A., Jr. and H.T. Smith. (1995). Little Blue Heron. In A. Poole and F. Gill (Eds.), *The Birds of North America, No. 145.* Philadelphia: The Academy of Natural Sciences, and Washington, DC: The American Ornithologists' Union.

Ross, S.T. (2001). *The Inland Fishes of Mississippi*. Jackson, MS: Mississippi Department of Wildlife, Fisheries and Parks.

Saucier, R. L. (1994). *Geomorphology and quaternary geologic history of the Lower Mississippi Valley. Vol 1 (report), Vol 2 (map folio)*. Vicksburg, MS: U.S. Army Engineer Waterways Experiment Station.

Schoenholtz, S.H. (1996). Hydrologic and soil characteristics of forested wetland ecosystems. In S.D. Roberts and R.A. Rathfon (Eds.), *Management of forested wetland ecosystems in the Central Hardwood Region: a regional ecosystem management workshop*, (pp. 17-20). West Lafayette: Purdue University.

Sharitz, R.R. and D.P. Batzer. (1999). An introduction to freshwater wetlands in North America and their invertebrates. In D.P.Batzer, R.B. Rader and S.A. Wissinger (Eds.), *Invertebrates in freshwater wetlands of North America: ecology and management,* (pp. 1-22). New York: John Wiley and Sons.

Sharitz, R. and W.J. Mitsch. (1993). Southern floodplain forests. In W.H. Martin, S.G. Boyce, and A.C. Echternacht (Eds.), *Biodiversity of the Southeastern United States: Lowland Terrestrial Communities,* (pp. 311-372). John Wiley and Sons, New York.

ED_004275A_00002834-00090

Schnitzler, A., B.W. Hale, and E Aslum. (2005). Biodiversity of floodplain forests in Europe and eastern North America: a comparative study of the Rhine and Mississippi Valleys. *Biodiversity and Conservation* 14, 97-117.

Schramm, H.L., Jr., Eggleton, M.A., and May, R.M. (1999). Habitat conservation and creation: invoking the flood-pulse concept to enhance fisheries in the lower Mississippi River. In *VIIth International Symposium on the Ecology of Fluvial Fishes*. Poland: University of Lodz.

Semlitsch, R.D. (2005). Management of amphibians in floodplain wetlands: Importance of local populations and landscape processes. In L.H. Frederickson, S.A. King, and R.M. Kaminski (Eds.), *Ecology and Management of Bottomland Hardwood Systems: The State of our Understanding,* (pp. 259-271). Puxico, MO: University of Missouri-Columbia.

Smith, R.D. and C.V. Klimas. (2002). *A regional guidebook for applying the hydrogeomorphic approach to assessing wetland functions of selected regional wetland subclasses, Yazoo Basin, Lower Mississippi River Alluvial Valley. ERDC/EL TR-02-4.* Vicksburg, MS: Army Engineer Research and Development Center. See: http://el.erdc.usace.army.mil/wetlands/pdfs/trel02-4.pdf

Smith, W.P., P.B. Hamel and R.P. Ford. (1993.) Mississippi Alluvial Valley forest conversion: implication for eastern North American avifauna. *Proceedings of the Annual Conference Southeastern Association Fish and Wildlife Agencies,* 47, 460-469.

Smock, L.A. (1999). Riverine floddplain forests of the southeastern United States. In D.P. Batzer, R.B. Rader and S.A. Wissinger (Eds.), *Invertebrates in freshwater wetlands of North America: ecology and managemen,*. (pp. 137-165). New York: John Wiley and Sons.

Sparks, R.E. (1995). Need for ecosystem management of large rivers and their floodplains. *Bioscience,* 45(3), 168-182.

Turner, T.F., J.C. Trexler, G.L. Miller, and K.E. Toyer. (1994). Temporal and spatial dynamics of larval and juvenile fish abundance in a temperate floodplain river. *Copeia*, 1994(1), 174-183.

Twedt, D.J., et al. (1997). Shorebird use of managed wetlands in the Mississippi alluvial valley. *American Midland Naturalist*, 140, 140-152.

Wehrle, B.W., R.M. Kaminski, B.D. Leopold, and W.P. Smith. (1995). Aquatic Invertebrate resources in Mississippi forested wetlands during winter. *Wildlife Society Bulletin*, 23, 774-783.

ED_004275A_00002834-00091

Wehrle, B.W. (1992). *Invertebrate resources in Mississippi hardwood bottomlands, moist-soil habitat, and flooded cropland.* MS Thesis, Mississippi State University.

Wharton, C.H. W.M. Kitchens, E.C. Pendleton, and T.W. Sipe. (1982). *The ecology of bottomland hardwood swamps of the southeast: A community profile, FWS/OBS-81/37.* Washington D.C.: U.S. Fish and Wildlife Service.

Wigley, T.B. and R.A. Lancia, 1998. Wildlife Communities. In M.G. Messina and W.H. Conner (Eds.), *Southern Forested Wetlands: Ecology and Management*, (pp. 205-236). Boca Raton, FL: Lewis Publishers,

Wilder, T.C. and T.H. Roberts. (2005). A comparison of tree species composition in bottomland hardwoods adjacent to channelized and unchannelized rivers in wets Tennessee. In L.H. Frederickson, S.A. King, and R.M. Kaminski (Eds.), Ecology and Management of Bottomland Hardwood Systems: The State of our Understanding, (pp. 155-171). Puxico, MO: University of Missouri-Columbia.

Wilkinson, D.L., K. Schnell-McDonald, R.W. Olson, and G.T. Auble. (1987). Synopsis of wetland functions and values: bottomland hardwoods with special emphasis on eastern Texas and Oklahoma. U.S. Fish and Wildlife Service Biological Report, 87, 12.

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Message

From: Mcgill, Thomas [Mcgill.Thomas@epa.gov]
Sent: 8/12/2019 1:00:22 PM
To: Allenbach, Becky [Allenbach.Becky@epa.gov]
Subject: FW: Draft Yazoo Letter to the Army Corps for your review
Attachments: Edits to Draft Yazoo Letter - 8-9-19 consolidated edit.docx; Draft Yazoo Letter - 8-9-19 consolidated clean.docx

Flag: Follow up

FYI...

From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Friday, August 9, 2019 6:54 PM
To: Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached, for you review, please find an edited and clean version of the draft EPA letter to the Corps regarding the Yazoo Backwater Pump project. In the marked up version, I have reconciled all of your edits so that you can see where the changes have occured, however, I did keep the comment bubbles in the clean version.

Let us know if you have any questions or concerns.

Thanks

bf

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: Fwd: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached for your review is a draft letter from EPA to the Corps sharing preliminary feedback from EPA's review of information provided by the Corps' Vicksburg District related to the Yazoo Backwater Area and the Yazoo Pumps project.

Please let us know if you have any questions regarding the draft letter.

Thanks, John

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 01/23/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

Issue: The U.S. Army Corps of Engineers (Corps) has shared new information regarding the Yazoo Backwater Area (YBA), which was subject to a Clean Water Act section 404(c) Final Determination (FD). The new information is under review and may inform whether revisiting the FD is warranted.

Location: Issaquena County, Mississippi

Context:
1. Involved parties: EPA, Corps
2. Interested parties: Mississippi Governor Bryant, Mississippi Senators Wicker and Hyde-Smith, media
3. EPA issued a 404(c) Final Determination (FD) in 2008 "vetoing" the YBA Pumps Project based on unacceptable adverse effects on fishery areas and wildlife.
4. During significant flooding events impacting the YBA in 2019, the EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
5. Administrator Wheeler said at a Senate Interior Appropriations Subcommittee hearing 04/03/2019 that EPA is reviewing the 2008 veto decision

Considerations:

2008 Veto

1. In August of 2008, EPA issued a 404(c) Final Determination that impacts from the YBA Pumps Project would result in unacceptable adverse effects on fishery areas and wildlife. The FD also indicates that derivatives of the prohibited projects that involve small modifications to operational features or location of the project would also likely result in unacceptable adverse effects and would generate a similar level of concern and review by EPA.
2. The Yazoo Pumps Project was a Corps Civil Works project designed to address flooding concerns in a 630,000-acre area situated between the Mississippi and Yazoo Rivers in west-central Mississippi (Yazoo Backwater Area).
3. The primary component of this project is a 14,000 cubic feet per second pumping station that would pump surface water out of the YBA during high water events on the Mississippi River.
4. The EPA's analysis was primarily based on data and information in the Corps' Supplemental Final Environmental Impact Statement (SFEIS) for the project.

Interest from Stakeholders

5. The EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
   - Letter dated 02/28/2019 from U.S. Senators Cindy Hyde-Smith and Roger Wicker
   - Letter dated 03/29/2019 from Governor Phil Bryant
   - Letter dated 09/06/2019 from U.S. Senators Cindy Hyde-Smith and Roger Wicker and Rep. Bennie Thompson
6. The EPA received letters from NGOs that expressed support of the 404(c) FD.
   - Letter dated 09/17/2019 from the National Audubon Society and Audubon Mississippi
   - Letter dated 09/17/2019 from Healthy Gulf
   - Letter dated 09/17/2019 from the National Wildlife Federation
   - Letter dated 09/17/2019 from American Rivers
7. The EPA received a letter dated 11/7/2019, signed by 14 Mississippi River protection-oriented NGOs requesting that EPA not withdraw its 2008 Yazoo Pumps FD. They also recommend a collaborative strategy for addressing issues like flood and nutrient management on a system-wide scale (rather than looking at the pumps project in isolation). OW is preparing a draft response consistent with recent responses to similar controls.
8. R4 and OW staff developed a template response for such inquiries.
9. The National Wildlife Federation (NWF) met with the DAA for OW on of 10/28/2019 and also met with OWOW staff, with WD participating by phone, to share their perspective on the YBA. The NWF offered to meet with the

RA to present their perspective if there is interest and also provided via email several attached documents that reflect their perspective that the pump would have adverse impacts to fish and aquatic life in the YBA.

Communications with the Corps

10. The Corps issued EPA a letter dated 01/25/2019, to request continued dialogue on solutions to flooding issues using new scientific information.
11. EPA Region 4 and the Corps met on March 19, 2019, in Vicksburg, MS, where they toured the YBA, and agreed to review and consider any new data and information.
12. On 05/15/2019, the Corps met with EPA in Atlanta to provide a general overview of new data they have been collecting over the last decade regarding the YBA.
13. On 06/03/2019, the Corps submitted a 118-page draft manuscript on the new data, which they believe indicates that approximately 75% of the wetlands in the YBA are hydrologically driven by precipitation, not flooding.
14. The Corps also stated they had additional data which they believe indicates that sustained flooding in the YBA has adverse impacts to water quality and fish habitat.
15. On 07/12/2019, the Corps also submitted a 6-page preliminary assessment of wetland functions for the Yazoo Backwater Area, which EPA understands is based on data collected and modeling conducted by the Corps following the issuance of their 2007 Final Supplemental Environmental Impact Statement (FSEIS). The Corps' preliminary wetland function assessment appears to suggest that a significantly lower acreage of wetlands would be impacted by pump operations than estimated in their FSEIS. The technical data to support the Corps' assessment, including modeling assumptions and results, has not been provided by the Corps.
16. An EPA internal technical review team (Technical Team) has evaluated the technical merits and implications of the hydrology manuscript (see below), routing their review comments via the Office of Science Policy to formalize them.
17. In a meeting between EPA and the Corps in DC on 08/02/2019, the EPA emphasized the need for more supporting data, information and analysis regarding our review of information provided by the Corps during the past few months and committed to send the letter to the Corps to specifically describe our needs by 08/09/2019. A letter to the Corps signed by the RA was transmitted 8/22/2019.
18. In response to an invitation from the Corps WD, legal and WPD staff met with the Corps and toured the YBA on 08/19/2019.
19. Administrator Wheeler met with Mississippi Governor Bryant 9/18/2019.
20. On a 10/08/2019 webinar with the Corps, EPA presented questions for technical discussion concerning the new wetland hydrology data, preliminary wetlands assessment, and next steps as far as any approach proposed by the Corps. The EPA also transmitted ORD's review comments to the Corps, per their request, after the meeting.
21. EPA staff traveled to Vicksburg and met with the Corps on 10/10/2019 to discuss various aspects of the technical data and information being used by the Corps in their current analysis of the YBA. Modeling staff with EPA met with the Corps in Vicksburg on 10/15/2019 to learn details of the FESM model that is being used by the Corps in their technical analysis.
22. The RA and the Deputy AA for OW hosted a public meeting/listening session in Rolling Fork, MS on 10/21/2019 and heard directly from various stakeholders and dozens of citizens regarding their perspective on the 2019 flood and the pump project.
23. The EPA and the Corps met in Vicksburg on 10/22/2019, where the Corps indicated they are considering a new project involving the pump that may include differences in the location for the pump, operational features and adaptive management provisions.
24. EPA staff held a call with the USFWS 10/29/2019 to initiate discussions about the USFWS's current perspective on the potential effects of the pump, in consideration of the currently available data and information including the recent perspectives shared by the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP) and ERDC. FWS indicated that they will review any new project submission from the Corps, and shared that two additional issues would affect their assessment: 1) the Louisiana Black Bear has been removed from the list of endangered/threatened species; and 2) climate change has increased flooding frequency. EPA staff provided PowerPoint presentation files to the FWS, which were developed by MDWFP and ERDC and sent by the Corps.

Status and Next Steps:

25. Ex. 5 Deliberative Process (DP)
    The Corps also clarified that they would make decisions regarding their next steps on NEPA following their submission of the 404(b)(1) analysis.
26. The Corps and EPA agreed to hold weekly teleconferences to check-in regarding the status of their progress and efforts, which will begin on 11/7/2019.
27. The Corps provided draft technical documents to the EPA on 11/25/2019, which we understand are intended to support a 404(b)(1) analysis that the Corps intends to provide by 12/20/2019. On two separate calls with the Corps held on 12/5/2019, EPA managers verbally communicated comments. On 12/6/19, the EPA followed-up with an email that also communicated our comments.
28. R4 and OW staff are reviewing a document transmitted by the Corps on 12/20/19, which includes a pump project proposal and a 404(b)(1) analysis based in part new data and information relative to the data and information available when EPA issued the 2008 FD.
29. Ex. 5 Deliberative Process (DP): Ex. 5 Attorney Client (AC)
30. The Corps met with EPA in Atlanta on 1/15/2020 and gave a presentation regarding the 404(b)(1) document they submitted on 12/20/19. EPA committed to communications regarding a timeline and process for the path forward by 2/1/2020.

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 01/16/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

Issue: The U.S. Army Corps of Engineers (Corps) has shared new information regarding the Yazoo Backwater Area (YBA), which was subject to a Clean Water Act section 404(c) Final Determination (FD). The new information is under review and may inform whether revisiting the FD is warranted.

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2. Interested parties: Mississippi Governor Bryant, Mississippi Senators Wicker and Hyde-Smith, media
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5. Administrator Wheeler said at a Senate Interior Appropriations Subcommittee hearing 04/03/2019 that EPA is reviewing the 2008 veto decision

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2. The Yazoo Pumps Project was a Corps Civil Works project designed to address flooding concerns in a 630,000-acre area situated between the Mississippi and Yazoo Rivers in west-central Mississippi (Yazoo Backwater Area).
3. The primary component of this project is a 14,000 cubic feet per second pumping station that would pump surface water out of the YBA during high water events on the Mississippi River.
4. The EPA's analysis was primarily based on data and information in the Corps' Supplemental Final Environmental Impact Statement (SFEIS) for the project.

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   - Letter dated 03/29/2019 from Governor Phil Bryant
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   - Letter dated 09/17/2019 from the National Audubon Society and Audubon Mississippi
   - Letter dated 09/17/2019 from Healthy Gulf
   - Letter dated 09/17/2019 from the National Wildlife Federation
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7. The EPA received a letter dated 11/7/2019, signed by 14 Mississippi River protection-oriented NGOs requesting that EPA not withdraw its 2008 Yazoo Pumps FD. They also recommend a collaborative strategy for addressing issues like flood and nutrient management on a system-wide scale (rather than looking at the pumps project in isolation). OW is preparing a draft response consistent with recent responses to similar controls.
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RA to present their perspective if there is interest and also provided via email several attached documents that reflect their perspective that the pump would have adverse impacts to fish and aquatic life in the YBA.

Communications with the Corps

10. The Corps issued EPA a letter dated 01/25/2019, to request continued dialogue on solutions to flooding issues using new scientific information.
11. EPA Region 4 and the Corps met on March 19, 2019, in Vicksburg, MS, where they toured the YBA, and agreed to review and consider any new data and information.
12. On 05/15/2019, the Corps met with EPA in Atlanta to provide a general overview of new data they have been collecting over the last decade regarding the YBA.
13. On 06/03/2019, the Corps submitted a 118-page draft manuscript on the new data, which they believe indicates that approximately 75% of the wetlands in the YBA are hydrologically driven by precipitation, not flooding.
14. The Corps also stated they had additional data which they believe indicates that sustained flooding in the YBA has adverse impacts to water quality and fish habitat.
15. On 07/12/2019, the Corps also submitted a 6-page preliminary assessment of wetland functions for the Yazoo Backwater Area, which EPA understands is based on data collected and modeling conducted by the Corps following the issuance of their 2007 Final Supplemental Environmental Impact Statement (FSEIS). The Corps' preliminary wetland function assessment appears to suggest that a significantly lower acreage of wetlands would be impacted by pump operations than estimated in their FSEIS. The technical data to support the Corps' assessment, including modeling assumptions and results, has not been provided by the Corps.
16. An EPA internal technical review team (Technical Team) has evaluated the technical merits and implications of the hydrology manuscript (see below), routing their review comments via the Office of Science Policy to formalize them.
17. In a meeting between EPA and the Corps in DC on 08/02/2019, the EPA emphasized the need for more supporting data, information and analysis regarding our review of information provided by the Corps during the past few months and committed to send the letter to the Corps to specifically describe our needs by 08/09/2019. A letter to the Corps signed by the RA was transmitted 8/22/2019.
18. In response to an invitation from the Corps WD, legal and WPD staff met with the Corps and toured the YBA on 08/19/2019.
19. Administrator Wheeler met with Mississippi Governor Bryant 9/18/2019.
20. On a 10/08/2019 webinar with the Corps, EPA presented questions for technical discussion concerning the new wetland hydrology data, preliminary wetlands assessment, and next steps as far as any approach proposed by the Corps. The EPA also transmitted ORD's review comments to the Corps, per their request, after the meeting.
21. EPA staff traveled to Vicksburg and met with the Corps on 10/10/2019 to discuss various aspects of the technical data and information being used by the Corps in their current analysis of the YBA. Modeling staff with EPA met with the Corps in Vicksburg on 10/15/2019 to learn details of the FESM model that is being used by the Corps in their technical analysis.
22. The RA and the Deputy AA for OW hosted a public meeting/listening session in Rolling Fork, MS on 10/21/2019 and heard directly from various stakeholders and dozens of citizens regarding their perspective on the 2019 flood and the pump project.
23. The EPA and the Corps met in Vicksburg on 10/22/2019, where the Corps indicated they are considering a new project involving the pump that may include differences in the location for the pump, operational features and adaptive management provisions.
24. EPA staff held a call with the USFWS 10/29/2019 to initiate discussions about the USFWS's current perspective on the potential effects of the pump, in consideration of the currently available data and information including the recent perspectives shared by the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP) and ERDC. FWS indicated that they will review any new project submission from the Corps, and shared that two additional issues would affect their assessment: 1) the Louisiana Black Bear has been removed from the list of endangered/threatened species; and 2) climate change has increased flooding frequency. EPA staff provided PowerPoint presentation files to the FWS, which were developed by MDWFP and ERDC and sent by the Corps.

Status and Next Steps:

25. Ex. 5 Deliberative Process (DP)

    The Corps also clarified that they would make decisions regarding their next steps on NEPA following their submission of the 404(b)(1) analysis.
26. The Corps and EPA agreed to hold weekly teleconferences to check-in regarding the status of their progress and efforts, which will begin on 11/7/2019.
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RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 01/16/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

Issue: The U.S. Army Corps of Engineers (Corps) has shared new information regarding the Yazoo Backwater Area (YBA), which was subject to a Clean Water Act section 404(c) Final Determination (FD). The new information is under review and may inform whether revisiting the FD is warranted.

Location: Issaquena County, Mississippi

Context:
1. Involved parties: EPA, Corps
2. Interested parties: Mississippi Governor Bryant, Mississippi Senators Wicker and Hyde-Smith, media
3. EPA issued a 404(c) Final Determination (FD) in 2008 "vetoing" the YBA Pumps Project based on unacceptable adverse effects on fishery areas and wildlife.
4. During significant flooding events impacting the YBA in 2019, the EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
5. Administrator Wheeler said at a Senate Interior Appropriations Subcommittee hearing 04/03/2019 that EPA is reviewing the 2008 veto decision

Considerations:

2008 Veto

1. In August of 2008, EPA issued a 404(c) Final Determination that impacts from the YBA Pumps Project would result in unacceptable adverse effects on fishery areas and wildlife. The FD also indicates that derivatives of the prohibited projects that involve small modifications to operational features or location of the project would also likely result in unacceptable adverse effects and would generate a similar level of concern and review by EPA.
2. The Yazoo Pumps Project was a Corps Civil Works project designed to address flooding concerns in a 630,000-acre area situated between the Mississippi and Yazoo Rivers in west-central Mississippi (Yazoo Backwater Area).
3. The primary component of this project is a 14,000 cubic feet per second pumping station that would pump surface water out of the YBA during high water events on the Mississippi River.
4. The EPA's analysis was primarily based on data and information in the Corps' Supplemental Final Environmental Impact Statement (SFEIS) for the project.

Interest from Stakeholders

5. The EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
   - Letter dated 02/28/2019 from U.S. Senators Cindy Hyde-Smith and Roger Wicker
   - Letter dated 03/29/2019 from Governor Phil Bryant
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Message

From: Mcgill, Thomas [Mcgill.Thomas@epa.gov]
Sent: 8/13/2019 4:54:07 PM
To: Allenbach, Becky [Allenbach.Becky@epa.gov]; Zapata, Cesar [Zapata.Cesar@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Ainslie, William [Ainslie.William@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]
Subject: FW: Draft Yazoo Letter to the Army Corps for your review
Attachments: Edits to Draft Yazoo Letter - 8-13-19 v4.docx

FYI...

From: Mcgill, Thomas
Sent: Tuesday, August 13, 2019 12:49 PM
To: Walker, Mary <walker.mary@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Ex. 5 Deliberative Process (DP)

Thanks for the opportunity to weigh-in.

Tom

From: Walker, Mary <walker.mary@epa.gov>
Sent: Monday, August 12, 2019 9:18 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
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I've made some edits. Please see attached and let me know if you have concerns or further edits.

Thanks
Mary

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Sent: Friday, August 9, 2019 6:54 PM
To: Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee

<Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached, for you review, please find an edited and clean version of the draft EPA letter to the Corps regarding the Yazoo Backwater Pump project. In the marked up version, I have reconciled all of your edits so that you can see where the changes have occured, however, I did keep the comment bubbles in the clean version.

Let us know if you have any questions or concerns.

Thanks

bf

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
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Please let us know if you have any questions regarding the draft letter.

Thanks, John

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From: Mcgill, Thomas [Mcgill.Thomas@epa.gov]
Sent: 8/13/2019 3:56:07 PM
To: Allenbach, Becky [Allenbach.Becky@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Zapata, Cesar [Zapata.Cesar@epa.gov]
CC: Calli, Rosemary [Calli.Rosemary@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]
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Attachments: Edits to Draft Yazoo Letter - 8-13-19 v4.docx

Importance: High

Attached are minor edits from Matt and me. I didn't think appropriate to send to Mary et al without y'all weighing-in, and if appropriate please forward on to Mary. Tom

---

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Sent: 8/13/2019 1:48:26 PM
To: Mcgill, Thomas [Mcgill.Thomas@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]; Allenbach, Becky [Allenbach.Becky@epa.gov]; Ainslie, William [Ainslie.William@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Zapata, Cesar [Zapata.Cesar@epa.gov]
Subject: RE: Draft Yazoo Letter to the Army Corps for your review
Attachments: Edits to Draft Yazoo Letter - 8-12-19 v.3.clean_mlh.docx

Tom,

Here are my comments.

Thanks,

Matt

From: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Sent: Tuesday, August 13, 2019 8:32 AM
To: Calli, Rosemary <Calli.Rosemary@epa.gov>; Allenbach, Becky <Allenbach.Becky@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>
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Please review the attached revised draft of the letter, and if you see any critical corrections that are needed please share those by 10:30 am this morning.

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To: Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Allenbach, Becky [Allenbach.Becky@epa.gov]
CC: Calli, Rosemary [Calli.Rosemary@epa.gov]
Subject: FW: Draft Yazoo Letter to the Army Corps for your review
Attachments: Edits to Draft Yazoo Letter - 8-12-19 v.3.clean.docx

Jeaneanne – I forwarded the attachment to our Regional Yazoo Team and asked for any critical comments by 10:30 this morning. I am offering 2 comments for your consideration regarding my review.

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Sent: Friday, August 9, 2019 6:54 PM
To: Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached, for you review, please find an edited and clean version of the draft EPA letter to the Corps regarding the Yazoo Backwater Pump project. In the marked up version, I have reconciled all of your edits so that you can see where the changes have occured, however, I did keep the comment bubbles in the clean version.

Let us know if you have any questions or concerns.

Thanks

bf

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: Fwd: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached for your review is a draft letter from EPA to the Corps sharing preliminary feedback from EPA's review of information provided by the Corps' Vicksburg District related to the Yazoo Backwater Area and the Yazoo Pumps project.

Please let us know if you have any questions regarding the draft letter.

Thanks, John

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 01/23/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

Issue: The U.S. Army Corps of Engineers (Corps) has shared new information regarding the Yazoo Backwater Area (YBA), which was subject to a Clean Water Act section 404(c) Final Determination (FD). The new information is under review and may inform whether revisiting the FD is warranted.

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Considerations:

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Status and Next Steps:

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    The Corps also clarified that they would make decisions regarding their next steps on NEPA following their submission of the 404(b)(1) analysis.
26. The Corps and EPA agreed to hold weekly teleconferences to check-in regarding the status of their progress and efforts, which will begin on 11/7/2019.
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28. R4 and OW staff are reviewing a document transmitted by the Corps on 12/20/19, which includes a pump project proposal and a 404(b)(1) analysis based in part new data and information relative to the data and information available when EPA issued the 2008 FD.
29. Ex. 5 Deliberative Process (DP); Ex. 5 Attorney Client (AC)
30. The Corps met with EPA in Atlanta on 1/15/2020 and gave a presentation regarding the 404(b)(1) document they submitted on 12/20/19. EPA committed to communications regarding a timeline and process for the path forward by 2/1/2020.

2008 YAZOO PUMPS CLEAN WATER ACT SECTION 404(C) FINAL DETERMINATION (MISSISSIPPI)

Background:

- The Yazoo Backwater Area Pumps Project is a U.S. Army Corps of Engineers (Corps) Civil Works project designed to address flooding concerns in a 630,000-acre area situated between the Mississippi and Yazoo Rivers in west-central Mississippi. The estimated $200+ million project was to be fully federally funded with no local cost-share.
- Project construction and operation, under a range of alternatives evaluated in the Final Supplemental Environmental Impact Statement, would have adversely impacted between 28,400 and 118,400 acres of wetlands and other waters of the United States.
- In 2008, EPA determined that these impacts would result in unacceptable adverse effects on fishery areas and wildlife and vetoed the project under Clean Water Act (CWA) Section 404(c).

Key Points:

- **Sen. Roger Wicker (R-MS), Sen. Cindy Hyde-Smith (R-MS), Rep. Bennie Thompson (D-MS) and Governor Phil Bryant (R-MS)** have all engaged with EPA on this issue (correspondence, meetings, calls) in support of the pump project.
- Dozens of residents have written to EPA in 2019 and 2020 in support of the pump project.
- Hunting, fishing, and other conservation groups oppose the project because of its extensive impacts to wetlands providing important habitat for fish and wildlife.
- Tax-payer watchdog groups and economists question the flood reduction benefits of the proposed project and criticize it as wasteful.
- In October 2019, at the request of Sen. Wicker's office, EPA's Deputy Assistant Administrator for Water, Lee Forsgren, and Regional Administrator Mary Walker participated in a listening session with residents in Rolling Fork, MS.
- In March 2018, then Acting Regional Administrator Mary Walker met with Corps General Richard G. Kaiser to tour the Yazoo Backwater Area and discuss the issue.
- In 2018, an unsuccessful congressional rider would have directed the Corps to begin construction on the Yazoo pumps project despite the 2008 CWA Section 404(c) Final Determination.
- Currently, EPA is reviewing information received from the Corps in late December 2019 to determine next steps.

Talking Points:

- The EPA recognizes the disruptive impacts of the recent flooding along the lower Mississippi River and the Yazoo Backwater Area on the day-to-day lives of Mississippians and the economy of the area.
- On October 21, 2019 we participated in a listening session where we had the opportunity to hear first-hand from residents. We have an ongoing dialogue with the U.S. Army Corps of Engineers (Corps) regarding potential options for providing flood protection and are reviewing information received from the Corps in late December 2019.
- We remain committed to working actively and cooperatively with the Corps on the potential flood control options they are considering as they relate to our Clean Water Act programs. Our shared goal is to support a long-term, viable solution.

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

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Message

From: Mcgill, Thomas [Mcgill.Thomas@epa.gov]
Sent: 4/16/2019 8:53:21 PM
To: Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Allenbach, Becky [Allenbach.Becky@epa.gov]; Zapata, Cesar [Zapata.Cesar@epa.gov]
Subject: draft letter to MS Governor re: Yazoo
Attachments: Yazoo - response to Governor Phil Bryant - draft 4-15-19.docx

FYI...

From: Mcgill, Thomas
Sent: Monday, April 15, 2019 2:38 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: RE: Yazoo Backwater Area Pump Project Talking Points

Please see the attached draft, which was modeled after last week's talking points, and let me know what you think. I told Jeaneanne that we were hoping to get a vetted letter to her and John before the end of today.

From: Frazer, Brian
Sent: Monday, April 15, 2019 1:09 PM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: RE: Yazoo Backwater Area Pump Project Talking Points

Tom - No problem.

bf

From: Mcgill, Thomas
Sent: Monday, April 15, 2019 12:30 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: RE: Yazoo Backwater Area Pump Project Talking Points

Brian – I'm realizing that 2:00 may be too ambitious given a meeting I have at 1:00, and while I'll target 2:00 it will likely be closer to 3:00.

From: Frazer, Brian
Sent: Monday, April 15, 2019 12:28 PM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: RE: Yazoo Backwater Area Pump Project Talking Points

Tom - Sounds good.

Thanks

From: Mcgill, Thomas
Sent: Monday, April 15, 2019 12:25 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: FW: Yazoo Backwater Area Pump Project Talking Points

Brian – Attached is the latest version of the talking points that I saw, and my draft letter to the MS Governor will be brief and reflect these talking points. I'll try to get you a draft of the letter to the MS Governor by 2:00. Tom

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From: Gettle, Jeaneanne
Sent: Monday, April 15, 2019 12:19 PM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: FW: Yazoo Backwater Area Pump Project Talking Points

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From: Gettle, Jeaneanne
Sent: Thursday, April 11, 2019 12:40 PM
To: Goodin, John <Goodin.John@epa.gov>
Subject: Fwd: Yazoo Backwater Area Pump Project Talking Points

John

For your information.

Jeaneanne

Sent from my iPhone

Begin forwarded message:

> **From:** "Jenkins, Brandi" <Jenkins.Brandi@epa.gov>
> **Date:** April 11, 2019 at 12:35:20 PM EDT
> **To:** "Gettle, Jeaneanne" <Gettle.Jeaneanne@epa.gov>, "Palmer, Leif" <Palmer.Leif@epa.gov>, "Ghosh, Mita" <Ghosh.Mita@epa.gov>, "Hicks, Matt" <Hicks.Matthew@epa.gov>, "Zapata, Cesar" <Zapata.Cesar@epa.gov>, "Mcgill, Thomas" <Mcgill.Thomas@epa.gov>, "Guillard, Jennifer" <Guillard.Jennifer@epa.gov>
> **Subject: FW: Yazoo Backwater Area Pump Project Talking Points**
>
> ---
>
> **From:** Jenkins, Brandi
> **Sent:** Thursday, April 11, 2019 12:34 PM
> **To:** Forsgren, Lee <Forsgren.Lee@epa.gov>
> **Cc:** Walker, Mary <walker.mary@epa.gov>; Blake Ashbee (ashbee.blake@epa.gov) <ashbee.blake@epa.gov>
> **Subject:** Yazoo Backwater Area Pump Project Talking Points

Good afternoon Lee,

Attached for your review are the Region 4 talking points for Yazoo. Please let us know if you have any questions.

Thank you,
Brandi

Brandi Jenkins, Special Assistant
Office of the Regional Administrator – EPA Region 4
404-562-9124 (office)
678-575-2148 (cell)

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 12/12/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

Issue: The U.S. Army Corps of Engineers (Corps) has shared new information regarding the Yazoo Backwater Area (YBA), which was subject to a Clean Water Act section 404(c) Final Determination (FD). The new information is under review and may inform whether revisiting the FD is warranted.

Location: Issaquena County, Mississippi

Context:
1. Involved parties: EPA, Corps
2. Interested parties: Mississippi Governor Bryant, Mississippi Senators Wicker and Hyde-Smith, media
3. EPA issued a 404(c) Final Determination (FD) in 2008 "vetoing" the YBA Pumps Project based on unacceptable adverse effects on fishery areas and wildlife.
4. During significant flooding events impacting the YBA in 2019, the EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
5. Administrator Wheeler said at a Senate Interior Appropriations Subcommittee hearing 04/03/2019 that EPA is reviewing the 2008 veto decision

Considerations:

2008 Veto

1. In August of 2008, EPA issued a 404(c) Final Determination that impacts from the YBA Pumps Project would result in unacceptable adverse effects on fishery areas and wildlife. The FD also indicates that derivatives of the prohibited projects that involve small modifications to operational features or location of the project would also likely result in unacceptable adverse effects and would generate a similar level of concern and review by EPA.
2. The Yazoo Pumps Project was a Corps Civil Works project designed to address flooding concerns in a 630,000-acre area situated between the Mississippi and Yazoo Rivers in west-central Mississippi (Yazoo Backwater Area).
3. The primary component of this project is a 14,000 cubic feet per second pumping station that would pump surface water out of the YBA during high water events on the Mississippi River.
4. The EPA's analysis was primarily based on data and information in the Corps' Supplemental Final Environmental Impact Statement (SFEIS) for the project.

Interest from Stakeholders

5. The EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
   - Letter dated 02/28/2019 from U.S. Senators Cindy Hyde-Smith and Roger Wicker
   - Letter dated 03/29/2019 from Governor Phil Bryant
   - Letter dated 09/06/2019 from U.S. Senators Cindy Hyde-Smith and Roger Wicker and Rep. Bennie Thompson
6. The EPA received letters from NGOs that expressed support of the 404(c) FD.
   - Letter dated 09/17/2019 from the National Audubon Society and Audubon Mississippi
   - Letter dated 09/17/2019 from Healthy Gulf
   - Letter dated 09/17/2019 from the National Wildlife Federation
   - Letter dated 09/17/2019 from American Rivers
7. The EPA received a letter dated 11/7/2019, signed by 14 Mississippi River protection-oriented NGOs requesting that EPA not withdraw its 2008 Yazoo Pumps FD. They also recommend a collaborative strategy for addressing issues like flood and nutrient management on a system-wide scale (rather than looking at the pumps project in isolation). OW is preparing a draft response consistent with recent responses to similar controls.
8. R4 and OW staff developed a template response for such inquiries.
9. The National Wildlife Federation (NWF) met with the DAA for OW on of 10/28/2019 and also met with OWOW staff, with WD participating by phone, to share their perspective on the YBA. The NWF offered to meet with the

RA to present their perspective if there is interest and also provided via email several attached documents that reflect their perspective that the pump would have adverse impacts to fish and aquatic life in the YBA.

Communications with the Corps

10. The Corps issued EPA a letter dated 01/25/2019, to request continued dialogue on solutions to flooding issues using new scientific information.
11. EPA Region 4 and the Corps met on March 19, 2019, in Vicksburg, MS, where they toured the YBA, and agreed to review and consider any new data and information.
12. On 05/15/2019, the Corps met with EPA in Atlanta to provide a general overview of new data they have been collecting over the last decade regarding the YBA.
13. On 06/03/2019, the Corps submitted a 118-page draft manuscript on the new data, which they believe indicates that approximately 75% of the wetlands in the YBA are hydrologically driven by precipitation, not flooding.
14. The Corps also stated they had additional data which they believe indicates that sustained flooding in the YBA has adverse impacts to water quality and fish habitat.
15. On 07/12/2019, the Corps also submitted a 6-page preliminary assessment of wetland functions for the Yazoo Backwater Area, which EPA understands is based on data collected and modeling conducted by the Corps following the issuance of their 2007 Final Supplemental Environmental Impact Statement (FSEIS). The Corps' preliminary wetland function assessment appears to suggest that a significantly lower acreage of wetlands would be impacted by pump operations than estimated in their FSEIS. The technical data to support the Corps' assessment, including modeling assumptions and results, has not been provided by the Corps.
16. An EPA internal technical review team (Technical Team) has evaluated the technical merits and implications of the hydrology manuscript (see below), routing their review comments via the Office of Science Policy to formalize them.
17. In a meeting between EPA and the Corps in DC on 08/02/2019, the EPA emphasized the need for more supporting data, information and analysis regarding our review of information provided by the Corps during the past few months and committed to send the letter to the Corps to specifically describe our needs by 08/09/2019. A letter to the Corps signed by the RA was transmitted 8/22/2019.
18. In response to an invitation from the Corps WD, legal and WPD staff met with the Corps and toured the YBA on 08/19/2019.
19. Administrator Wheeler met with Mississippi Governor Bryant 9/18/2019.
20. On a 10/08/2019 webinar with the Corps, EPA presented questions for technical discussion concerning the new wetland hydrology data, preliminary wetlands assessment, and next steps as far as any approach proposed by the Corps. The EPA also transmitted ORD's review comments to the Corps, per their request, after the meeting.
21. EPA staff traveled to Vicksburg and met with the Corps on 10/10/2019 to discuss various aspects of the technical data and information being used by the Corps in their current analysis of the YBA. Modeling staff with EPA met with the Corps in Vicksburg on 10/15/2019 to learn details of the FESM model that is being used by the Corps in their technical analysis.
22. The RA and the Deputy AA for OW hosted a public meeting/listening session in Rolling Fork, MS on 10/21/2019 and heard directly from various stakeholders and dozens of citizens regarding their perspective on the 2019 flood and the pump project.
23. The EPA and the Corps met in Vicksburg on 10/22/2019, where the Corps indicated they are considering a new project involving the pump that may include differences in the location for the pump, operational features and adaptive management provisions.
24. EPA staff held a call with the USFWS 10/29/2019 to initiate discussions about the USFWS's current perspective on the potential effects of the pump, in consideration of the currently available data and information including the recent perspectives shared by the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP) and ERDC. FWS indicated that they will review any new project submission from the Corps, and shared that two additional issues would affect their assessment: 1) the Louisiana Black Bear has been removed from the list of endangered/threatened species; and 2) climate change has increased flooding frequency. EPA staff provided PowerPoint presentation files to the FWS, which were developed by MDWFP and ERDC and sent by the Corps.

Status and Next Steps:

25. Ex. 5 Deliberative Process (DP)
    The Corps also clarified that they would make decisions regarding their next steps on NEPA following their submission of the 404(b)(1) analysis.
26. The Corps and EPA agreed to hold weekly teleconferences to check-in regarding the status of their progress and efforts, which will begin on 11/7/2019.
27. The Corps provided draft technical documents to the EPA on 11/25/2019, which we understand are intended to support a 404(b)(1) analysis that the Corps intends to provide by 12/20/2019. On two separate calls with the Corps held on 12/5/2019, EPA managers verbally communicated comments. On 12/6/19, the EPA followed-up with an email that also communicated our comments.
28. WD staff are updating an issue paper to prepare the Administrator for a meeting with Mississippi Governor-Elect Reeves and Senator Hyde-Smith that we understand will occur on 12/17/2019.

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 10/24/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

Issue: The U.S. Army Corps of Engineers (Corps) has shared new information regarding the Yazoo Backwater Area (YBA), which was subject to a Clean Water Act section 404(c) Final Determination (FD). The new information is under review and may inform whether revisiting the FD is warranted.

Location: Issaquena County, Mississippi

Context:
1. Involved parties: EPA, Corps
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3. EPA issued a 404(c) Final Determination (FD) in 2008 "vetoing" the YBA Pumps Project based on unacceptable adverse effects on fishery areas and wildlife.
4. During significant flooding events impacting the YBA in 2019, the EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
5. Administrator Wheeler said at a Senate Interior Appropriations Subcommittee hearing 04/03/2019 that EPA is reviewing the 2008 veto decision

Considerations:

2008 Veto

1. In August of 2008, EPA issued a 404(c) Final Determination that impacts from the YBA Pumps Project would result in unacceptable adverse effects on fishery areas and wildlife. The FD also indicates that derivatives of the prohibited projects that involve small modifications to operational features or location of the project would also likely result in unacceptable adverse effects and would generate a similar level of concern and review by EPA.
2. The Yazoo Pumps Project was a Corps Civil Works project designed to address flooding concerns in a 630,000-acre area situated between the Mississippi and Yazoo Rivers in west-central Mississippi (Yazoo Backwater Area).
3. The primary component of this project is a 14,000 cubic feet per second pumping station that would pump surface water out of the YBA during high water events on the Mississippi River.
4. The EPA's analysis was primarily based on data and information in the Corps' Supplemental Final Environmental Impact Statement (SFEIS) for the project.

Interest from Stakeholders

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7. R4 and OW staff developed a template response for such inquiries.

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8. The Corps issued EPA a letter dated 01/25/2019, to request continued dialogue on solutions to flooding issues using new scientific information.
9. EPA Region 4 and the Corps met on March 19, 2019, in Vicksburg, MS, where they toured the YBA, and agreed to review and consider any new data and information.

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11. On 06/03/2019, the Corps submitted a 118-page draft manuscript on the new data, which they believe indicates that approximately 75% of the wetlands in the YBA are hydrologically driven by precipitation, not flooding.
12. The Corps also stated they had additional data which they believe indicates that sustained flooding in the YBA has adverse impacts to water quality and fish habitat.
13. The Corps stated that they have not yet assessed what the implications of the new data are to their Supplemental Final EIS or the EPA's 404(c) FD.
14. On 07/12/2019, the Corps also submitted a 6-page preliminary assessment of wetland functions for the Yazoo Backwater Area, which EPA understands is based on data collected and modeling conducted by the Corps following the issuance of their 2007 Final Supplemental Environmental Impact Statement (FSEIS). The Corps' preliminary wetland function assessment appears to suggest that a significantly lower acreage of wetlands would be impacted by pump operations than estimated in their FSEIS. The technical data to support the Corps' assessment, including modeling assumptions and results, has not been provided by the Corps.
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16. In a meeting between EPA and the Corps in DC on 08/02/2019, the EPA emphasized the need for more supporting data, information and analysis regarding our review of information provided by the Corps during the past few months and committed to send the letter to the Corps to specifically describe our needs by 08/09/2019. A letter to the Corps signed by the RA was transmitted 8/22/2019.
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22. The EPA and the Corps met in Vicksburg on 10/22/2019, where the Corps indicated they are considering a new project involving the pump that may include differences in the location for the pump, operational features and adaptive management provisions.

Status and Next Steps:

23. EPA staff is in contact with the Regional office of the USFWS about scheduling a call during the week of 10/28/2019 to tee-up discussions about the USFWS's current perspective on the potential effects of the pump, in consideration of the recent perspectives shared by the Mississippi Fish and Game Commission and ERDC.

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 10/31/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

Issue: The U.S. Army Corps of Engineers (Corps) has shared new information regarding the Yazoo Backwater Area (YBA), which was subject to a Clean Water Act section 404(c) Final Determination (FD). The new information is under review and may inform whether revisiting the FD is warranted.

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Context:
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3. EPA issued a 404(c) Final Determination (FD) in 2008 "vetoing" the YBA Pumps Project based on unacceptable adverse effects on fishery areas and wildlife.
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Considerations:

2008 Veto

1. In August of 2008, EPA issued a 404(c) Final Determination that impacts from the YBA Pumps Project would result in unacceptable adverse effects on fishery areas and wildlife. The FD also indicates that derivatives of the prohibited projects that involve small modifications to operational features or location of the project would also likely result in unacceptable adverse effects and would generate a similar level of concern and review by EPA.
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   - Letter dated 09/17/2019 from Healthy Gulf
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7. R4 and OW staff developed a template response for such inquiries.
8. NFWF met with the DAA for OW on of 10/28/2019 and is scheduled to talk with OWOW on 11/1/2019 with R4 staff participating to hear their perspective on the YBA.

Communications with the Corps

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22. The EPA and the Corps met in Vicksburg on 10/22/2019, where the Corps indicated they are considering a new project involving the pump that may include differences in the location for the pump, operational features and adaptive management provisions.
23. During calls with the Corps on 10/28/2019 and 10/31/2019, the Corps committed to sharing PowerPoint presentations given at previous meetings and also agreed to set-up regular weekly calls beginning during the week of 10/4/2019.

Status and Next Steps:

24. EPA staff held a call with the USFWS 10/29/2019 to initiate discussions about the USFWS's current perspective on the potential effects of the pump, in consideration of the currently available data and information including the recent perspectives shared by the Mississippi Fish and Game Commission and ERDC. FWS indicated that they will review any new project submission from the Corps, and shared that two additional issues would affect their assessment: 1) the Louisiana Black Bear has been removed from the list of endangered/threatened species; and 2) climate change has increased flooding frequency.

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 10/24/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

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Date Updated: 12/12/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

Issue: The U.S. Army Corps of Engineers (Corps) has shared new information regarding the Yazoo Backwater Area (YBA), which was subject to a Clean Water Act section 404(c) Final Determination (FD). The new information is under review and may inform whether revisiting the FD is warranted.

Location: Issaquena County, Mississippi

Context:
1. Involved parties: EPA, Corps
2. Interested parties: Mississippi Governor Bryant, Mississippi Senators Wicker and Hyde-Smith, media
3. EPA issued a 404(c) Final Determination (FD) in 2008 "vetoing" the YBA Pumps Project based on unacceptable adverse effects on fishery areas and wildlife.
4. During significant flooding events impacting the YBA in 2019, the EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
5. Administrator Wheeler said at a Senate Interior Appropriations Subcommittee hearing 04/03/2019 that EPA is reviewing the 2008 veto decision

Considerations:

2008 Veto

1. In August of 2008, EPA issued a 404(c) Final Determination that impacts from the YBA Pumps Project would result in unacceptable adverse effects on fishery areas and wildlife. The FD also indicates that derivatives of the prohibited projects that involve small modifications to operational features or location of the project would also likely result in unacceptable adverse effects and would generate a similar level of concern and review by EPA.
2. The Yazoo Pumps Project was a Corps Civil Works project designed to address flooding concerns in a 630,000-acre area situated between the Mississippi and Yazoo Rivers in west-central Mississippi (Yazoo Backwater Area).
3. The primary component of this project is a 14,000 cubic feet per second pumping station that would pump surface water out of the YBA during high water events on the Mississippi River.
4. The EPA's analysis was primarily based on data and information in the Corps' Supplemental Final Environmental Impact Statement (SFEIS) for the project.

Interest from Stakeholders

5. The EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
   - Letter dated 02/28/2019 from U.S. Senators Cindy Hyde-Smith and Roger Wicker
   - Letter dated 03/29/2019 from Governor Phil Bryant
   - Letter dated 09/06/2019 from U.S. Senators Cindy Hyde-Smith and Roger Wicker and Rep. Bennie Thompson
6. The EPA received letters from NGOs that expressed support of the 404(c) FD.
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   - Letter dated 09/17/2019 from Healthy Gulf
   - Letter dated 09/17/2019 from the National Wildlife Federation
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7. The EPA received a letter dated 11/7/2019, signed by 14 Mississippi River protection-oriented NGOs requesting that EPA not withdraw its 2008 Yazoo Pumps FD. They also recommend a collaborative strategy for addressing issues like flood and nutrient management on a system-wide scale (rather than looking at the pumps project in isolation). OW is preparing a draft response consistent with recent responses to similar controls.
8. R4 and OW staff developed a template response for such inquiries.
9. The National Wildlife Federation (NWF) met with the DAA for OW on of 10/28/2019 and also met with OWOW staff, with WD participating by phone, to share their perspective on the YBA. The NWF offered to meet with the

RA to present their perspective if there is interest and also provided via email several attached documents that reflect their perspective that the pump would have adverse impacts to fish and aquatic life in the YBA.

Communications with the Corps

10. The Corps issued EPA a letter dated 01/25/2019, to request continued dialogue on solutions to flooding issues using new scientific information.
11. EPA Region 4 and the Corps met on March 19, 2019, in Vicksburg, MS, where they toured the YBA, and agreed to review and consider any new data and information.
12. On 05/15/2019, the Corps met with EPA in Atlanta to provide a general overview of new data they have been collecting over the last decade regarding the YBA.
13. On 06/03/2019, the Corps submitted a 118-page draft manuscript on the new data, which they believe indicates that approximately 75% of the wetlands in the YBA are hydrologically driven by precipitation, not flooding.
14. The Corps also stated they had additional data which they believe indicates that sustained flooding in the YBA has adverse impacts to water quality and fish habitat.
15. On 07/12/2019, the Corps also submitted a 6-page preliminary assessment of wetland functions for the Yazoo Backwater Area, which EPA understands is based on data collected and modeling conducted by the Corps following the issuance of their 2007 Final Supplemental Environmental Impact Statement (FSEIS). The Corps' preliminary wetland function assessment appears to suggest that a significantly lower acreage of wetlands would be impacted by pump operations than estimated in their FSEIS. The technical data to support the Corps' assessment, including modeling assumptions and results, has not been provided by the Corps.
16. An EPA internal technical review team (Technical Team) has evaluated the technical merits and implications of the hydrology manuscript (see below), routing their review comments via the Office of Science Policy to formalize them.
17. In a meeting between EPA and the Corps in DC on 08/02/2019, the EPA emphasized the need for more supporting data, information and analysis regarding our review of information provided by the Corps during the past few months and committed to send the letter to the Corps to specifically describe our needs by 08/09/2019. A letter to the Corps signed by the RA was transmitted 8/22/2019.
18. In response to an invitation from the Corps WD, legal and WPD staff met with the Corps and toured the YBA on 08/19/2019.
19. Administrator Wheeler met with Mississippi Governor Bryant 9/18/2019.
20. On a 10/08/2019 webinar with the Corps, EPA presented questions for technical discussion concerning the new wetland hydrology data, preliminary wetlands assessment, and next steps as far as any approach proposed by the Corps. The EPA also transmitted ORD's review comments to the Corps, per their request, after the meeting.
21. EPA staff traveled to Vicksburg and met with the Corps on 10/10/2019 to discuss various aspects of the technical data and information being used by the Corps in their current analysis of the YBA. Modeling staff with EPA met with the Corps in Vicksburg on 10/15/2019 to learn details of the FESM model that is being used by the Corps in their technical analysis.
22. The RA and the Deputy AA for OW hosted a public meeting/listening session in Rolling Fork, MS on 10/21/2019 and heard directly from various stakeholders and dozens of citizens regarding their perspective on the 2019 flood and the pump project.
23. The EPA and the Corps met in Vicksburg on 10/22/2019, where the Corps indicated they are considering a new project involving the pump that may include differences in the location for the pump, operational features and adaptive management provisions.
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Status and Next Steps:

25. Ex. 5 Deliberative Process (DP)

    The Corps also clarified that they would make decisions regarding their next steps on NEPA following their submission of the 404(b)(1) analysis.
26. The Corps and EPA agreed to hold weekly teleconferences to check-in regarding the status of their progress and efforts, which will begin on 11/7/2019.
27. The Corps provided draft technical documents to the EPA on 11/25/2019, which we understand are intended to support a 404(b)(1) analysis that the Corps intends to provide by 12/20/2019. On two separate calls with the Corps held on 12/5/2019, EPA managers verbally communicated comments. On 12/6/19, the EPA followed-up with an email that also communicated our comments.
28. WD staff are updating an issue paper to prepare the Administrator for a meeting with Mississippi Governor-Elect Reeves and Senator Hyde-Smith that we understand will occur on 12/17/2019.

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 11/14/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

Issue: The U.S. Army Corps of Engineers (Corps) has shared new information regarding the Yazoo Backwater Area (YBA), which was subject to a Clean Water Act section 404(c) Final Determination (FD). The new information is under review and may inform whether revisiting the FD is warranted.

Location: Issaquena County, Mississippi

Context:
1. Involved parties: EPA, Corps
2. Interested parties: Mississippi Governor Bryant, Mississippi Senators Wicker and Hyde-Smith, media
3. EPA issued a 404(c) Final Determination (FD) in 2008 "vetoing" the YBA Pumps Project based on unacceptable adverse effects on fishery areas and wildlife.
4. During significant flooding events impacting the YBA in 2019, the EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
5. Administrator Wheeler said at a Senate Interior Appropriations Subcommittee hearing 04/03/2019 that EPA is reviewing the 2008 veto decision

Considerations:

2008 Veto

1. In August of 2008, EPA issued a 404(c) Final Determination that impacts from the YBA Pumps Project would result in unacceptable adverse effects on fishery areas and wildlife. The FD also indicates that derivatives of the prohibited projects that involve small modifications to operational features or location of the project would also likely result in unacceptable adverse effects and would generate a similar level of concern and review by EPA.
2. The Yazoo Pumps Project was a Corps Civil Works project designed to address flooding concerns in a 630,000-acre area situated between the Mississippi and Yazoo Rivers in west-central Mississippi (Yazoo Backwater Area).
3. The primary component of this project is a 14,000 cubic feet per second pumping station that would pump surface water out of the YBA during high water events on the Mississippi River.
4. The EPA's analysis was primarily based on data and information in the Corps' Supplemental Final Environmental Impact Statement (SFEIS) for the project.

Interest from Stakeholders

5. The EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
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Communications with the Corps

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12. On 05/15/2019, the Corps met with EPA in Atlanta to provide a general overview of new data they have been collecting over the last decade regarding the YBA.
13. On 06/03/2019, the Corps submitted a 118-page draft manuscript on the new data, which they believe indicates that approximately 75% of the wetlands in the YBA are hydrologically driven by precipitation, not flooding.
14. The Corps also stated they had additional data which they believe indicates that sustained flooding in the YBA has adverse impacts to water quality and fish habitat.
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Status and Next Steps:

25. Ex. 5 Deliberative Process (DP)

    The Corps also clarified that they would make decisions regarding their next steps on NEPA following their submission of the 404(b)(1) analysis.
26. The Corps and EPA agreed to hold weekly teleconferences to check-in regarding the status of their progress and efforts, which will begin on 11/7/2019.
27. During the first weekly check-in call with the Corps held 11/7/2019, the Corps indicated that their manuscript on wetland hydrology has been accepted for publication. The Corps also indicated that they are working on two timelines: week of November 18th for sharing technical analyses, and mid-December for sharing information on flood management alternative approaches.

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 10/31/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

Issue: The U.S. Army Corps of Engineers (Corps) has shared new information regarding the Yazoo Backwater Area (YBA), which was subject to a Clean Water Act section 404(c) Final Determination (FD). The new information is under review and may inform whether revisiting the FD is warranted.

Location: Issaquena County, Mississippi

Context:
1. Involved parties: EPA, Corps
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Considerations:

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7. R4 and OW staff developed a template response for such inquiries.
8. NFWF met with the DAA for OW on of 10/28/2019 and is scheduled to talk with OWOW on 11/1/2019 with R4 staff participating to hear their perspective on the YBA.

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23. During calls with the Corps on 10/28/2019 and 10/31/2019, the Corps committed to sharing PowerPoint presentations given at previous meetings and also agreed to set-up regular weekly calls beginning during the week of 10/4/2019.

Status and Next Steps:

24. EPA staff held a call with the USFWS 10/29/2019 to initiate discussions about the USFWS's current perspective on the potential effects of the pump, in consideration of the currently available data and information including the recent perspectives shared by the Mississippi Fish and Game Commission and ERDC. FWS indicated that they will review any new project submission from the Corps, and shared that two additional issues would affect their assessment: 1) the Louisiana Black Bear has been removed from the list of endangered/threatened species; and 2) climate change has increased flooding frequency.

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 11/21/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

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RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 11/7/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

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Status and Next Steps:

24. Ex. 5 Deliberative Process (DP)

The Corps also clarified that they would make decisions regarding their next steps on NEPA following their submission of the 404(b)(1) analysis.

25. The Corps and EPA agreed to hold weekly teleconferences to check-in regarding the status of their progress and efforts, which will begin on 11/7/2019.

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 11/21/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

Issue: The U.S. Army Corps of Engineers (Corps) has shared new information regarding the Yazoo Backwater Area (YBA), which was subject to a Clean Water Act section 404(c) Final Determination (FD). The new information is under review and may inform whether revisiting the FD is warranted.

Location: Issaquena County, Mississippi

Context:
1. Involved parties: EPA, Corps
2. Interested parties: Mississippi Governor Bryant, Mississippi Senators Wicker and Hyde-Smith, media
3. EPA issued a 404(c) Final Determination (FD) in 2008 "vetoing" the YBA Pumps Project based on unacceptable adverse effects on fishery areas and wildlife.
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Considerations:

2008 Veto

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Status and Next Steps:

25. Ex. 5 Deliberative Process (DP)

    The Corps also clarified that they would make decisions regarding their next steps on NEPA following their submission of the 404(b)(1) analysis.
26. The Corps and EPA agreed to hold weekly teleconferences to check-in regarding the status of their progress and efforts, which will begin on 11/7/2019.
27. During the first weekly check-in call with the Corps held 11/7/2019, the Corps indicated that their manuscript on wetland hydrology has been accepted for publication. The Corps also indicated that they are working on two timelines: week of November 18th for sharing technical analyses, and mid-December for sharing information on flood management alternative approaches.

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 11/7/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

Issue: The U.S. Army Corps of Engineers (Corps) has shared new information regarding the Yazoo Backwater Area (YBA), which was subject to a Clean Water Act section 404(c) Final Determination (FD). The new information is under review and may inform whether revisiting the FD is warranted.

Location: Issaquena County, Mississippi

Context:
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3. EPA issued a 404(c) Final Determination (FD) in 2008 "vetoing" the YBA Pumps Project based on unacceptable adverse effects on fishery areas and wildlife.
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Considerations:

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RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 11/21/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

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26. The Corps and EPA agreed to hold weekly teleconferences to check-in regarding the status of their progress and efforts, which will begin on 11/7/2019.
27. The Corps provided draft technical documents to the EPA on 11/25/2019, which we understand are intended to support a 404(b)(1) analysis that the Corps intends to provide by 12/20/2019. On two separate calls with the Corps held on 12/5/2019, EPA managers verbally communicated comments and informed the Corps we would follow-up with an email describing those comments.

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 11/14/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

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RA to present their perspective if there is interest and also provided via email several attached documents that reflect their perspective that the pump would have adverse impacts to fish and aquatic life in the YBA.

Communications with the Corps

10. The Corps issued EPA a letter dated 01/25/2019, to request continued dialogue on solutions to flooding issues using new scientific information.
11. EPA Region 4 and the Corps met on March 19, 2019, in Vicksburg, MS, where they toured the YBA, and agreed to review and consider any new data and information.
12. On 05/15/2019, the Corps met with EPA in Atlanta to provide a general overview of new data they have been collecting over the last decade regarding the YBA.
13. On 06/03/2019, the Corps submitted a 118-page draft manuscript on the new data, which they believe indicates that approximately 75% of the wetlands in the YBA are hydrologically driven by precipitation, not flooding.
14. The Corps also stated they had additional data which they believe indicates that sustained flooding in the YBA has adverse impacts to water quality and fish habitat.
15. On 07/12/2019, the Corps also submitted a 6-page preliminary assessment of wetland functions for the Yazoo Backwater Area, which EPA understands is based on data collected and modeling conducted by the Corps following the issuance of their 2007 Final Supplemental Environmental Impact Statement (FSEIS). The Corps' preliminary wetland function assessment appears to suggest that a significantly lower acreage of wetlands would be impacted by pump operations than estimated in their FSEIS. The technical data to support the Corps' assessment, including modeling assumptions and results, has not been provided by the Corps.
16. An EPA internal technical review team (Technical Team) has evaluated the technical merits and implications of the hydrology manuscript (see below), routing their review comments via the Office of Science Policy to formalize them.
17. In a meeting between EPA and the Corps in DC on 08/02/2019, the EPA emphasized the need for more supporting data, information and analysis regarding our review of information provided by the Corps during the past few months and committed to send the letter to the Corps to specifically describe our needs by 08/09/2019. A letter to the Corps signed by the RA was transmitted 8/22/2019.
18. In response to an invitation from the Corps WD, legal and WPD staff met with the Corps and toured the YBA on 08/19/2019.
19. Administrator Wheeler met with Mississippi Governor Bryant 9/18/2019.
20. On a 10/08/2019 webinar with the Corps, EPA presented questions for technical discussion concerning the new wetland hydrology data, preliminary wetlands assessment, and next steps as far as any approach proposed by the Corps. The EPA also transmitted ORD's review comments to the Corps, per their request, after the meeting.
21. EPA staff traveled to Vicksburg and met with the Corps on 10/10/2019 to discuss various aspects of the technical data and information being used by the Corps in their current analysis of the YBA. Modeling staff with EPA met with the Corps in Vicksburg on 10/15/2019 to learn details of the FESM model that is being used by the Corps in their technical analysis.
22. The RA and the Deputy AA for OW hosted a public meeting/listening session in Rolling Fork, MS on 10/21/2019 and heard directly from various stakeholders and dozens of citizens regarding their perspective on the 2019 flood and the pump project.
23. The EPA and the Corps met in Vicksburg on 10/22/2019, where the Corps indicated they are considering a new project involving the pump that may include differences in the location for the pump, operational features and adaptive management provisions.
24. EPA staff held a call with the USFWS 10/29/2019 to initiate discussions about the USFWS's current perspective on the potential effects of the pump, in consideration of the currently available data and information including the recent perspectives shared by the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP) and ERDC. FWS indicated that they will review any new project submission from the Corps, and shared that two additional issues would affect their assessment: 1) the Louisiana Black Bear has been removed from the list of endangered/threatened species; and 2) climate change has increased flooding frequency. EPA staff provided PowerPoint presentation files to the FWS, which were developed by MDWFP and ERDC and sent by the Corps.

Status and Next Steps:

25. Ex. 5 Deliberative Process (DP)

    The Corps also clarified that they would make decisions regarding their next steps on NEPA following their submission of the 404(b)(1) analysis.
26. The Corps and EPA agreed to hold weekly teleconferences to check-in regarding the status of their progress and efforts, which will begin on 11/7/2019.
27. During the first weekly check-in call with the Corps held 11/7/2019, the Corps indicated that their manuscript on wetland hydrology has been accepted for publication. The Corps also indicated that they are working on two timelines: week of November 18th for sharing technical analyses, and mid-December for sharing information on flood management alternative approaches.

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 11/21/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

Issue: The U.S. Army Corps of Engineers (Corps) has shared new information regarding the Yazoo Backwater Area (YBA), which was subject to a Clean Water Act section 404(c) Final Determination (FD). The new information is under review and may inform whether revisiting the FD is warranted.

Location: Issaquena County, Mississippi

Context:
1. Involved parties: EPA, Corps
2. Interested parties: Mississippi Governor Bryant, Mississippi Senators Wicker and Hyde-Smith, media
3. EPA issued a 404(c) Final Determination (FD) in 2008 "vetoing" the YBA Pumps Project based on unacceptable adverse effects on fishery areas and wildlife.
4. During significant flooding events impacting the YBA in 2019, the EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
5. Administrator Wheeler said at a Senate Interior Appropriations Subcommittee hearing 04/03/2019 that EPA is reviewing the 2008 veto decision

Considerations:

2008 Veto

1. In August of 2008, EPA issued a 404(c) Final Determination that impacts from the YBA Pumps Project would result in unacceptable adverse effects on fishery areas and wildlife. The FD also indicates that derivatives of the prohibited projects that involve small modifications to operational features or location of the project would also likely result in unacceptable adverse effects and would generate a similar level of concern and review by EPA.
2. The Yazoo Pumps Project was a Corps Civil Works project designed to address flooding concerns in a 630,000-acre area situated between the Mississippi and Yazoo Rivers in west-central Mississippi (Yazoo Backwater Area).
3. The primary component of this project is a 14,000 cubic feet per second pumping station that would pump surface water out of the YBA during high water events on the Mississippi River.
4. The EPA's analysis was primarily based on data and information in the Corps' Supplemental Final Environmental Impact Statement (SFEIS) for the project.

Interest from Stakeholders

5. The EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
   - Letter dated 02/28/2019 from U.S. Senators Cindy Hyde-Smith and Roger Wicker
   - Letter dated 03/29/2019 from Governor Phil Bryant
   - Letter dated 09/06/2019 from U.S. Senators Cindy Hyde-Smith and Roger Wicker and Rep. Bennie Thompson
6. The EPA received letters from NGOs that expressed support of the 404(c) FD.
   - Letter dated 09/17/2019 from the National Audubon Society and Audubon Mississippi
   - Letter dated 09/17/2019 from Healthy Gulf
   - Letter dated 09/17/2019 from the National Wildlife Federation
   - Letter dated 09/17/2019 from American Rivers
7. The EPA received a letter dated 11/7/2019, signed by 14 Mississippi River protection-oriented NGOs requesting that EPA not withdraw its 2008 Yazoo Pumps FD. They also recommend a collaborative strategy for addressing issues like flood and nutrient management on a system-wide scale (rather than looking at the pumps project in isolation). OW is preparing a draft response consistent with recent responses to similar controls.
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Status and Next Steps:

25. Ex. 5 Deliberative Process (DP)

    The Corps also clarified that they would make decisions regarding their next steps on NEPA following their submission of the 404(b)(1) analysis.
26. The Corps and EPA agreed to hold weekly teleconferences to check-in regarding the status of their progress and efforts, which will begin on 11/7/2019.
27. The Corps provided draft technical documents to the EPA on 11/25/2019, which we understand are intended to support a 404(b)(1) analysis that the Corps intends to provide by 12/20/2019. On two separate calls with the Corps held on 12/5/2019, EPA managers verbally communicated comments and informed the Corps we would follow-up with an email describing those comments.

Correspondence Management System

Control Number: AL-19-000-3240
Printing Date: March 05, 2019

Citizen Information

Citizen/Originator: **Hyde-Smith, Cindy**
Organization: United States Senate
Address: G12 Dirksen Bldg., Washington, DC 20510

Wicker, Roger
Organization: United States Senate
Address: 113 Dirksen Building, Washington, DC 20510

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AL-19-000-3240	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
Due Date:	Mar 19, 2019	**# of Extensions:**	0
Letter Date:	Feb 28, 2019	**Received Date:**	Mar 5, 2019
Addressee:	AAD-Acting Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	RA-R4-Regional Administrator - Region 4	**Signature Date:**	N/A

File Code: 301_1051_a Records of Senior Officials - Historically significant records of senior officials
Subject: RE: FLOODING IN MISSISSIPPI
Instructions: RA-R4-Prepare draft response for signature by the Regional Administrator for Region 4
Instruction Note: N/A
General Notes: Assigned to Davina Marraccini to coordinate a response from WPD.
State-Tribal CNTL: N/A
CC: Denis Borum - OCIR-CA-WPTT
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Kathy Mims	OCIR	R4	Mar 5, 2019	Mar 19, 2019	N/A
	Instruction: RA-R4-Prepare draft response for signature by the Regional Administrator for Region 4				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

ED_004275A_00006709-00001

Correspondence Management System

Control Number: AL-19-000-3240
Printing Date: March 05, 2019

History

Action By	Office	Action	Date
Kathy Mims	OCIR	Assign R4 as lead office	Mar 5, 2019
Wanda Hudson	R4	Accepted the group assignment	Mar 5, 2019

Comments

Commentator	Comment	Date
No Record Found.		

ED_004275A_00006709-00002

United States Senate

WASHINGTON, DC 20510

February 28, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Wheeler:

Thousands of Mississippi residents are yet again experiencing severe flooding, and National Weather Service forecasts indicate the problem will be much worse in the coming weeks. We write to bring this urgent matter to your attention, and to request swift action by your agency to prevent devastating flooding in the future.

On August 31, 2008, the U.S. Environmental Protection Agency (EPA) issued a veto pursuant to Section 404(c) of the Clean Water Act preventing construction of the Yazoo Backwater Area Pump Project, a federally-authorized U.S. Army Corps of Engineers Civil Works project designed to reduce flooding in a 630,000-acre area in west-central Mississippi. As result of EPA action, the area has suffered more than $377 million in damages from nine separate flood events between 2008 and 2018. We understand that revisiting the veto has been raised by the U.S. Army Corps of Engineers and trust that your agency is reviewing this matter carefully. We believe continued flood impacts, combined with updated information about the wetland habitats, warrant withdrawal of the EPA veto.

The alluvial lands of the Yazoo Backwater Project Area have historically been subject to Mississippi River flooding. The primary purpose of this project, which has been authorized and funded by Congress, is to reduce flooding on the protected side of the Mississippi and Yazoo River levees. During periods of high water, floodgates at two structures in the levee system are closed, necessitating removal of water trapped in the interior following excessive rains. Without a pumping station, these interior floods will continue to affect public roads, bridges, homes, schools, churches, and thousands of acres of agricultural and timberland.

Nearly 400,000 acres are already inundated with water, displacing residents, destroying homes, blocking roads, and preventing farmers from preparing for the new crop season. Should forecasts hold true, roughly 500,000 acres in the south Mississippi Delta will be under water by March 21. Unfortunately, this is a reoccurring problem, but this problem can be prevented by allowing the Corps of Engineers to move forward with its recommended flood control plan.

We respectfully request that you visit the Yazoo Backwater Area during the week of March 18 to observe this problem first-hand. Thank you for taking this important matter into consideration.

Sincerely,

CINDY HYDE-SMITH
United States Senator

ROGER WICKER
United States Senator

Yazoo Backwater Pump Veto and Mississippi Delta Flooding (Yazoo River/Mississippi River)

Desk Statement: The EPA supports the goal of providing improved flood protection for the residents of the Mississippi Delta and will work with the Corps and the local Levee Board to review updated data and other information. As the Agency works within the regulatory structure to review the 2008 veto, we will take into consideration any new information that may impact the conclusions.

Background: On March 19, 2019, Acting Region 4 Administrator Mary Walker toured the flooded Mississippi Delta with Major General Richard Kaiser of the U.S. Corps of Engineers' Mississippi Valley Division; followed by a meeting with staff to provide an overview of the Yazoo Backwater Pump Project. The primary driver for the tour and meeting is EPA's 2008 404(c) veto of a proposed project that would address flooding concerns in a 630,000 acrea area between the Mississippi and Yazoo Rivers. The project proposed utilization of a pumping station to remove surface water out of the Yazoo Backwater Area during high water events on the Mississippi River.

EPA's veto is based on the determination that the hydrological alterations proposed by the project would significantly degrade the critical ecological functions provided by approximately 67,000 acres of wetlands in the Yazoo Backwater Area, including those functions that support wildlife and fisheries resources.

During the tour, significant impacts to individual property owners and the agricultural economy of the area were observed. There are currently over 500,000 acres impacted. Due to the extreme flooding conditions, farmers in the area will miss the window to plant corn and cotton and yields of soybeans, which should still be able to be planted when floodwaters recede, are likely to be lower as a result of the later planting. This is particularly damaging to the livelihood of the residents in the impacted areas.

In recent months, Major General Kaiser initiated conversations with EPA regarding the Pump Station and EPA's prior veto. He also requested a regional visit to the area during the extreme flooding event. In addition, the issue is receiving significant community attention and the Region has received numerous letters and emails asking the Agency for reconsideration of the veto. The flooding has garnered congressional and elected official interest and the Region has been in direct contact with Governor Phil Bryant's office and the offices of Senators Roger Wicker and Cindy Hyde-Smith.

On March 21, 2019, Governor Phil Bryant declared a state of emergency for five areas in the impacted area with additional declarations expected soon.

On April 3, 2019, during a Senate Appropriations subcommittee hearing, Administrator Andrew Wheeler indicated that the Agency is reviewing the 2008 veto of the project.

Governor Bryant's Press Conference providing an update on the flooding in the Delta – Wednesday, April 3, 2019

[HYPERLINK "https://newsms.fm/governor-bryant-mema-provide-update-on-delta-flooding/"]

Governor Bryant's Press Conference Declaring State of Emergency – Thursday, March 21, 2019

[HYPERLINK "http://www.wlbt.com/2019/03/22/governor-bryant-issues-state-emergency-response-flooding/"]

Message

From: Walker, Mary [walker.mary@epa.gov]
Sent: 8/13/2019 11:34:23 AM
To: Jenkins, Brandi [Jenkins.Brandi@epa.gov]; Ashbee, Blake [ashbee.blake@epa.gov]
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Ex. 5 Deliberative Process (DP)

From: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Sent: Monday, August 12, 2019 9:53 PM
To: Walker, Mary <walker.mary@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

I know you meant this as FYI……

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Subject: FW: Draft Yazoo Letter to the Army Corps for your review

Just fyi This is what I have edited and sent back to Lee and Dave F for final check before I send to ryan.

From: Walker, Mary
Sent: Monday, August 12, 2019 9:18 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
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I've made some edits. Please see attached and let me know if you have concerns or further edits.

Thanks
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From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Friday, August 9, 2019 6:54 PM
To: Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
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Let us know if you have any questions or concerns.

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From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
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Please let us know if you have any questions regarding the draft letter.

Thanks, John

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Sent: 8/13/2019 2:21:15 AM
To: Jenkins, Brandi [Jenkins.Brandi@epa.gov]
CC: Ashbee, Blake [ashbee.blake@epa.gov]
Subject: Re: Draft Yazoo Letter to the Army Corps for your review

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Sent from my iPhone

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<Edits to Draft Yazoo Letter - 8-12-19 v.3.clean.docx>

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Sent: 8/13/2019 1:52:39 AM
To: Walker, Mary [walker.mary@epa.gov]; Ashbee, Blake [ashbee.blake@epa.gov]
Subject: RE: Draft Yazoo Letter to the Army Corps for your review
Attachments: Edits to Draft Yazoo Letter - 8-12-19 v.3.clean.docx

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From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Friday, August 9, 2019 6:54 PM
To: Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached, for you review, please find an edited and clean version of the draft EPA letter to the Corps regarding the Yazoo Backwater Pump project. In the marked up version, I have reconciled all of your edits so that you can see where the changes have occured, however, I did keep the comment bubbles in the clean version.

Let us know if you have any questions or concerns.

Thanks

bf

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: Fwd: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached for your review is a draft letter from EPA to the Corps sharing preliminary feedback from EPA's review of information provided by the Corps' Vicksburg District related to the Yazoo Backwater Area and the Yazoo Pumps project.

Please let us know if you have any questions regarding the draft letter.

Thanks, John

Message

From: Jenkins, Brandi [Jenkins.Brandi@epa.gov]
Sent: 5/7/2019 2:07:42 PM
To: Ashbee, Blake [ashbee.blake@epa.gov]
Subject: RE: Yazoo Discussion with Mary Walker

No, Hayly contacted Brandy the day on April 23rd after I spoke with Michael. There wasn't any follow-up.

Brandi

From: Ashbee, Blake
Sent: Tuesday, May 7, 2019 10:06 AM
To: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: FW: Yazoo Discussion with Mary Walker

So did Brandy not know to schedule this until you forwarded the email?

From: Hairston, Brandy
Sent: Monday, May 6, 2019 2:49 PM
To: Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Guillard, Jennifer <Guillard.Jennifer@epa.gov>
Cc: Ashbee, Blake <ashbee.blake@epa.gov>
Subject: RE: Yazoo Discussion with Mary Walker

Hayly mentioned that OCIR & Water are planning a briefing on Yazoo soon. She asked if Mary would like to call in for this briefing in lieu of a separate phone call. She is still in the process of scheduling so I do not have a confirmed date and time yet. Please let me know your preference as soon as possible so I can ensure we get on the Administrator's calendar.

Thanks,
Brandy

From: Hairston, Brandy
Sent: Monday, May 6, 2019 2:01 PM
To: Jenkins, Brandi <Jenkins.Brandi@epa.gov>; 'Jennifer Guillard - U.S. Environmental Protection Agency (guillard.jennifer@epa.gov)' <guillard.jennifer@epa.gov>
Cc: Blake Ashbee (ashbee.blake@epa.gov) <ashbee.blake@epa.gov>
Subject: FW: Yazoo Discussion with Mary Walker

Please see Hayly's email below. Can we do the 14th or do you want to push for the 10th?

From: Humphreys, Hayly
Sent: Monday, May 6, 2019 1:57 PM
To: Hairston, Brandy <hairston.brandy@epa.gov>
Subject: RE: Yazoo Discussion with Mary Walker

Sorry was on the other line when you called those couple of times! I think we can squeeze in a call but could it be the 14th if it needs to be? How long do you think this will take? He isn't meeting with Wicker and Hyde-Smith until the 15th.

Hayly Humphreys
Office of the Administrator
U.S. EPA

From: Hairston, Brandy
Sent: Monday, May 6, 2019 1:53 PM
To: Humphreys, Hayly <humphreys.hayly@epa.gov>
Subject: FW: Yazoo Discussion with Mary Walker

Hi Hayly,

I was able to confirm Mary just needs a short call on Yazoo Backwater Pump project in MS. However, she will need to have this conversation on May 10th if possible. The Administrator needed information from her in advance of any calls with Senators Wicker and Hyde-Smith or Governor Bryant. Our staff was under the impression Michael Molina had this scheduled. Is the Administrator able to fit in a quick call on the 10th?

Thanks,
Brandy

From: Jenkins, Brandi
Sent: Monday, May 6, 2019 1:46 PM
To: Hairston, Brandy <hairston.brandy@epa.gov>; Guillard, Jennifer <Guillard.Jennifer@epa.gov>
Subject: FW: Yazoo Discussion with Mary Walker

From: Jenkins, Brandi
Sent: Monday, April 22, 2019 6:03 PM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Blake Ashbee (ashbee.blake@epa.gov) <ashbee.blake@epa.gov>
Subject: Yazoo Discussion with Mary Walker

Michael,

Thanks for your help in getting a quick discussion scheduled between the Administrator and Mary on the Yazoo Backwater Pump project in MS. As I mentioned, this should not take long. Mary wants to make sure she can answer any questions the Administrator may have in advance of any calls with Senators Wicker and Hyde-Smith or Governor Bryant. We will plan for this to take place on May 10th.

Safe travels!

Brandi

Message

From: Walker, Mary [walker.mary@epa.gov]
Sent: 9/24/2019 3:04:03 PM
To: Jenkins, Brandi [Jenkins.Brandi@epa.gov]
CC: Ashbee, Blake [ashbee.blake@epa.gov]; Wise, Allison [Wise.Allison@epa.gov]; Marraccini, Davina [Marraccini.Davina@epa.gov]
Subject: Re: Townhall Outreach

Yes. Please do. I will need to run this up personally as well once we have more info. Text when you get more info so I'll know to start my calling.

Sent from my iPhone

On Sep 23, 2019, at 7:13 PM, Jenkins, Brandi <Jenkins.Brandi@epa.gov> wrote:

> Mary,
>
> Heads up that Senator Wicker's office reached out to Davina today to see if we would attend an upcoming Town Hall meeting regarding the Yazoo pump project and flooding. He did not specify a date but wanted to see if we'd be willing to attend. I assume this is a follow-up to the initial outreach a couple of months ago. We'll keep you posted once we get more information.
>
> Brandi

Yazoo Backwater Pump Veto and Mississippi Delta Flooding (Yazoo River/Mississippi River)

Desk Statement: The EPA strongly supports the goals of improved flood protection and wetland protection for the residents of the Mississippi Delta. The EPA will work with the Corps and the local Levee Board to review updated data and other information as it relates to our regulatory programs and oversight.

Background: On March 19, 2019, Acting Region 4 Administrator Mary Walker toured the flooded Mississippi Delta with Major General Richard Kaiser of the U.S. Corps of Engineers' Mississippi Valley Division, followed by a meeting with staff to provide an overview of the Yazoo Backwater Pump Project. The impetus for the tour and meeting is EPA's 2008 404(c) veto of a proposed project that would address flooding concerns in a 630,000 acrea area between the Mississippi and Yazoo Rivers. The project proposed to use a pumping station to remove surface water out of the Yazoo Backwater Area during high water events on the Mississippi River.

EPA's 2008 veto was based on the determination that the hydrological alterations proposed by the project would significantly degrade the critical ecological functions provided by approximately 67,000 acres of wetlands in the Yazoo Backwater Area, including those functions that support wildlife and fisheries resources.

During the EPA Regional Administrator's tour, significant impacts to individual property owners and the agricultural economy of the area were observed. There are currently over 500,000 acres impacted by the high water. Due to the extreme flooding conditions, farmers in the area will miss the window to plant corn and cotton and yields of soybeans, which should still be able to be planted when floodwaters recede, are likely to be lower as a result of the late planting. This is particularly damaging to the livelihood of the residents in the impacted areas.

On March 21, 2019, Governor Phil Bryant declared a state of emergency for five areas in the impacted area with additional declarations expected soon.

In recent months, General Kaiser initiated consultation with EPA regarding the Pump Station and EPA's prior veto. He also requested a regional visit to the area during the extreme flooding event. In addition, the issue is receiving significant community attention and EPA Region 4 has received numerous letters and emails asking the Agency for reconsideration of the veto. The flooding has garnered congressional and elected official interest and EPA has been in direct contact with Governor Phil Bryant's office and the offices of Senators Roger Wicker and Cindy Hyde-Smith at both the regional and Headquarters level. Specifically, Administrator Andrew Wheeler has spoken with Governor Phil Bryant regarding the flooding concerns in this area.

On April 3, 2019, during a Senate Appropriations subcommittee hearing, Administrator Wheeler indicated that the Agency is reviewing the 2008 veto of the project.

Governor Bryant's Press Conference providing an update on the flooding in the Delta – Wednesday, April 3, 2019

[HYPERLINK "https://newsms.fm/governor-bryant-mema-provide-update-on-delta-flooding/"]

Governor Bryant's Press Conference Declaring State of Emergency – Thursday, March 21, 2019

[HYPERLINK "http://www.wlbt.com/2019/03/22/governor-bryant-issues-state-emergency-response-flooding/"]

Message

From: Carter, Brittany S. [carter.brittanys@epa.gov]
Sent: 9/9/2019 6:52:40 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Pic, Jordan [pic.jordan@epa.gov]
Subject: FW: Meeting with Governor Bryant
Attachments: ATT00001.txt

FYI, know that's a busy day. I'll see if the gov's around on the 17th

---

From: Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov>
Sent: Monday, September 9, 2019 2:51 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Pic, Jordan <pic.jordan@epa.gov>
Subject: Meeting with Governor Bryant

Hey Britt and Jordan,

Just wanted to give you both a heads up that Governor Bryant would like to meet with Administrator Wheeler on September 18th. Our scheduler should be reaching out. This meeting is regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008.

Whitney H. Lipscomb
Deputy Chief of Staff & Counsel

Office of Governor Phil Bryant
P.O. Box 139 • Jackson, MS • 39205
Office: 601.576.2026 • Fax: 601.359.3741

Whitney.Lipscomb@governor.ms.gov
www.GovernorBryant.com

Message

From: Carter, Brittany S. [carter.brittanys@epa.gov]
Sent: 7/31/2019 1:45:35 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Pic, Jordan [pic.jordan@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]
Subject: FW: Mississippi Yazoo Backwater Flood_ Follow-up Letter
Attachments: Mississippi Yazoo Backwater Flood_Follow up Letter_EPA Administrator Wheeler_7.29.2019.pdf

Flagging this Yazoo letter from MI Ag Commissioner Gipson as well

---

From: Schroeder, Allie F. EOP/WHO <Ex. 6
Sent: Wednesday, July 31, 2019 9:07 AM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Subject: FW: Mississippi Yazoo Backwater Flood_ Follow-up Letter

Here you are! Thank you.

From: Brian Perry <BrianP@mdac.ms.gov>
Sent: Tuesday, July 30, 2019 4:13 PM
To: Schroeder, Allie F. EOP/WHO <Ex. 6>; Robert.MacGregor2@usda.gov
Cc: Andy Gipson <Andy@mdac.ms.gov>; Julie McLemore <Julie@mdac.ms.gov>
Subject: FW: Mississippi Yazoo Backwater Flood_ Follow-up Letter

Allie and Robert:

This is the letter to Administrator Wheeler at the EPA that Commissioner Gipson referenced in today's call.

-Brian

Brian Perry
Chief of Staff
Mississippi Department of Agriculture and Commerce

From: Chris McDonald
Sent: Monday, July 29, 2019 4:34 PM
To: 'Wheeler.andrew@Epa.gov'
Cc: Andy Gipson; Julie McLemore; Brian Perry
Subject: Mississippi Yazoo Backwater Flood_ Follow-up Letter

Administrator Wheeler,

Please accept the attached follow-up letter from Mississippi Agriculture and Commerce Commissioner Andy Gipson regarding the continuing flood along the Mississippi River and Yazoo backwater area of Mississippi. This event has flooded over 550,000 acres of which more than 225,000 acres are agricultural crop land. The economic and environmental impact to the South Delta will be long lasting. Commissioner Gipson first submitted a letter to you on March 15, 2019, on behalf of South Delta residents and farmers requesting that dialogue regarding construction of the Yazoo Backwater Area Pump Project be re-opened and reconsidered by the EPA. Enclosed with the attached follow-up letter are photos that were taken on July 18, 2019 in the South Delta. The photos illustrate commonly observed flood damage to infrastructure and the environment in the backwater flood area.

Thank you once again for your consideration regarding the Yazoo Backwater Area Pump Project. The residents of Mississippi and Commissioner Gipson look forward to the completion of this much needed flood control structure.

A hardcopy of the attached letter will also be mailed to your office.

Chris McDonald
Director of Federal Affairs
Mississippi Department of Agriculture and Commerce

121 North Jefferson St.
Jackson, MS 39201
Office: (601) 359-1135
Cell: Ex. 6
Fax: (601) 354-6290
Email: chris@mdac.ms.gov

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STATE OF MISSISSIPPI
DEPARTMENT OF AGRICULTURE AND COMMERCE

ANDY GIPSON
COMMISSIONER

July 29, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Wheeler,

The South Delta region of Mississippi is continuing to experience a historical flood. This area of the state has been inundated by flood waters since February 2019. This event has flooded over 550,000 acres of which more than 225,000 acres are agricultural crop land. The economic and environmental impact to the South Delta will be long lasting. Current water levels have displaced residents, destroyed homes, damaged road and building infrastructure, and put farmers' livelihood at stake because this year's crop was not planted. Additionally, the record flood duration has negatively affected forest health and killed many wild animals. As a result of this devastation, Mississippi Governor Phil Bryant submitted a letter to President Donald Trump on July 19, 2019, requesting a Major Disaster Declaration for the South Delta counties of Humphreys, Issaquena, Sharkey, Warren, and Yazoo.

Much of the devastation that South Delta residents are facing now could have been prevented if construction of the Yazoo Backwater Area Pump Project had been completed. The Yazoo Backwater Area Pump Project was designed and authorized to alleviate backwater flooding and protect the livelihood of area residents. However, the Environmental Protection Agency (EPA) vetoed the project in 2008, even though it was a federally-authorized U.S. Army Corps of Engineers Civil Works project. On March 15, 2019, I submitted a letter to you on behalf of South Delta residents and farmers requesting that dialogue regarding construction of the Yazoo Backwater Area Pump Project be re-opened and reconsidered by the EPA. Shortly after submission of my letter to you, EPA Region 4 Administrator Mary Walker toured the Yazoo Backwater Area to observe the affected area firsthand. I want to thank you and Administrator Walker for her time spent evaluating the Yazoo Backwater Area.

Mississippi's Congressional Delegation, along with various other organizations, has also provided important information and data to you and your administration regarding this dire situation. I thank them for relaying that information and data. They have seen the devastation, and they support measures to prevent another historical flood event in the South Delta.

P. O. BOX 1609 • JACKSON, MISSISSIPPI 39215-1609 • www.mdac.ms.gov • TELEPHONE: (601) 359-1100

In closing, I want to end with the enclosed photos that were taken by my staff on July 18, 2019 in the South Delta. The photos illustrate commonly observed flood damage to infrastructure and the environment in the backwater flood area. Thank you once again for your consideration regarding the Yazoo Backwater Area Pump Project. The residents of Mississippi and I look forward to the completion of this much needed flood control structure.

Sincerely,

Andy Gipson
Commissioner

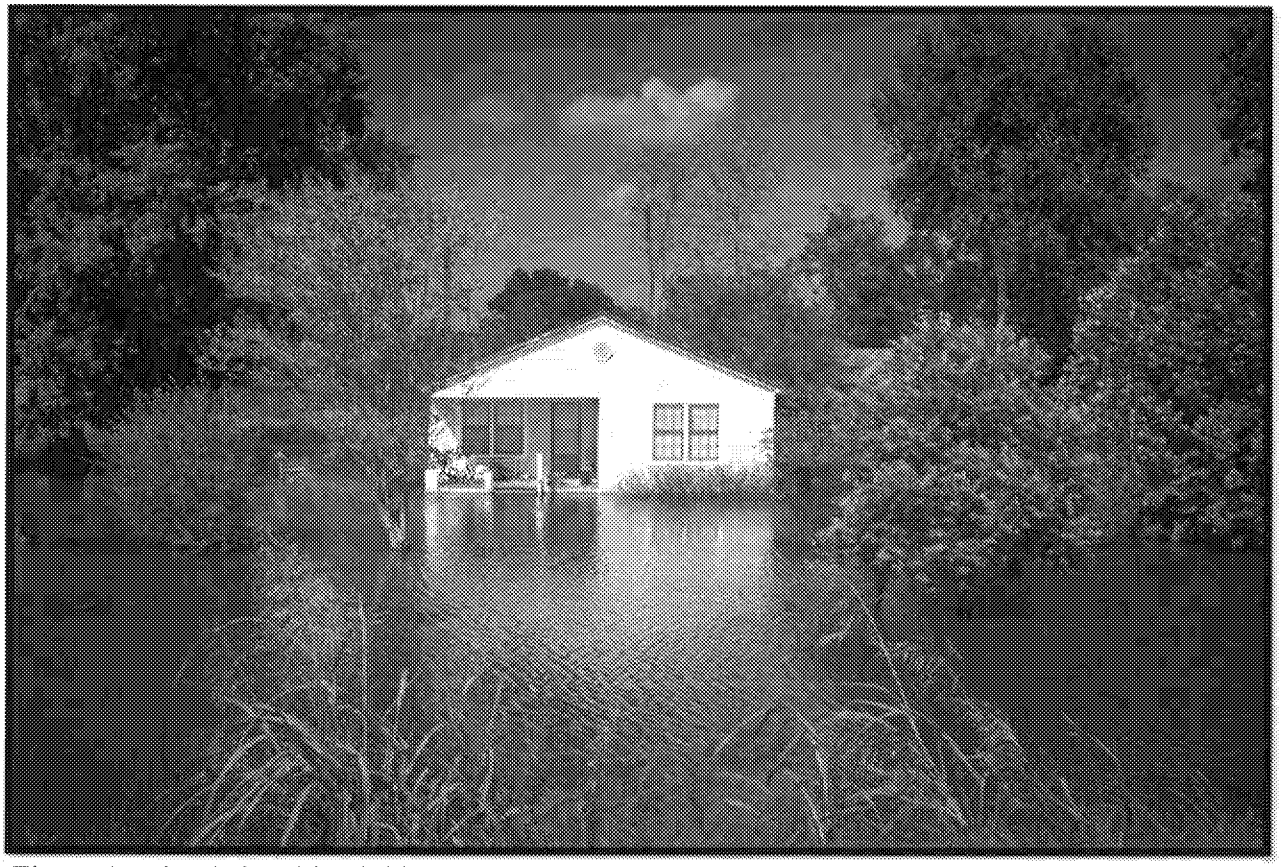

Figure 1. Flooded residential home.

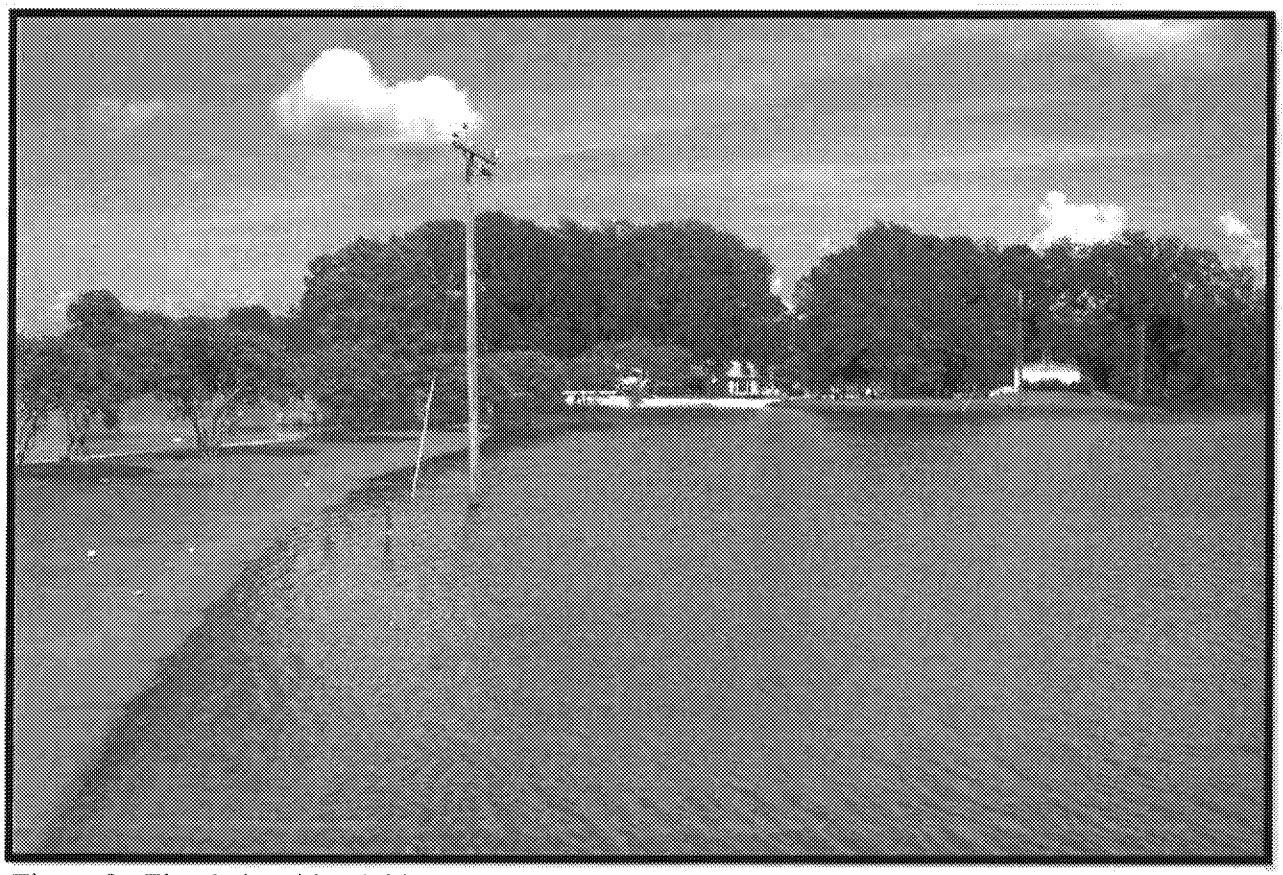

Figure 2. Flooded residential home.

Figure 3. Flooded road and agricultural field.

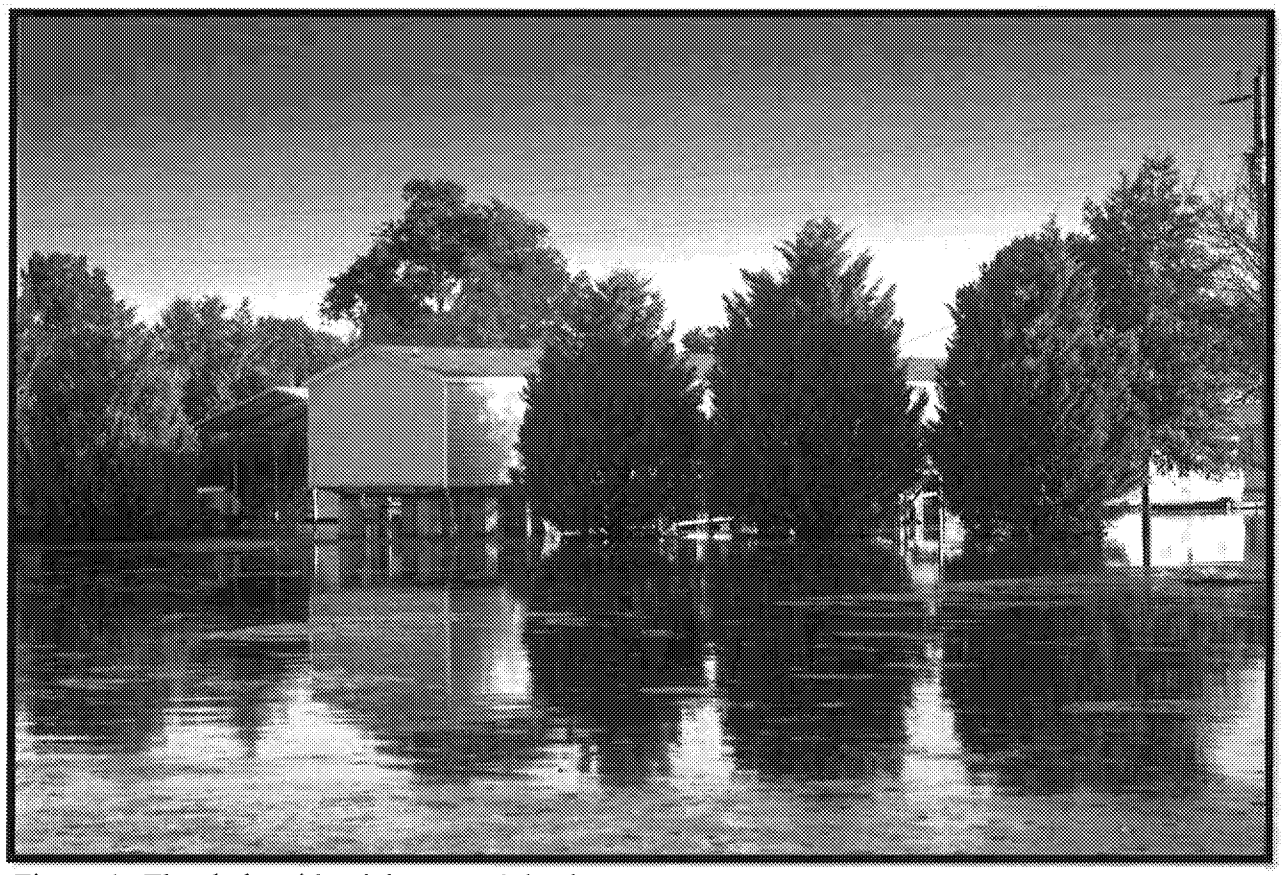

Figure 4. Flooded residential area and dead trees.

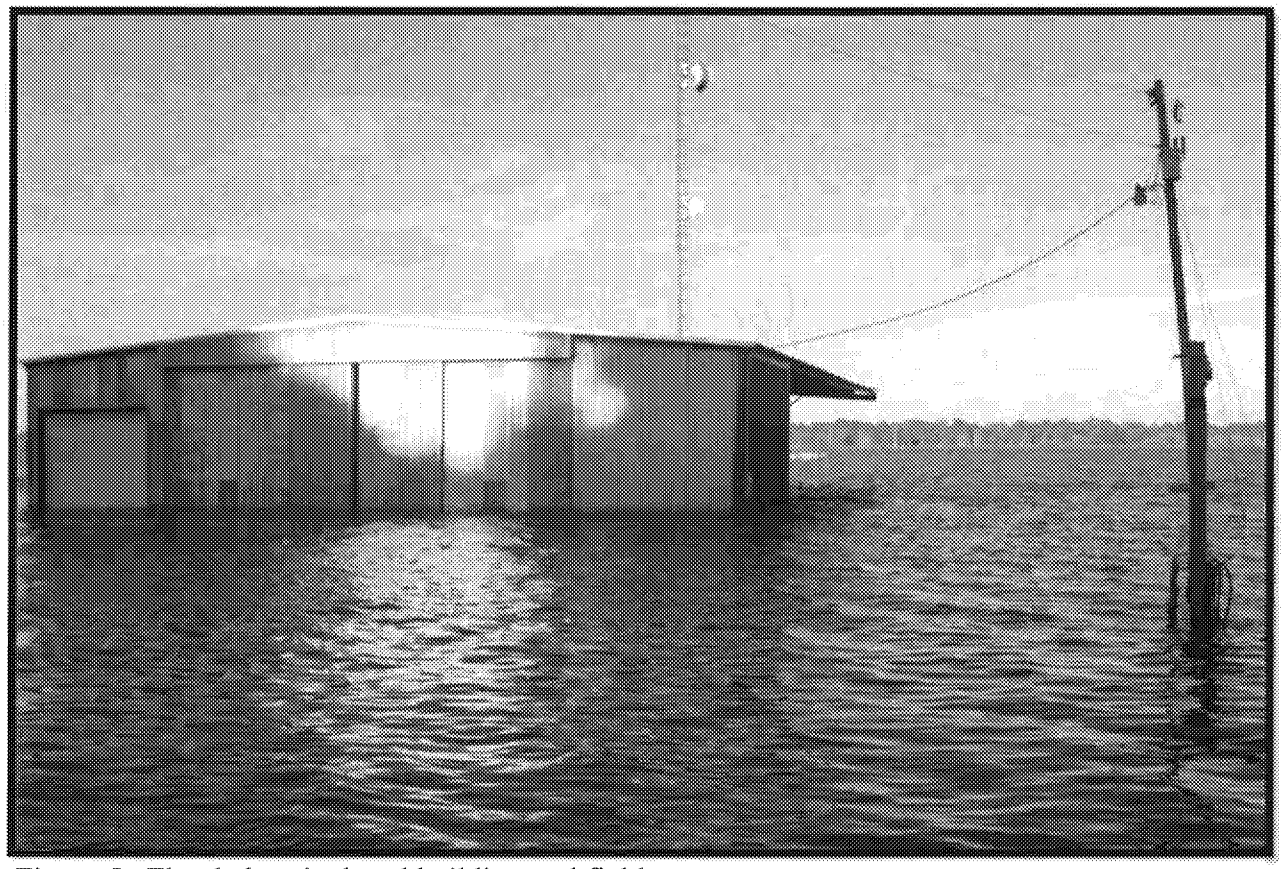

Figure 5. Flooded agricultural building and field.

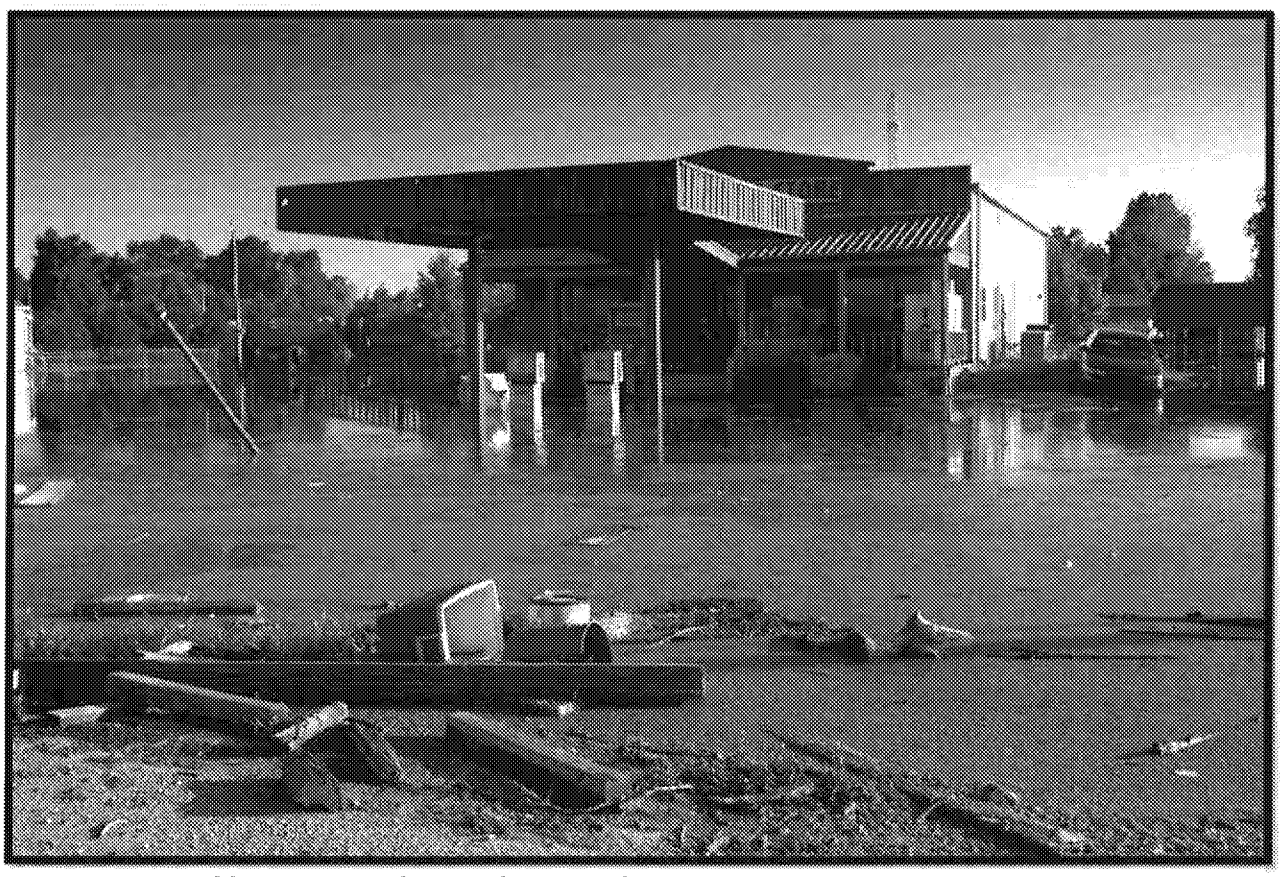

Figure 6. Rural business and trees destroyed by flood.

Figure 7. Church surrounded by flood water.

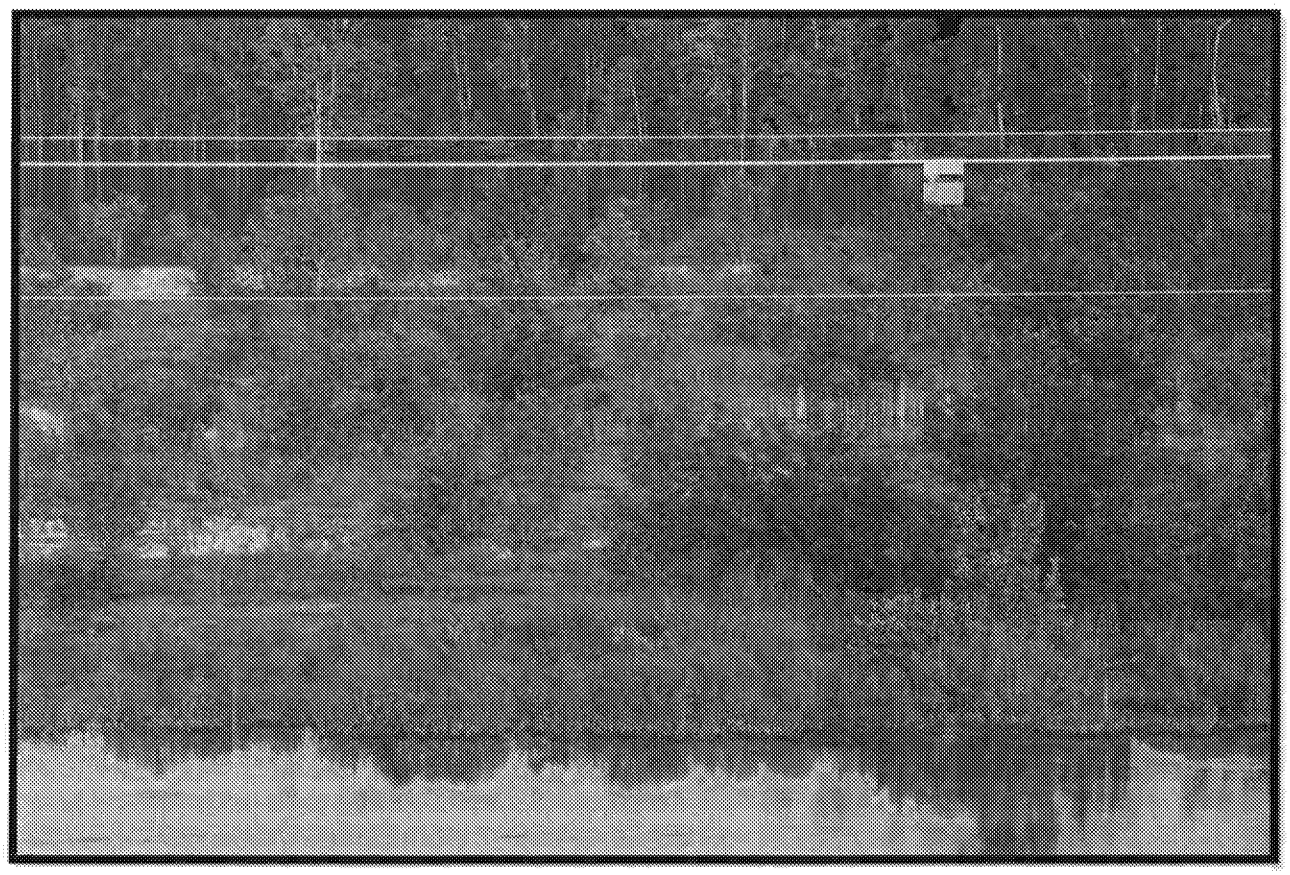

Figure 8. Early successional wildlife habitat killed by flood water.

Figure 9. Severely malnourished male white-tailed deer and depleted food resources.

Figure 10. Severely malnourished female white-tailed deer along edge of flood water.

Figure 11. Displaced herd of white-tailed deer abnormally concentrated in prevented-planting agricultural field surrounded by flood water.

Figure 12. Weak and malnourished raccoons.

Message

From: Carter, Brittany S. [carter.brittanys@epa.gov]
Sent: 9/16/2019 4:22:58 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Walker, Mary [walker.mary@epa.gov]
Subject: RE: AW Meeting with Gov. Bryant (MS)

Perfect, thank you!

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Monday, September 16, 2019 12:22 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>; Walker, Mary <walker.mary@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Brittany,

Ex. 5 Deliberative Process (DP)

Lee

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Monday, September 16, 2019 12:18 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Ex. 5 Deliberative Process (DP)

From: Walker, Mary <walker.mary@epa.gov>
Sent: Monday, September 16, 2019 12:02 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>

Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Good morning Brittany,

Attached is a briefing document for the Administrator from R4 and OW.

Please let me know if you need anything else.

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 4:20 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

COB is fine. Much appreciated!

On Sep 13, 2019, at 4:04 PM, Walker, Mary <walker.mary@epa.gov> wrote:

Hi Brittany,

Ex. 5 Deliberative Process (DP)

What time on Monday do you need the document?

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 3:42 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

Ex. 5 Deliberative Process (DP)

Thank you and please let me know if you need anything.

On Sep 11, 2019, at 10:28 AM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Brittany,

Ex. 5 Deliberative Process (DP)

Lee

D. Lee Forsgren
Deputy Assistant Administrator

Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

Gov. Bryant has asked to meet with AW on Sept. 18 regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008. Wanted to get the ball rolling for the briefing. Would it be possible to have the materials ready by 9/16?

Thank you!

-Britt

Message

From: Carter, Brittany S. [carter.brittanys@epa.gov]
Sent: 9/16/2019 4:17:38 PM
To: Walker, Mary [walker.mary@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: AW Meeting with Gov. Bryant (MS)

Ex. 5 Deliberative Process (DP)

From: Walker, Mary <walker.mary@epa.gov>
Sent: Monday, September 16, 2019 12:02 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Good morning Brittany,

Attached is a briefing document for the Administrator from R4 and OW.

Please let me know if you need anything else.

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 4:20 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

COB is fine. Much appreciated!

On Sep 13, 2019, at 4:04 PM, Walker, Mary <walker.mary@epa.gov> wrote:

Hi Brittany,

Ex. 5 Deliberative Process (DP)

What time on Monday do you need the document?

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 3:42 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

Ex. 5 Deliberative Process (DP)

Thank you and please let me know if you need anything.

On Sep 11, 2019, at 10:28 AM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Brittany,

Ex. 5 Deliberative Process (DP)

Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

Gov. Bryant has asked to meet with AW on Sept. 18 regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008. Wanted to get the ball rolling for the briefing. Would it be possible to have the materials ready by 9/16?

Thank you!

-Britt

Message

From: Mejias, Melissa [mejias.melissa@epa.gov]
Sent: 9/11/2019 7:55:02 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]
CC: Penman, Crystal [Penman.Crystal@epa.gov]
Subject: RE: AW Meeting with Gov. Bryant (MS)

The AO is moving this meeting to the 17th.

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Wednesday, September 11, 2019 3:54 PM
To: Wildeman, Anna <wildeman.anna@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Penman, Crystal <Penman.Crystal@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

I have been working the issue. I will go then try to get to Dave's hearing after.

From: Wildeman, Anna <wildeman.anna@epa.gov>
Sent: Wednesday, September 11, 2019 3:08 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

That would present a scheduling challenge. I am in town but I'm definitely not the subject matter expert.

Anna Wildeman
Principal Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202-564-5700
Wildeman.Anna@epa.gov

On Sep 11, 2019, at 1:58 PM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Mel

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

Gov. Bryant has asked to meet with AW on Sept. 18 regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008. Wanted to get the ball rolling for the briefing. Would it be possible to have the materials ready by 9/16?

Thank you!

-Britt

Message

From: Mejias, Melissa [mejias.melissa@epa.gov]
Sent: 9/11/2019 7:11:21 PM
To: Wildeman, Anna [wildeman.anna@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: AW Meeting with Gov. Bryant (MS)

Ex. 5 Deliberative Process (DP)

From: Wildeman, Anna <wildeman.anna@epa.gov>
Sent: Wednesday, September 11, 2019 3:08 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

That would present a scheduling challenge. I am in town but I'm definitely not the subject matter expert.

Anna Wildeman
Principal Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202-564-5700
Wildeman.Anna@epa.gov

On Sep 11, 2019, at 1:58 PM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Mel

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

Gov. Bryant has asked to meet with AW on Sept. 18 regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008. Wanted to get the ball rolling for the briefing. Would it be possible to have the materials ready by 9/16?

Thank you!

-Britt

Message

From: Walker, Mary [walker.mary@epa.gov]
Sent: 9/11/2019 3:04:50 PM
To: Carter, Brittany S. [carter.brittanys@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: AW Meeting with Gov. Bryant (MS)

Thanks Brittany. We will work with Lee's folks to assist with the briefing materials.

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 11:04 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Great, thanks Lee. Mary, please let me know if you have any questions.

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Wednesday, September 11, 2019 10:28 AM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Brittany,

Ex. 5 Deliberative Process (DP)

Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

Gov. Bryant has asked to meet with AW on Sept. 18 regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008. Wanted to get the ball rolling for the briefing. Would it be possible to have the materials ready by 9/16?

Thank you!

-Britt

PHIL BRYANT
GOVERNOR

March 29, 2019

Andrew R. Wheeler
Acting Administrator
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Washington, D.C. 20460

Dear Administrator Wheeler:

As we discussed recently via phone, Mississippi continues to experience devastating flooding along the Mississippi River and the Yazoo Backwater Area. The flooding began in February of this year and to date has affected over 500,000 acres and thousands of Mississippians. Unfortunately, this flooding is not uncommon. Over the past decade there have been nine flooding incidents, including the historic Mississippi River Flood of 2011. These floods have cost over $377 million in damages, a number that will only increase once the current damage is fully assessed. People have experienced significant losses to their homes, businesses, and farms.

The flood plan for the U.S. Army Corps of Engineers Yazoo Backwater Project Area was originally designed with levees and pumps to reduce flooding; however, the full design was never realized. In 2008, the U.S. Environmental Protection Agency (EPA) vetoed a permit for the proposed Yazoo Backwater Area Pump Project under Section 404 (c) of the Clean Water Act. The pumps are a critical component to the flood plan in the backwater area. Had these pumps been in place, a large amount of the acreage that continually floods and is currently flooded would have been spared.

I am requesting that the EPA initiate the formal process of reviewing the 404 (c) veto of the Yazoo Backwater Area Pump Project. It is my understanding that the Army Corps has made a similar request and has indicated that there is new wetlands data that may be helpful. I hope that you and your team will engage with the Army Corps as well as stakeholders on this issue and begin a meaningful review of the 404 (c) veto. Please do not hesitate to contact me if I can be helpful in this process or if you would like to tour the damage first hand.

Sincerely,

Phil Bryant
Governor

STATE OF MISSISSIPPI • OFFICE OF THE GOVERNOR
POST OFFICE BOX 139 • JACKSON, MISSISSIPPI 39205 • TELEPHONE: (601) 359-3150 • FAX: (601) 359-3741 • www.governorbryant.com

Message

From: Marraccini, Davina [Marraccini.Davina@epa.gov]
Sent: 7/5/2019 8:11:40 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]
CC: Walker, Mary [walker.mary@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Jenkins, Brandi [Jenkins.Brandi@epa.gov]; Risley, David [Risley.David@epa.gov]
Subject: RE: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Thank you, Allison.

-Davina

From: Dennis, Allison
Sent: Friday, July 5, 2019 4:05 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Risley, David <Risley.David@epa.gov>
Subject: RE: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

This works for us.

From: Marraccini, Davina
Sent: Friday, July 05, 2019 3:28 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: RE: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Allison,

Ex. 5 Deliberative Process (DP)

Thank you!

-Davina

From: Dennis, Allison
Sent: Friday, July 5, 2019 2:35 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Davina,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Dennis, Allison
Sent: Friday, July 5, 2019 1:44 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Risley, David <Risley.David@epa.gov>
Subject: FW: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Ex. 5 Deliberative Process (DP)

Looking forward to hearing your thoughts!

-Allison

From: Marraccini, Davina
Sent: Friday, July 05, 2019 1:09 PM
To: regionalpress <regionalpress@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: Vicksburg Post press inquiry - DDL today

Good afternoon,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Davina Marraccini
Government Liaison
U.S. Environmental Protection Agency - Region 4
404-562-8293 (office)
404-387-4368 (cell)
marraccini.davina@epa.gov

Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 7/5/2019 6:13:17 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Risley, David [Risley.David@epa.gov]; Walker, Mary [walker.mary@epa.gov]
Subject: Re: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Will do.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Jul 5, 2019, at 2:09 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Allison,

Ex. 5 Deliberative Process (DP)

Lee

From: Dennis, Allison
Sent: Friday, July 5, 2019 1:44 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Risley, David <Risley.David@epa.gov>
Subject: FW: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Ex. 5 Deliberative Process (DP)

Looking forward to hearing your thoughts!

-Allison

From: Marraccini, Davina
Sent: Friday, July 05, 2019 1:09 PM
To: regionalpress <regionalpress@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: Vicksburg Post press inquiry - DDL today

Good afternoon,

I'm Acting for Allison today and Brandi asked me to assist with this press inquiry. Deadline was 1 pm EST today, however, Brandi is trying to get an extension. Please review the draft responses to the questions posed by the editor of the Vicksburg Post and let us know if this is good to go. Thank you!

Ex. 5 Deliberative Process (DP)

Davina Marraccini
Government Liaison
U.S. Environmental Protection Agency - Region 4
404-562-8293 (office)
404-387-4368 (cell)
marraccini.davina@epa.gov

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 4/11/2019 7:15:39 PM
To: Lyons, Troy [lyons.troy@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Mejias, Melissa [mejias.melissa@epa.gov]
Subject: RE: DRAFT Wicker Memo

Copy - thanks

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6

From: Lyons, Troy
Sent: Thursday, April 11, 2019 3:07 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Mejias, Melissa <mejias.melissa@epa.gov>
Subject: RE: DRAFT Wicker Memo

TFrye—please incorporate and send up to Hayly

From: Forsgren, Lee
Sent: Thursday, April 11, 2019 3:06 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Mejias, Melissa <mejias.melissa@epa.gov>
Subject: RE: DRAFT Wicker Memo

Troy,
Here are some TPS

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Let me know if this is what you were looking for.

Lee

We are working closely

From: Lyons, Troy
Sent: Thursday, April 11, 2019 2:23 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: DRAFT Wicker Memo

Ex. 5 Deliberative Process (DP)

From: Frye, Tony (Robert)
Sent: Thursday, April 11, 2019 2:17 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: DRAFT Wicker Memo

Draft attached. Let me know if you have any thoughts or want me to send to Hayly.
Thanks,

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6

Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 7/5/2019 5:43:47 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Risley, David [Risley.David@epa.gov]
Subject: FW: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today
Attachments: Yazoo Backwater Pump Veto and Mississippi Delta Flooding Desk Statement_20190404.docx

Ex. 5 Deliberative Process (DP)

Looking forward to hearing your thoughts!

-Allison

From: Marraccini, Davina
Sent: Friday, July 05, 2019 1:09 PM
To: regionalpress <regionalpress@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: Vicksburg Post press inquiry - DDL today

Good afternoon,

I'm Acting for Allison today and Brandi asked me to assist with this press inquiry. Deadline was 1 pm EST today, however, Brandi is trying to get an extension. Please review the draft responses to the questions posed by the editor of the Vicksburg Post and let us know if this is good to go. Thank you!

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Davina Marraccini
Government Liaison
U.S. Environmental Protection Agency - Region 4
404-562-8293 (office)
404-387-4368 (cell)
marraccini.davina@epa.gov

Message (Digitally Signed)

From: Fisher, Ryan A SES USARMY HQDA ASA CW (US) [ryan.a.fisher12.civ@mail.mil]
Sent: 7/22/2019 2:45:30 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: [Non-DoD Source] RE: Yazoo Pump discussion
Attachments: smime.p7s

Cool. Merle should be reaching out to Crystal soon (if she hasn't already) to get something on the calendar.

I'll be sure that the Mississippi Valley team knows to address the specific questions you raised below.

Ryan

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Monday, July 22, 2019 10:35 AM
To: Fisher, Ryan A SES USARMY HQDA ASA CW (US) <ryan.a.fisher12.civ@mail.mil>
Subject: [Non-DoD Source] RE: Yazoo Pump discussion

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Ryan,

If it is sufficient for the Ryan Jackson then it is certainly sufficient for us.

Regards,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

From: Fisher, Ryan A SES USARMY HQDA ASA CW (US) <ryan.a.fisher12.civ@mail.mil>
Sent: Monday, July 22, 2019 10:32 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Mejias, Melissa <mejias.melissa@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Penman, Crystal <Penman.Crystal@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Subject: RE: Yazoo Pump discussion

Hey, Lee. I just got off the phone with Ryan Jackson about 30 minutes ago. I told him that the USACE Mississippi Valley Division team is going to be here in DC next week. The plan is for them to brief ASACW and EPA (you, Jackson, Goodin, etc.) on their new data findings, and hopefully answer some of these questions below.

Is that good enough, or does Dave still need to do a call this week? If yes, my Wednesday morning looks pretty good.

Ryan

From: Forsgren, Lee <Forsgren.Lee@epa.gov < Caution-mailto:Forsgren.Lee@epa.gov > >
Sent: Monday, July 22, 2019 10:21 AM
To: Walker, Mary <walker.mary@epa.gov < Caution-mailto:walker.mary@epa.gov > >; Fisher, Ryan A SES USARMY HQDA ASA CW (US) <ryan.a.fisher12.civ@mail.mil < Caution-mailto:ryan.a.fisher12.civ@mail.mil > >; Fotouhi, David <Fotouhi.David@epa.gov < Caution-mailto:Fotouhi.David@epa.gov > >; Leopold, Matt (OGC) <Leopold.Matt@epa.gov < Caution-mailto:Leopold.Matt@epa.gov > >
Cc: Mejias, Melissa <mejias.melissa@epa.gov < Caution-mailto:mejias.melissa@epa.gov > >; Aguirre, Janita <Aguirre.Janita@epa.gov < Caution-mailto:Aguirre.Janita@epa.gov > >; Penman, Crystal <Penman.Crystal@epa.gov < Caution-mailto:Penman.Crystal@epa.gov > >; Ross, David P <ross.davidp@epa.gov < Caution-mailto:ross.davidp@epa.gov > >
Subject: [Non-DoD Source] Yazoo Pump discussion

Mary, Ryan, Matt, and David,

Dave Ross has asked me to find some time this week to discuss the state of play on the Yazoo Pump project. Specifically we need to get on the same page on the following issues:

Ex. 5 Deliberative Process (DP)

Can we find 45 minutes to discuss these issues before Dave leaves on Thursday?

Regards,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

Message

From: Mejias, Melissa [mejias.melissa@epa.gov]
Sent: 4/11/2019 4:41:34 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: Yazoo Backwater Area Pump Project Talking Points

Yes, will do! Thanks.

From: Forsgren, Lee
Sent: Thursday, April 11, 2019 12:41 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Subject: Fwd: Yazoo Backwater Area Pump Project Talking Points

Melissa

Can you check these to ensure they wrapped into our TPs

Lee

Sent from my iPhone

Begin forwarded message:

> **From:** "Jenkins, Brandi" <Jenkins.Brandi@epa.gov>
> **Date:** April 11, 2019 at 12:33:38 PM EDT
> **To:** "Forsgren, Lee" <Forsgren.Lee@epa.gov>
> **Cc:** "Walker, Mary" <walker.mary@epa.gov>, "Ashbee, Blake" <ashbee.blake@epa.gov>
> **Subject: Yazoo Backwater Area Pump Project Talking Points**
>
> Good afternoon Lee,
>
> Attached for your review are the Region 4 talking points for Yazoo. Please let us know if you have any questions.
>
> Thank you,
> Brandi
>
> Brandi Jenkins, Special Assistant
> Office of the Regional Administrator – EPA Region 4
> 404-562-9124 (office)
> 678-575-2148 (cell)

Message

From: Mills, William T. [mills.williamt@epa.gov]
Sent: 5/13/2019 11:15:58 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Fwd:
Attachments: Corps Backwater Pump Project Summary.pdf; ATT00001.htm; Changes to Pumps Impacts from New Wetland Data (May 13).docx; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

From: "Ulmer, Daniel (Hyde-Smith)" <Daniel_Ulmer@hydesmith.senate.gov>
To: "Mills, William T." <mills.williamt@epa.gov>

I am providing you with some additional information about the Yazoo Backwater Pumps project. As you know Mississippians are yet again suffering from catastrophic flooding for the 10th time since EPA's 2008 veto. Why? 1) The area is bound by levees to the south, east and west; 2) Rainwaters are backing up (on the protected side of the levee) behind floodgates, which are normally open, but closed during times of high water on the MS river; and 3) There is no means to remove the trapped water – pumping facilities – despite being authorized by Congress in 1941 as part of a comprehensive, systematic flood control plan for the South MS Delta. The 2008 EPA Veto prevented construction of the pumps, which were the last step in the integrated flood damage control project.

Attachment 1 prepared by the U.S. Army Corps of Engineers provides a thorough background, history, and justification for the final element of the ongoing Yazoo Backwater Area project. It is a 22 page summary describing the project that was vetoed by EPA.

With Respect to ongoing discussions about Yazoo Backwater flooding, and specifically with regard updated wetlands data/analysis conducted by the Corps, please see the following:

- <!--[if !supportLists]--><!--[endif]-->***Attachment 2*** – third-party assessment of updated Corps wetlands impact analysis/data on proposed Yazoo Backwater Area project.
    - <!--[if !supportLists]--><!--[endif]-->*Summary*: The Corps has wetland data collected over the past 10 years which shows that the wetlands in the Backwater area are sustained by rainwater and saturation, not inundation from periodic high-water flooding. As a result, the adverse impacts to wetlands from removal of periodic flood water will likely drop dramatically. This is "highly relevant" with respect to factors associated with any potential EPA veto modification or withdrawal.

Information on EPA's website shows that EPA has vetoed 13 projects over the course of history. Of those, 3 have been modified, and, only 2 projects vetoed by EPA have been Federally authorized Corps of Engineers Civil Works flood control projects – 1 of which has been modified. We understand that EPA has used the same process for modifying vetoes as it has for issuing them (40 C.F.R. Part 231). The regulations establish a straightforward process to address changed circumstances that warrant modifying or withdrawing an EPA Veto.

I hope that this information is helpful to you.

Daniel Ulmer
Deputy Chief of Staff

Senator Cindy Hyde-Smith
202-224-1512 (direct)

Message

From: Walker, Mary [walker.mary@epa.gov]
Sent: 8/13/2019 1:18:04 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Ex. 5 Deliberative Process (DP)

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Tuesday, August 13, 2019 8:32 AM
To: Walker, Mary <walker.mary@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Mary,

Ex. 5 Deliberative Process (DP)

Lee

From: Walker, Mary <walker.mary@epa.gov>
Sent: Tuesday, August 13, 2019 7:34 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Ex. 5 Deliberative Process (DP)

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Monday, August 12, 2019 11:44 PM
To: Walker, Mary <walker.mary@epa.gov>
Subject: Re: Draft Yazoo Letter to the Army Corps for your review

Mary

At Senior Staff today the Administrator said he wanted to see the letter before it goes. Do you want to send it to him or should I?

Lee

Sent from my iPhone

On Aug 12, 2019, at 9:17 PM, Walker, Mary <walker.mary@epa.gov> wrote:

> I've made some edits. Please see attached and let me know if you have concerns or further edits.
>
> Thanks

Mary

From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Friday, August 9, 2019 6:54 PM
To: Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached, for you review, please find an edited and clean version of the draft EPA letter to the Corps regarding the Yazoo Backwater Pump project. In the marked up version, I have reconciled all of your edits so that you can see where the changes have occured, however, I did keep the comment bubbles in the clean version.

Let us know if you have any questions or concerns.

Thanks

bf

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: Fwd: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached for your review is a draft letter from EPA to the Corps sharing preliminary feedback from EPA's review of information provided by the Corps' Vicksburg District related to the Yazoo Backwater Area and the Yazoo Pumps project.

Please let us know if you have any questions regarding the draft letter.

Thanks, John

<Edits to Draft Yazoo Letter - 8-12-19 v.3.clean.docx>

Message

From: Walker, Mary [walker.mary@epa.gov]
Sent: 8/13/2019 11:32:19 AM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Ex. 5 Deliberative Process (DP)

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Monday, August 12, 2019 11:44 PM
To: Walker, Mary <walker.mary@epa.gov>
Subject: Re: Draft Yazoo Letter to the Army Corps for your review

Mary

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Lee

Sent from my iPhone

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> I've made some edits. Please see attached and let me know if you have concerns or further edits.
>
> Thanks
> Mary
>
> **From:** Frazer, Brian <Frazer.Brian@epa.gov>
> **Sent:** Friday, August 9, 2019 6:54 PM
> **To:** Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
> **Cc:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
> **Subject:** RE: Draft Yazoo Letter to the Army Corps for your review
>
> Lee/Mary/David:
>
> Attached, for you review, please find an edited and clean version of the draft EPA letter to the Corps regarding the Yazoo Backwater Pump project. In the marked up version, I have reconciled all of your

edits so that you can see where the changes have occured, however, I did keep the comment bubbles in the clean version.

Let us know if you have any questions or concerns.

Thanks

bf

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: Fwd: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached for your review is a draft letter from EPA to the Corps sharing preliminary feedback from EPA's review of information provided by the Corps' Vicksburg District related to the Yazoo Backwater Area and the Yazoo Pumps project.

Please let us know if you have any questions regarding the draft letter.

Thanks, John

<Edits to Draft Yazoo Letter - 8-12-19 v.3.clean.docx>

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 10/12/2019 11:48:44 AM
To: Dennis, Allison [Dennis.Allison@epa.gov]
CC: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Risley, David [Risley.David@epa.gov]; Spraul, Greg [Spraul.Greg@epa.gov]; Mejias, Melissa [mejias.melissa@epa.gov]
Subject: Re: Region 4 - Yazoo Listening Session

Allison,

Ex. 5 Deliberative Process (DP)

Lee

Sent from my iPhone

On Oct 12, 2019, at 5:04 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

> Lee- A listening session invite for your consideration
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Jenkins, Brandi" <Jenkins.Brandi@epa.gov>
> > **Date:** October 11, 2019 at 7:02:49 PM EDT
> > **To:** "Rodrick, Christian" <rodrick.christian@epa.gov>, "Frye, Tony (Robert)" <frye.robert@epa.gov>, "Carter, Brittany S." <carter.brittanys@epa.gov>
> > **Cc:** "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "Wise, Allison" <Wise.Allison@epa.gov>, "Ashbee, Blake" <ashbee.blake@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Marraccini, Davina" <Marraccini.Davina@epa.gov>
> > **Subject: Region 4 - Yazoo Listening Session**
> >
> > Good afternoon,
> >
> > I wanted to provide you with a short update on our intergovernmental interaction related to the Yazoo pump project in the Mississippi Delta. Region 4 has been invited to a listening session on the Yazoo pump project on Monday, October 21st. The Town of Rolling Fork and the Sharkey County Board of Supervisors plan to co-host the Yazoo Listening session from 6-8 pm. We had a call with Senator Roger Wicker's office and the Mayor of Rolling Fork today; they will draft an agenda to share with us, including a recommended moderator (most likely a state Senator). State agencies will also participate in the listening session. Since Mary and Lee plan to meet with the Corps on October 22nd, there is an opportunity for Lee and someone from the Corps to participate, as well.
> >
> > In addition, Governor Bryant has invited Mary to do a radio spot with him the morning/early afternoon of October 21st on the Supertalk radio show, http://www.supertalk.fm/, which is broadcast throughout the MS Delta. The main goal

is for Mary to be able to provide a short update on EPA's actions followed by a few words from the Governor. This should last @ 10 minutes and will not include time for call-in questions.

If you have any questions, please let me know.

Best,
Brandi

Brandi Jenkins, Director
Office of Outreach and External Engagement
Office of the Regional Administrator – EPA Region 4
404-562-9124 (office)
678-575-2148 (cell)

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 9/11/2019 2:44:35 PM
To: Walker, Mary [walker.mary@epa.gov]
Subject: RE: AW Meeting with Gov. Bryant (MS)

Great!

From: Walker, Mary <walker.mary@epa.gov>
Sent: Wednesday, September 11, 2019 10:44 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Yes – I'll get Jeaneanne to reach out to John.

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Wednesday, September 11, 2019 10:25 AM
To: Walker, Mary <walker.mary@epa.gov>
Subject: FW: AW Meeting with Gov. Bryant (MS)

Ex. 5 Deliberative Process (DP)

From: Spraul, Greg <Spraul.Greg@epa.gov>
Sent: Wednesday, September 11, 2019 10:24 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Subject: FW: AW Meeting with Gov. Bryant (MS)

FYI

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

Gov. Bryant has asked to meet with AW on Sept. 18 regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008. Wanted to get the ball rolling for the briefing. Would it be possible to have the materials ready by 9/16?

Thank you!

-Britt

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 7/5/2019 7:31:59 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]
Subject: RE: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Sort of.

From: Dennis, Allison
Sent: Friday, July 5, 2019 3:30 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: FW: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Better?

From: Marraccini, Davina
Sent: Friday, July 05, 2019 3:28 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: RE: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Allison,

Ex. 5 Deliberative Process (DP)

Thank you!

-Davina

From: Dennis, Allison
Sent: Friday, July 5, 2019 2:35 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Davina,

Ex. 5 Deliberative Process (DP)

From: Dennis, Allison
Sent: Friday, July 5, 2019 1:44 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Risley, David <Risley.David@epa.gov>
Subject: FW: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Ex. 5 Deliberative Process (DP)

Looking forward to hearing your thoughts!

-Allison

From: Marraccini, Davina
Sent: Friday, July 05, 2019 1:09 PM
To: regionalpress <regionalpress@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: Vicksburg Post press inquiry - DDL today

Good afternoon,

I'm Acting for Allison today and Brandi asked me to assist with this press inquiry. Deadline was 1 pm EST today, however, Brandi is trying to get an extension. Please review the draft responses to the questions posed by the editor of the Vicksburg Post and let us know if this is good to go. Thank you!

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Davina Marraccini
Government Liaison
U.S. Environmental Protection Agency - Region 4
404-562-8293 (office)
404-387-4368 (cell)
marraccini.davina@epa.gov

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 7/22/2019 2:40:34 PM
To: Walker, Mary [walker.mary@epa.gov]
Subject: FW: Yazoo Pump discussion

Mary,

Call me on this.

Lee

From: Fisher, Ryan A SES USARMY HQDA ASA CW (US) <ryan.a.fisher12.civ@mail.mil>
Sent: Monday, July 22, 2019 10:32 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Mejias, Melissa <mejias.melissa@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Penman, Crystal <Penman.Crystal@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Subject: RE: Yazoo Pump discussion

Hey, Lee. I just got off the phone with Ryan Jackson about 30 minutes ago. I told him that the USACE Mississippi Valley Division team is going to be here in DC next week. The plan is for them to brief ASACW and EPA (you, Jackson, Goodin, etc.) on their new data findings, and hopefully answer some of these questions below.

Is that good enough, or does Dave still need to do a call this week? If yes, my Wednesday morning looks pretty good.

Ryan

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Monday, July 22, 2019 10:21 AM
To: Walker, Mary <walker.mary@epa.gov>; Fisher, Ryan A SES USARMY HQDA ASA CW (US) <ryan.a.fisher12.civ@mail.mil>; Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Mejias, Melissa <mejias.melissa@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Penman, Crystal <Penman.Crystal@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Subject: [Non-DoD Source] Yazoo Pump discussion

Mary, Ryan, Matt, and David,

Dave Ross has asked me to find some time this week to discuss the state of play on the Yazoo Pump project. Specifically we need to get on the same page on the following issues:

If EPA is going to consider a reversal of the previous 404(c) veto of the project:

- What exactly is the new data associated with the project
- In what form might we need the new data in order to evaluate a possible withdrawal of the previous veto
- What is the legal process that would have to be taken to withdraw a 404(c) veto
- What type of record would have to be built if we were to undertake such a process.

Can we find 45 minutes to discuss these issues before Dave leaves on Thursday?

Regards,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 8/13/2019 12:31:40 PM
To: Walker, Mary [walker.mary@epa.gov]
Subject: RE: Draft Yazoo Letter to the Army Corps for your review
Attachments: Edits to Draft Yazoo Letter - 8-12-19 v.3.dlf edits.docx

Mary,

Ex. 5 Deliberative Process (DP)

Lee

From: Walker, Mary <walker.mary@epa.gov>
Sent: Tuesday, August 13, 2019 7:34 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Ex. 5 Deliberative Process (DP)

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Monday, August 12, 2019 11:44 PM
To: Walker, Mary <walker.mary@epa.gov>
Subject: Re: Draft Yazoo Letter to the Army Corps for your review

Mary

At Senior Staff today the Administrator said he wanted to see the letter before it goes. Do you want to send it to him or should I?

Lee

Sent from my iPhone

On Aug 12, 2019, at 9:17 PM, Walker, Mary <walker.mary@epa.gov> wrote:

> I've made some edits. Please see attached and let me know if you have concerns or further edits.
>
> Thanks
> Mary
>
> ---
>
> **From:** Frazer, Brian <Frazer.Brian@epa.gov>
> **Sent:** Friday, August 9, 2019 6:54 PM
> **To:** Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>

Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

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Let us know if you have any questions or concerns.

Thanks

bf

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: Fwd: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

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Please let us know if you have any questions regarding the draft letter.

Thanks, John

<Edits to Draft Yazoo Letter - 8-12-19 v.3.clean.docx>

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 8/13/2019 12:08:21 PM
To: Walker, Mary [walker.mary@epa.gov]
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Ex. 5 Deliberative Process (DP)

From: Walker, Mary <walker.mary@epa.gov>
Sent: Tuesday, August 13, 2019 7:34 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Ex. 5 Deliberative Process (DP)

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Sent from my iPhone

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> **Sent:** Friday, August 9, 2019 6:54 PM
> **To:** Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
> **Cc:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
> **Subject:** RE: Draft Yazoo Letter to the Army Corps for your review
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Thanks

bf

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Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
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Please let us know if you have any questions regarding the draft letter.

Thanks, John

<Edits to Draft Yazoo Letter - 8-12-19 v.3.clean.docx>

Message

From: Patrick, Monique [Patrick.Monique@epa.gov]
Sent: 7/22/2019 3:01:19 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Mutz, John (Fletcher) [mutz.john@epa.gov]
Subject: RE: Yazoo Pump discussion

Fletcher,

Just let me know if you need me to reschedule mtgs on David's calendar for this mtg. However, I would ask that you please include me on the emails that you send to OW so that I will be aware of the options. Thank you.

From: Fotouhi, David
Sent: Monday, July 22, 2019 10:26 AM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>
Subject: FW: Yazoo Pump discussion

Could you work with OW to find a time for this meeting so that Matt and I both could attend? Thank you.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Forsgren, Lee
Sent: Monday, July 22, 2019 10:21 AM
To: Walker, Mary <walker.mary@epa.gov>; Fisher, Ryan A SES USARMY HQDA ASA CW (US) <ryan.a.fisher12.civ@mail.mil>; Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Mejias, Melissa <mejias.melissa@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Penman, Crystal <Penman.Crystal@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Subject: Yazoo Pump discussion

Mary, Ryan, Matt, and David,

Dave Ross has asked me to find some time this week to discuss the state of play on the Yazoo Pump project. Specifically we need to get on the same page on the following issues:

Ex. 5 Deliberative Process (DP)

Can we find 45 minutes to discuss these issues before Dave leaves on Thursday?

Regards,
Lee

D. Lee Forsgren

Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

Message

From: Patrick, Monique [Patrick.Monique@epa.gov]
Sent: 8/13/2019 1:11:52 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Cody, Meredith [cody.meredith@epa.gov]
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Printing now.

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Tuesday, August 13, 2019 8:36 AM
To: Cody, Meredith <cody.meredith@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>
Subject: Fwd: Draft Yazoo Letter to the Army Corps for your review

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

Begin forwarded message:

> **From:** "Walker, Mary" <walker.mary@epa.gov>
> **Date:** August 12, 2019 at 9:17:47 PM EDT
> **To:** "Frazer, Brian" <Frazer.Brian@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>
> **Cc:** "Gettle, Jeaneanne" <Gettle.Jeaneanne@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Kaiser, Russell" <Kaiser.Russell@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Hough, Palmer" <Hough.Palmer@epa.gov>, "Mcgill, Thomas" <Mcgill.Thomas@epa.gov>
> **Subject: RE: Draft Yazoo Letter to the Army Corps for your review**
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> Mary
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> **To:** Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
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Please let us know if you have any questions regarding the draft letter.

Thanks, John

Message

From: Wildeman, Anna [wildeman.anna@epa.gov]
Sent: 9/17/2019 10:27:25 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: FW: READ: Briefing papers needed.
Attachments: incoming_bryant_yazoo_4285_03-29-19.pdf; ATT00001.htm; response_bryant_yazoo_6538_08-01-19.pdf; ATT00002.htm; incoming_bryant_yazoo_6538_06-21-19.pdf; ATT00003.htm

---

From: Spraul, Greg <Spraul.Greg@epa.gov>
Sent: Tuesday, September 17, 2019 6:25 PM
To: Wildeman, Anna <wildeman.anna@epa.gov>
Subject: Fwd: READ: Briefing papers needed.

Yahoo letters

Sent from my iPhone

Begin forwarded message:

> **From:** "Spraul, Greg" <Spraul.Greg@epa.gov>
> **Date:** September 13, 2019 at 3:16:20 PM EDT
> **To:** "Mejias, Melissa" <mejias.melissa@epa.gov>, "Santell, Stephanie" <Santell.Stephanie@epa.gov>
> **Subject: RE: READ: Briefing papers needed.**
>
> Here you go. The response addresses both incomings.
>
> ---
>
> **From:** Mejias, Melissa <mejias.melissa@epa.gov>
> **Sent:** Friday, September 13, 2019 11:56 AM
> **To:** Santell, Stephanie <Santell.Stephanie@epa.gov>
> **Cc:** Spraul, Greg <Spraul.Greg@epa.gov>
> **Subject:** RE: READ: Briefing papers needed.
>
> Yeah! To the letter. Looking forward to receiving that soon. ☺
>
> ---
>
> **From:** Santell, Stephanie <Santell.Stephanie@epa.gov>
> **Sent:** Friday, September 13, 2019 11:49 AM
> **To:** Mejias, Melissa <mejias.melissa@epa.gov>
> **Cc:** Spraul, Greg <Spraul.Greg@epa.gov>
> **Subject:** Re: READ: Briefing papers needed.
>
> I've got the letter!!! I'll send it now. Did we just use the hearing fact sheet?
>
> Sent from my iPhone
>
> On Sep 13, 2019, at 11:43 AM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:
>
>> Before she gets on the plane this afternoon. I have a good amount of information already and satisfied with the packet as is. If you have a letter that would be great, otherwise, I can provide her the letter next week.

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Friday, September 13, 2019 11:39 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: Re: READ: Briefing papers needed.

Ok that's important information and helpful to know.

When does Anna need these by?

Sent from my iPhone

On Sep 13, 2019, at 11:29 AM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:

> This is for Anna only. I spoke to the Region and they are preparing papers separate for the AW brief.
>
> **From:** Santell, Stephanie <Santell.Stephanie@epa.gov>
> **Sent:** Friday, September 13, 2019 10:44 AM
> **To:** Mejias, Melissa <mejias.melissa@epa.gov>
> **Cc:** Spraul, Greg <Spraul.Greg@epa.gov>
> **Subject:** RE: READ: Briefing papers needed.
> **Importance:** High
>
> Question- are these items for Anna, or for the Administrator in prep for his meeting with the Governor as your first note stated?
> I am asking because I just spoke with folks in my shop and they are already working with Region 4 to pull together materials including a two pager for the briefing with Wheeler.
>
> Sounds good on OCIR.
>
> Yes, I am sure our staff have a copy of the letter or can obtain one.
>
> **From:** Mejias, Melissa <mejias.melissa@epa.gov>
> **Sent:** Friday, September 13, 2019 10:26 AM
> **To:** Santell, Stephanie <Santell.Stephanie@epa.gov>
> **Cc:** Spraul, Greg <Spraul.Greg@epa.gov>
> **Subject:** RE: READ: Briefing papers needed.
>
> I will send you the latest from OCIR as soon as I have it for your records.
>
> I think I have a good packet ready to go for Anna. I appreciate your help as always.
>
> Any chance you have a copy of the letter we sent to the Governor? I saw email exchanges about us sending a letter. Not sure if that ever got done.
>
> Thanks!,
> Mel

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Friday, September 13, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: Re: READ: Briefing papers needed.

I am happy to do all of the above but I need you both to do two things:

- send an email to Dennis Borum in OCIR to get the latest fact sheets on Yazoo and 404c. We didn't do Yazoo because the issue resides in region 4. Please cc me.

- provide me with a hard deadline that we need to get something back to you by.

The faster we can do this, the sooner I can help.

Thanks!

Sent from my iPhone

On Sep 13, 2019, at 9:53 AM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:

> Do you have any letters? Or any other information?
>
> Also, can you provide me TPs on 404c
>
> Thanks!,
> Mel
>
> **From:** Santell, Stephanie <Santell.Stephanie@epa.gov>
> **Sent:** Friday, September 13, 2019 9:29 AM
> **To:** Spraul, Greg <Spraul.Greg@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
> **Subject:** RE: READ: Briefing papers needed.
>
> Can we not reach out to OCIR to get the latest? That would probably be the best approach. I would hate for Dave to review a version that does not include any edits that either he or someone else made in the IO, or in OCIR.
>
> Please let me know if either of you are able to send an email to Dennis. Thanks!
>
> **From:** Spraul, Greg <Spraul.Greg@epa.gov>
> **Sent:** Friday, September 13, 2019 8:45 AM
> **To:** Santell, Stephanie <Santell.Stephanie@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
> **Subject:** RE: READ: Briefing papers needed.

The version Mel sent is the same one I have. If there is an updated one the Region or OCIR has it. If you obtain an updated one, I would like it for our files here in OW IO.

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Thursday, September 12, 2019 4:26 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.
Importance: High

Darn it- the Wicker one is what I have too...there should be a more updated hearing fact sheet on Yazoo...I know Region 4 provided one.

Greg can you help us locate?

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Thursday, September 12, 2019 4:18 PM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.

This is all I have on Yazoo. I will forward anything else I find.

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Thursday, September 12, 2019 4:10 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: READ: Briefing papers needed.
Importance: High

Yes, I can do that! But can you pass me the latest files you have in the IO so we can update them? Since we last sent backgrounders your way, they may have been updated with Dave's comments.

Greg/Chris- can you send me the latest Yazoo hearing fact sheet cleared by the OW IO?

Thanks!

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Thursday, September 12, 2019 2:11 PM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>
Subject: Briefing papers needed.

Stephanie – can you provide me updated TPs for Yazoo Backwater Pump project and the section 404 (c) veto from 2008? The Administrator has a meeting with Governor Bryant Wednesday morning.

Thanks!,
Mel

Message

From: Frazer, Brian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=572986D047624669891DA90708433DA1-BRIAN FRAZER]
Sent: 4/10/2019 10:58:35 AM
To: Kaiser, Russell [Kaiser.Russell@epa.gov]
Subject: RE: Mississippi Today Inquiry

Yes.

From: Kaiser, Russell
Sent: Wednesday, April 10, 2019 6:57 AM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Subject: FW: Mississippi Today Inquiry

Is this the same that you saw?

Russell L. Kaiser
Chief, Freshwater and Marine Regulatory Branch
Oceans, Wetlands and Communities Division
Office of Wetlands, Oceans and Watersheds
1301 Constitution Ave., N.W.
Room 7114B West Bldg.
Washington, DC 20004
P: 202.566.0963
C Ex. 5 Deliberative Process (DP)

From: Mcgill, Thomas
Sent: Tuesday, April 09, 2019 8:55 AM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: FW: Mississippi Today Inquiry

FYI...

From: Gettle, Jeaneanne
Sent: Thursday, April 4, 2019 8:12 AM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>; Purify, Johnnie <Purify.Johnnie@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>
Cc: Allenbach, Becky <Allenbach.Becky@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>
Subject: FW: Mississippi Today Inquiry

FYI - jeaneanne

From: Jenkins, Brandi
Sent: Wednesday, April 03, 2019 8:08 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Pinkney, James <Pinkney.James@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Militscher, Chris <Militscher.Chris@epa.gov>; Monell, Carol

<Monell.Carol@epa.gov>
Subject: RE: Mississippi Today Inquiry

Ex. 5 Deliberative Process (DP)

From: Gettle, Jeaneanne
Sent: Wednesday, April 3, 2019 7:23 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Palmer, Leif

<Palmer.Leif@epa.gov>; Pinkney, James <Pinkney.James@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Militscher, Chris <Militscher.Chris@epa.gov>; Monell, Carol <Monell.Carol@epa.gov>
Subject: Re: Mississippi Today Inquiry

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Apr 3, 2019, at 7:01 PM, Hicks, Matt <Hicks.Matthew@epa.gov> wrote:

Agreed.

From: Ghosh, Mita
Sent: Wednesday, April 3, 2019 7:00 PM
To: Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Palmer, Leif <Palmer.Leif@epa.gov>; Pinkney, James <Pinkney.James@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Militscher, Chris <Militscher.Chris@epa.gov>; Monell, Carol <Monell.Carol@epa.gov>
Subject: RE: Mississippi Today Inquiry

Ex. 5 Attorney Client (AC)

Mita Ghosh
Chief, Office of Water Legal Support
Office of Regional Counel
United States Environmental Protection
Region 4
404-562-9568

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this communication in error, and delete the copy you received.

From: Jenkins, Brandi
Sent: Wednesday, April 3, 2019 6:51 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>

Cc: Palmer, Leif <Palmer.Leif@epa.gov>; Pinkney, James <Pinkney.James@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Militscher, Chris <Militscher.Chris@epa.gov>; Monell, Carol <Monell.Carol@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: Mississippi Today Inquiry

Ex. 5 Deliberative Process (DP) Please revise as necessary and note that we need to get something to Mary as soon as possible. I also added the link to the Governor's press conference today.

Thanks,
Brandi

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Governor Bryant's Press Conference providing an update on the flooding in the Delta – Wednesday, April 3, 2019
https://newsms.fm/governor-bryant-mema-provide-update-on-delta-flooding/

Governor Bryant's Press Conference Declaring State of Emergency – Thursday, March 21, 2019
http://www.wlbt.com/2019/03/22/governor-bryant-issues-state-emergency-response-flooding/

From: Jenkins, Brandi
Sent: Wednesday, April 3, 2019 4:41 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Palmer, Leif <Palmer.Leif@epa.gov>; Pinkney, James <Pinkney.James@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Militscher, Chris <Militscher.Chris@epa.gov>; Monell, Carol <Monell.Carol@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: Re: Mississippi Today Inquiry

All,

Ex. 5 Deliberative Process (DP)

Thanks.

Brandi

Sent from my iPhone

On Apr 2, 2019, at 5:42 PM, Hicks, Matt <Hicks.Matthew@epa.gov> wrote:

Ex. 5 Attorney Client (AC)

From: Palmer, Leif
Sent: Tuesday, April 2, 2019 5:19 PM
To: Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Pinkney, James <Pinkney.James@epa.gov>
Cc: Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Militscher, Chris <Militscher.Chris@epa.gov>; Monell, Carol <Monell.Carol@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: Mississippi Today Inquiry

Ex. 5 Attorney Client (AC)

From: Jenkins, Brandi
Sent: Tuesday, April 2, 2019 4:29 PM
To: Pinkney, James <Pinkney.James@epa.gov>
Cc: Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Subject: Re: Mississippi Today Inquiry

Ex. 5 Deliberative Process (DP)

Brandi

Sent from my iPhone

On Apr 2, 2019, at 3:48 PM, Pinkney, James <Pinkney.James@epa.gov> wrote:

> Mississippi Today (MS) (Alex Rozier) [Received 4/2] – **OPEN** – the reporter's inquiry is as follows: Here's a link to a letter Gov. Bryant sent Administrator Wheeler: https://www.facebook.com/im4phil/photos/a.728379303848330/2375301345822776/?type=3&theater The two questions I have are: 1) What

are the next steps for the EPA after receiving this request? 2) Has the EPA done any further research/study on the Yazoo Pumps since it vetoed the project in 2008? DDL 4/3

Ex. 5 Deliberative Process (DP)

James Pinkney
Public Affairs Specialist
U.S. Environmental Protection Agency, Region 4
Office of External Affairs
Phone: (404) 562-9183
Email: pinkney.james@epa.gov
https://www.epa.gov/aboutepa/about-epa-region-4-southeast
Follow Region 4 on Twitter: www.twitter.com/EPASoutheast
And Facebook: www.facebook.com/eparegion4

Message

From: Frazer, Brian [Frazer.Brian@epa.gov]
Sent: 11/4/2019 11:39:03 AM
To: Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]
CC: Mcgill, Thomas [Mcgill.Thomas@epa.gov]
Subject: FW: Yazoo update
Attachments: Backwater dissolved oxygen.pdf; Backwater DO Species Plots.pdf; 2019 flood impacts for COE and Levee Board.pdf

Jeaneanne,

If you're available this morning, I would like to have a brief discussion with you.

Thanks.

bf

-----Original Message-----
From: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Sent: Friday, November 1, 2019 6:14 PM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>
Cc: Ainslie, William <Ainslie.William@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Yazoo update

**** deliberative / attorney-client privilege / do not release under FOIA ****

Please see the email below and attached files from the Corps that I sent to the FWS.

Also, Rosemary and I had a call with Kent Parrish and Gary Young yesterday to check-in regarding their efforts, and here's a summary of the discussion:
- It may be the week of Nov 11 before the Corps resolves what their new plan may be regarding a pump project for the YBA.
- I requested a schedule, even if it is rough/draft, by next week to help EPA understand what and when we may be receiving documents/information from the Corps between now and mid-December. I emphasized this would help us assemble our team(s) and plan our work so that we're in a position to review whatever they send to us as quickly as we can. They didn't make any commitments about providing such a schedule but offered a weekly teleconference to check-in. Rosemary already pinged everyone for their availability for a standing call and she'll follow-up with everyone on Monday.
- the Corps is well aware of the NOI from the State of Mississippi. We emphasized to them the importance of the assessing the effects of their plan downstream water quality, particularly in light of the issues raised in the NOI.

Ex. 5 Deliberative Process (DP)

- They clarified that their goal is to provide us with their 404(b)(1) analysis by mid-December and indicated that any actions relating to NEPA would occur sometime after that.

Ex. 5 Deliberative Process (DP)

Tom

-----Original Message-----
From: Mcgill, Thomas
Sent: Friday, November 1, 2019 5:21 PM
To: 'Weller, Jeff' <jeff_weller@fws.gov>; Eversen, Michelle <michelle_eversen@fws.gov>
Cc: Ainslie, William <Ainslie.William@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Parrish, Kenneth D Jr CIV USARMY CEMVK (US) <Kent.D.Parrish@usace.army.mil>
Subject: Yazoo files sent by the Corps

Good afternoon Jeff,

As a follow-up to our call Monday, I'm forwarding documents that Kent Parrish (copied on this email) sent me which include presentations that were recently made to EPA regarding the Yazoo Backwater Area (YBA). One of the presentations, "2019 flood impacts for COE and Levee Board", was given by William T. MicKinley of the Mississippi Department of Wildlife Fish and Parks during a public meeting that EPA attended in

Rolling Fork, MS on October 21, 2019. The other two presentations, "Backwater DO Species Plots" and "Backwater dissolved oxygen", were given respectively by ERDC and the Vicksburg District during a meeting the District hosted with EPA last month. I know you don't have the full context of the information provided in these documents, but it's my intention to share with you any information that EPA has that may be relevant to fisheries and wildlife in the YBA, particularly information that was not available in 2008.

We will continue to share any relevant information as we obtain it, and you are certainly welcome to reach out directly to Kent or to me/others at EPA with any questions or if you wish to discuss.

Have a great weekend!

Tom

==========
Thomas McGill, Chief
Ocean, Wetlands & Streams Protection Branch U.S. EPA Region 4, Water Division
61 Forsyth Street, SW
Atlanta, GA 30303
404-562-9243
mcgill.thomas@epa.gov

Message

From: Hough, Palmer [Hough.Palmer@epa.gov]
Sent: 11/4/2019 2:56:53 PM
To: Mcgill, Thomas [Mcgill.Thomas@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Zapata, Cesar [Zapata.Cesar@epa.gov]
CC: Ainslie, William [Ainslie.William@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]
Subject: RE: Yazoo update
Attachments: Appendix 2 - Section 404 (b) (1) Evaluation.pdf

Tom

Ex. 5 Deliberative Process (DP)

-Palmer

-----Original Message-----
From: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Sent: Friday, November 01, 2019 6:14 PM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>
Cc: Ainslie, William <Ainslie.William@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Yazoo update

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Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Tom

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From: Mcgill, Thomas
Sent: Friday, November 1, 2019 5:21 PM
To: 'Weller, Jeff' <jeff_weller@fws.gov>; Eversen, Michelle <michelle_eversen@fws.gov>
Cc: Ainslie, William <Ainslie.William@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Parrish, Kenneth D Jr CIV USARMY CEMVK (US) <Kent.D.Parrish@usace.army.mil>
Subject: Yazoo files sent by the Corps

Good afternoon Jeff,

As a follow-up to our call Monday, I'm forwarding documents that Kent Parrish (copied on this email) sent me which include presentations that were recently made to EPA regarding the Yazoo Backwater Area (YBA). One of the presentations, "2019 flood impacts for COE and Levee Board", was given by William T. MicKinley of the Mississippi Department of Wildlife Fish and Parks during a public meeting that EPA attended in Rolling Fork, MS on October 21, 2019. The other two presentations, "Backwater DO Species Plots" and "Backwater dissolved oxygen", were given respectively by ERDC and the Vicksburg District during a meeting the District hosted with EPA last month. I know you don't have the full context of the information provided in these documents, but it's my intention to share with you any information that EPA has that may be relevant to fisheries and wildlife in the YBA, particularly information that was not available in 2008.

We will continue to share any relevant information as we obtain it, and you are certainly welcome to reach out directly to Kent or to me/others at EPA with any questions or if you wish to discuss.

Have a great weekend!

Tom

==========
Thomas McGill, Chief
Ocean, Wetlands & Streams Protection Branch U.S. EPA Region 4, Water Division
61 Forsyth Street, SW
Atlanta, GA 30303
404-562-9243
mcgill.thomas@epa.gov

Message

From: Frazer, Brian [Frazer.Brian@epa.gov]
Sent: 8/9/2019 10:53:37 PM
To: Goodin, John [Goodin.John@epa.gov]; Walker, Mary [walker.mary@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
CC: Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Mcgill, Thomas [Mcgill.Thomas@epa.gov]
Subject: RE: Draft Yazoo Letter to the Army Corps for your review
Attachments: Edits to Draft Yazoo Letter - 8-9-19 consolidated edit.docx; Draft Yazoo Letter - 8-9-19 consolidated clean.docx

Lee/Mary/David:

Attached, for you review, please find an edited and clean version of the draft EPA letter to the Corps regarding the Yazoo Backwater Pump project. In the marked up version, I have reconciled all of your edits so that you can see where the changes have occured, however, I did keep the comment bubbles in the clean version.

Let us know if you have any questions or concerns.

Thanks

bf

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: Fwd: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached for your review is a draft letter from EPA to the Corps sharing preliminary feedback from EPA's review of information provided by the Corps' Vicksburg District related to the Yazoo Backwater Area and the Yazoo Pumps project.

Please let us know if you have any questions regarding the draft letter.

Thanks, John

Message

From: Goodin, John [Goodin.John@epa.gov]
Sent: 9/16/2019 4:37:42 PM
To: Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]
Subject: RE: AW Meeting with Gov. Bryant (MS)

Thanks!

From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Monday, September 16, 2019 12:31 PM
To: Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Subject: Fwd: AW Meeting with Gov. Bryant (MS)

Updated

Sent from my iPhone

Begin forwarded message:

> **From:** "Walker, Mary" <walker.mary@epa.gov>
> **Date:** September 16, 2019 at 12:29:47 PM EDT
> **To:** "Gettle, Jeaneanne" <Gettle.Jeaneanne@epa.gov>
> **Subject: FW: AW Meeting with Gov. Bryant (MS)**
>
> ---
>
> **From:** Walker, Mary
> **Sent:** Monday, September 16, 2019 12:02 PM
> **To:** Carter, Brittany S. <carter.brittanys@epa.gov>
> **Cc:** Forsgren, Lee <Forsgren.Lee@epa.gov>
> **Subject:** RE: AW Meeting with Gov. Bryant (MS)
>
> Good morning Brittany,
>
> Attached is a briefing document for the Administrator from R4 and OW.
>
> Please let me know if you need anything else.
>
> Mary
>
> ---
>
> **From:** Carter, Brittany S. <carter.brittanys@epa.gov>
> **Sent:** Friday, September 13, 2019 4:20 PM
> **To:** Walker, Mary <walker.mary@epa.gov>
> **Cc:** Forsgren, Lee <Forsgren.Lee@epa.gov>
> **Subject:** Re: AW Meeting with Gov. Bryant (MS)
>
> COB is fine. Much appreciated!
>
> On Sep 13, 2019, at 4:04 PM, Walker, Mary <walker.mary@epa.gov> wrote:
>
> Hi Brittany,

Yes, we are on track. Our staffs have been working together on a briefing document that will provide background and current status.

What time on Monday do you need the document?

Mary

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Brittany,

We need to do the briefing materials in conjunction with R4 since they are doing the majority of the day to day work on the issue and Mary Walker has been met with the Division Commander of the Corps several times recently on the project. You also need to make them aware of the meeting.

Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

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Sent: Wednesday, September 11, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

Gov. Bryant has asked to meet with AW on Sept. 18 regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008. Wanted to get the ball rolling for the briefing. Would it be possible to have the materials ready by 9/16?

Thank you!

-Britt

ISSUE OF CONCERN - Yazoo Backwater Area Pumps Project Clean Water Act Section 404(c) Action

Background:

- Extreme flooding in the Mississippi Delta, including in the Yazoo Backwater, has garnered congressional and elected official interest. EPA has been in direct contact with the Governor's office and the offices of Sen. Roger Wicker, Sen. Cindy Hyde-Smith and Cong. Michael Guest at both the regional and Headquarters level.
- The Yazoo Backwater Pumps Project was a Corps Civil Works project designed to address flooding concerns in a 630,000-acre area situated between the Mississippi and Yazoo Rivers in west-central Mississippi (Yazoo Backwater Area).
- In August of 2008, EPA issued a 404(c) Final Determination that impacts from the Pumps Project would result in unacceptable adverse effects on fishery areas and wildlife. This action, commonly referred to as the "veto" effectively stopped the pumps project as proposed.
- At that time, and several times since, EPA expressed a willingness to consider other flood control options for this area, but the Army Corp of Engineers made no other proposals.
- The EPA's 2007 analysis was primarily based on data and information in the Corps' Supplemental Final Environmental Impact Statement (SFEIS) for the project.
- Given the current flooding, Senators Wicker and Hyde-Smith have publicly indicated support for approving the use of the Yazoo Pumps.
- Several town hall meetings have been hosted by Gov. Bryant, as well as Senators Wicker and Hyde-Smith.
- Governor Phil Bryant has declared a state of emergency for several communities in the impacted areas.
- Currently, the Agency has two letters from Governor Bryant and OCIR is leading the response to these. Region4 previously responded to correspondence from Sen. Roger Wicker, Sen. Hyde-Smith and Cong. Guest on this topic.
- Governor Bryant has been very vocal in the media about new data received by EPA from the Corps and that EPA holds the decision-making authority.
- The Administrator indicated that the Agency is reviewing our 2008 veto of the project during a Senate Appropriations subcommittee hearing on April 3, 2019.
- On March 19, 2019, Acting Region 4 Administrator Mary Walker toured the flooded Mississippi Delta with Major General Richard Kaiser of the U.S. Corps of Engineers' Mississippi Valley Division. The Corps also provided an overview of the Yazoo Backwater Pump Project.
- During the tour, significant impacts to individual property owners and the agricultural economy were observed. Over 500,000 acres are currently impacted by high water.
- EPA's 2008 Section 404 permit veto was based on the determination that the hydrological alterations proposed by the project would significantly degrade the critical ecological functions provided by approximately 67,000 acres of wetlands in the Yazoo Backwater Area,

including those functions that support wildlife and fisheries resources. In addition, the proposed mitigation would not adequately compensate unavoidable adverse impacts.

- This determination was based on an extensive administrative record including the Corps' record of decision for its final supplemental EIS.
- Ex. 5 Deliberative Process (DP)
- The EPA will continue to work with the Corps and the local Levee Board (the flood control project's local sponsor) to review updated data and other information as it relates to our regulatory programs and oversight.
- The Administrator previously spoke with Governor Phil Bryant regarding the flooding concerns in this area, and the significant implications the flooding has for the communities within the Yazoo Backwater Area.

Key Points:

- EPA recognizes the significant economic and disruptive impacts of the recent flooding in the area. The Agency supports the goals of improved flood protection and wetland protection for the residents of the Mississippi Delta.
- EPA is focused on looking for solutions and will consider whether any additional information provided by the Corps supports reconsideration of the veto. Our considerations may include:

Ex. 5 Deliberative Process (DP)

- EPA continues to actively communicate with the Army Corps Division Commander and staff.
- Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) EPA is committed to continuing discussions with the Corps at all levels concerning the best ways to provide flood protection while protecting wetlands and other natural resources. EPA has also indicated a willingness to work with the Army Corps of Engineers on any new or revised proposals to address flood control in the Yazoo Backwater Area.

Ex. 5 Deliberative Process (DP)

New Data (INTERNAL ONLY):

- On June 3, 2019, the Corps provided EPA with a pre-peer review copy of a 118-page manuscript which describes a study conducted by the Corps investigating wetland hydrology in the Yazoo Backwater Area.
- On July 12, 2019, the Corps also submitted a 6-page preliminary assessment of wetland functions for the Yazoo Backwater Area, which EPA understands is based on wetland assessment field information from their 2007 Final Supplemental Environmental Impact Statement (FSEIS) along with new data collected and additional modeling conducted by the Corps.
- Ex. 5 Deliberative Process (DP)
- EPA staff intends to request additional information from the Corps during the next 2 weeks and in the meantime will continue the review of the Yazoo information provided by the Corps on July 12 and June 3, respectively, as referenced above.

Message

From: Gettle, Jeaneanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D8E72AA7E1894FAEA44006FD9F22B637-GETTLE, JEANEANNE]
Sent: 9/17/2019 7:13:04 PM
To: Mcgill, Thomas [Mcgill.Thomas@epa.gov]
Subject: Fwd: AW Meeting with Gov. Bryant (MS)
Attachments: Yazoo issue paper for Adm 9.16.19 (3 clean).docx; ATT00001.htm

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Sent: 9/16/2019 8:37:12 PM
To: Walker, Mary [walker.mary@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]
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Sent: 11/13/2019 2:49:11 PM
To: Mcgill, Thomas [Mcgill.Thomas@epa.gov]
Subject: FW: Yazoo update

-----Original Message-----
From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Tuesday, November 05, 2019 3:10 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Subject: RE: Yazoo update

Jeaneanne,

Ex. 5 Deliberative Process (DP)

bf

-----Original Message-----
From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Tuesday, November 5, 2019 2:37 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Subject: RE: Yazoo update

Brian,

I mentioned this to Mary - she agreed that we would want to hear from HQ.

jmg

-----Original Message-----
From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Tuesday, November 05, 2019 6:57 AM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Subject: FW: Yazoo update

Good morning, Jeaneanne,

Did you have a chance to discuss this with Mary yesterday? Lee and I had a brief call and will have a follow up when he returns to the office tomorrow.

Thanks

bf

-----Original Message-----
From: Hough, Palmer <Hough.Palmer@epa.gov>
Sent: Monday, November 4, 2019 9:57 AM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>
Cc: Ainslie, William <Ainslie.William@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Yazoo update

Tom

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

-Palmer

-----Original Message-----
From: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Sent: Friday, November 01, 2019 6:14 PM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>
Cc: Ainslie, William <Ainslie.William@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Yazoo update

**** deliberative / attorney-client privilege / do not release under FOIA ****

Please see the email below and attached files from the Corps that I sent to the FWS.

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- It may be the week of Nov 11 before the Corps resolves what their new plan may be regarding a pump project for the YBA.
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- the Corps is well aware of the NOI from the State of Mississippi. We emphasized to them the importance of the assessing the effects of their plan downstream water quality, particularly in light of the issues raised in the NOI.

Ex. 5 Deliberative Process (DP)

- They clarified that their goal is to provide us with their 404(b)(1) analysis by mid-December and indicated that any actions relating to NEPA would occur sometime after that.

Ex. 5 Deliberative Process (DP)

Tom

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From: Mcgill, Thomas
Sent: Friday, November 1, 2019 5:21 PM
To: 'Weller, Jeff' <jeff_weller@fws.gov>; Eversen, Michelle <michelle_eversen@fws.gov>
Cc: Ainslie, William <Ainslie.William@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Parrish, Kenneth D Jr CIV USARMY CEMVK (US) <Kent.D.Parrish@usace.army.mil>
Subject: Yazoo files sent by the Corps

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We will continue to share any relevant information as we obtain it, and you are certainly welcome to reach out directly to Kent or to me/others at EPA with any questions or if you wish to discuss.

Have a great weekend!

Tom

==========
Thomas McGill, Chief
Ocean, Wetlands & Streams Protection Branch U.S. EPA Region 4, Water Division
61 Forsyth Street, SW
Atlanta, GA 30303
404-562-9243
mcgill.thomas@epa.gov

Message

From: Hicks, Matt [Hicks.Matthew@epa.gov]
Sent: 11/4/2019 4:42:56 PM
To: Palmer, Leif [Palmer.Leif@epa.gov]
CC: Ghosh, Mita [Ghosh.Mita@epa.gov]
Subject: RE: Yazoo update

Leif,

Ex. 5 Attorney Client (AC)

Matt

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Message

From: Hicks, Matt [Hicks.Matthew@epa.gov]
Sent: 10/29/2019 11:26:05 AM
To: Ghosh, Mita [Ghosh.Mita@epa.gov]
Subject: FW: call w/FWS tomorrow @ 10 re: Yazoo

This conflicts with MTM. I was planning on going to MTM and getting a download from Tom etc during our weekly call on Wed but please let me know if you want me to attend this call instead.

Thanks,

Matt

From: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Sent: Monday, October 28, 2019 12:15 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>
Subject: call w/FWS tomorrow @ 10 re: Yazoo

During our meeting with the Corps last week we discussed re-engaging the FWS regarding their perspective on the effects of a pump project on fisheries and wildlife in the YBA. The FWS had issued a 2008 report that was part of our AR, and there are now at least two individuals (e.g., Jack Kilgore ERDC and a member of the MS Dept of Wildlife, Fisheries and Parks that spoke at the Yazoo public meeting last week) that seem to suggest that the pump would have beneficial impacts to fish and aquatic life in the YBA. Jeaneanne contacted the Acting RA for the Southeast Regional Office of the USFWS about setting-up a call, and I've scheduled a call with them for tomorrow from 10:00 to 10:30. I spoke briefly with Russ this morning, and he suggested including Palmer in the meeting invitation. If any of the rest of you wish to be included on the invitation please let me know. Tom

STATE OF MISSISSIPPI
DEPARTMENT OF AGRICULTURE AND COMMERCE

ANDY GIPSON
COMMISSIONER

July 29, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Wheeler,

The South Delta region of Mississippi is continuing to experience a historical flood. This area of the state has been inundated by flood waters since February 2019. This event has flooded over 550,000 acres of which more than 225,000 acres are agricultural crop land. The economic and environmental impact to the South Delta will be long lasting. Current water levels have displaced residents, destroyed homes, damaged road and building infrastructure, and put farmers' livelihood at stake because this year's crop was not planted. Additionally, the record flood duration has negatively affected forest health and killed many wild animals. As a result of this devastation, Mississippi Governor Phil Bryant submitted a letter to President Donald Trump on July 19, 2019, requesting a Major Disaster Declaration for the South Delta counties of Humphreys, Issaquena, Sharkey, Warren, and Yazoo.

Much of the devastation that South Delta residents are facing now could have been prevented if construction of the Yazoo Backwater Area Pump Project had been completed. The Yazoo Backwater Area Pump Project was designed and authorized to alleviate backwater flooding and protect the livelihood of area residents. However, the Environmental Protection Agency (EPA) vetoed the project in 2008, even though it was a federally-authorized U.S. Army Corps of Engineers Civil Works project. On March 15, 2019, I submitted a letter to you on behalf of South Delta residents and farmers requesting that dialogue regarding construction of the Yazoo Backwater Area Pump Project be re-opened and reconsidered by the EPA. Shortly after submission of my letter to you, EPA Region 4 Administrator Mary Walker toured the Yazoo Backwater Area to observe the affected area firsthand. I want to thank you and Administrator Walker for her time spent evaluating the Yazoo Backwater Area.

Mississippi's Congressional Delegation, along with various other organizations, has also provided important information and data to you and your administration regarding this dire situation. I thank them for relaying that information and data. They have seen the devastation, and they support measures to prevent another historical flood event in the South Delta.

P. O. BOX 1609 • JACKSON, MISSISSIPPI 39215-1609 • www.mdac.ms.gov • TELEPHONE: (601) 359-1100

In closing, I want to end with the enclosed photos that were taken by my staff on July 18, 2019 in the South Delta. The photos illustrate commonly observed flood damage to infrastructure and the environment in the backwater flood area. Thank you once again for your consideration regarding the Yazoo Backwater Area Pump Project. The residents of Mississippi and I look forward to the completion of this much needed flood control structure.

Sincerely,

Andy Gipson
Commissioner

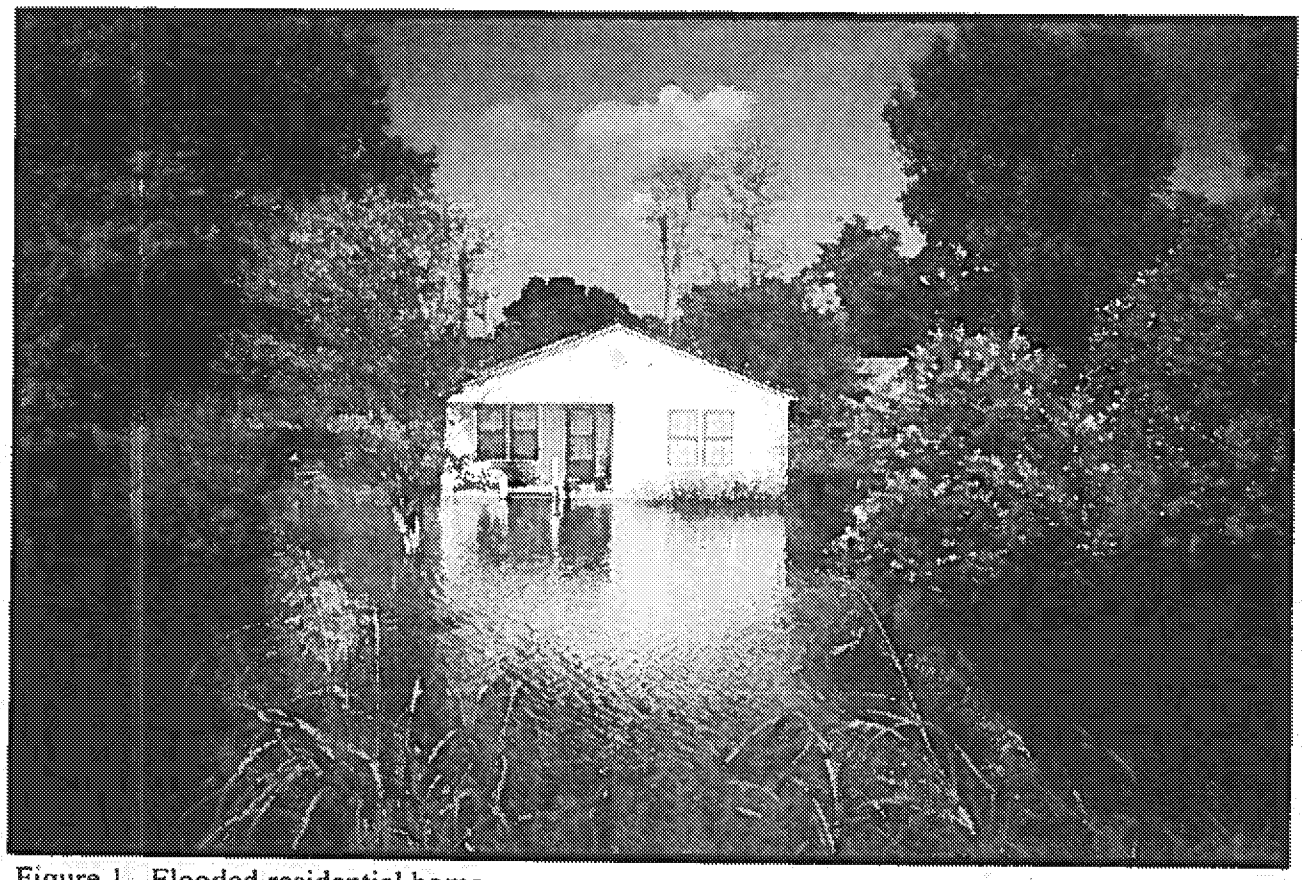

Figure 1. Flooded residential home.

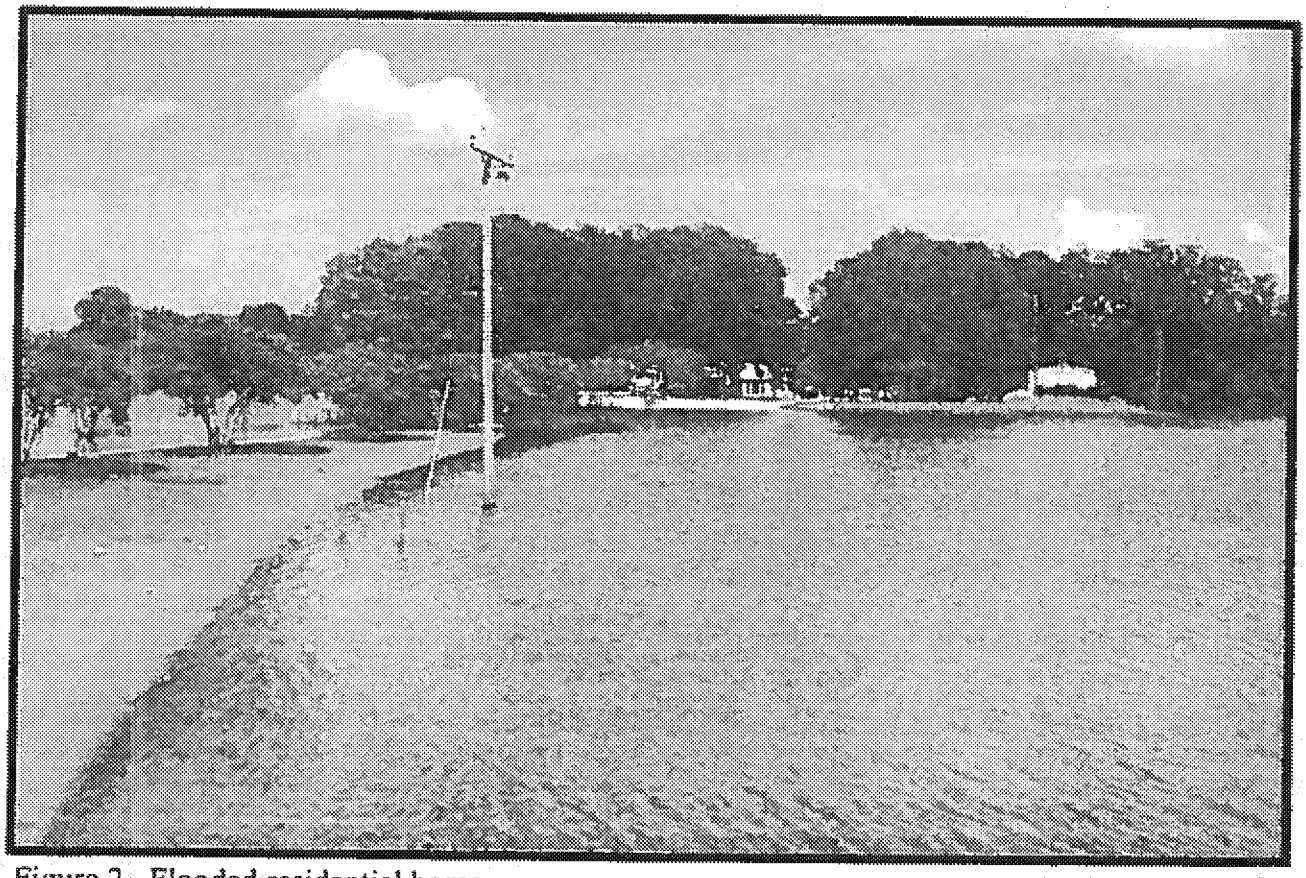

Figure 2. Flooded residential home.

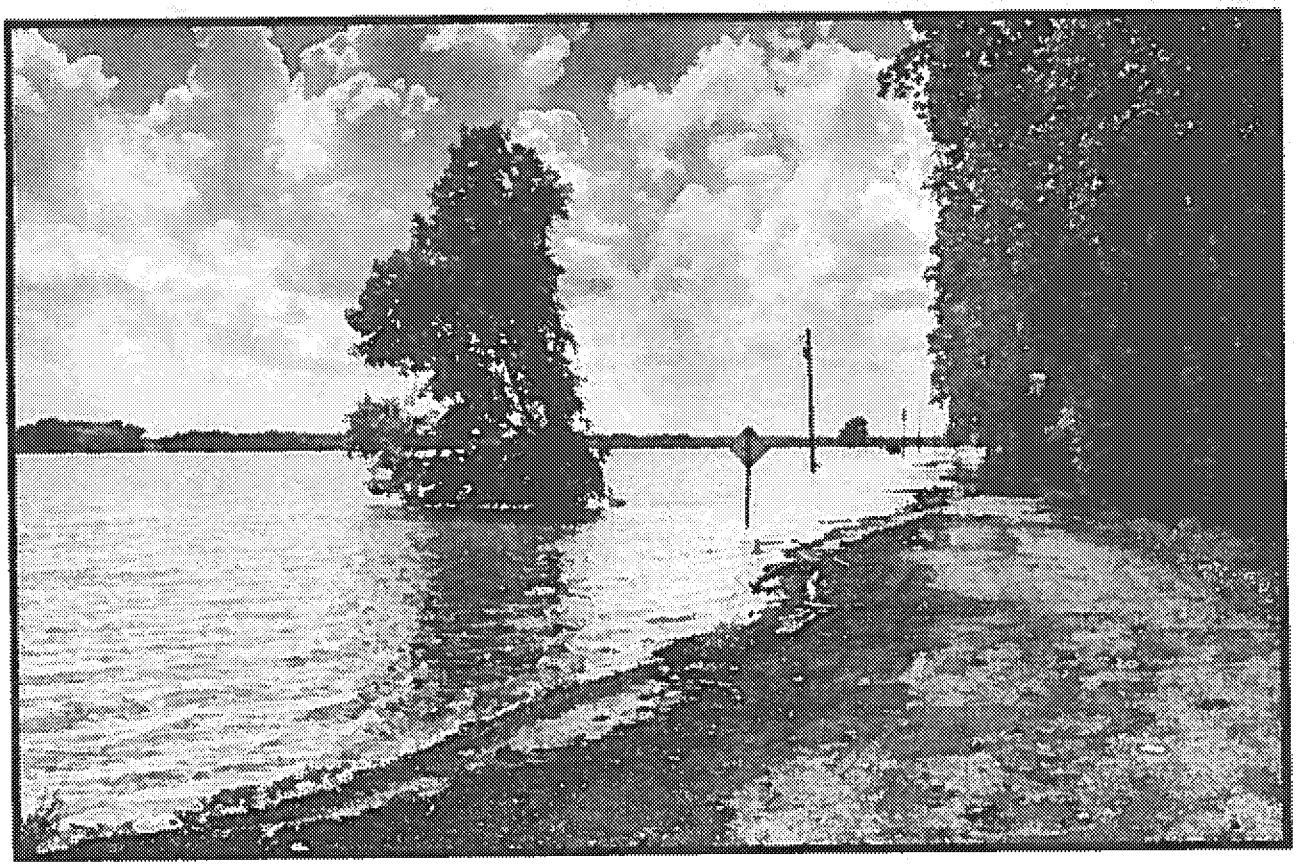

Figure 3. Flooded road and agricultural field.

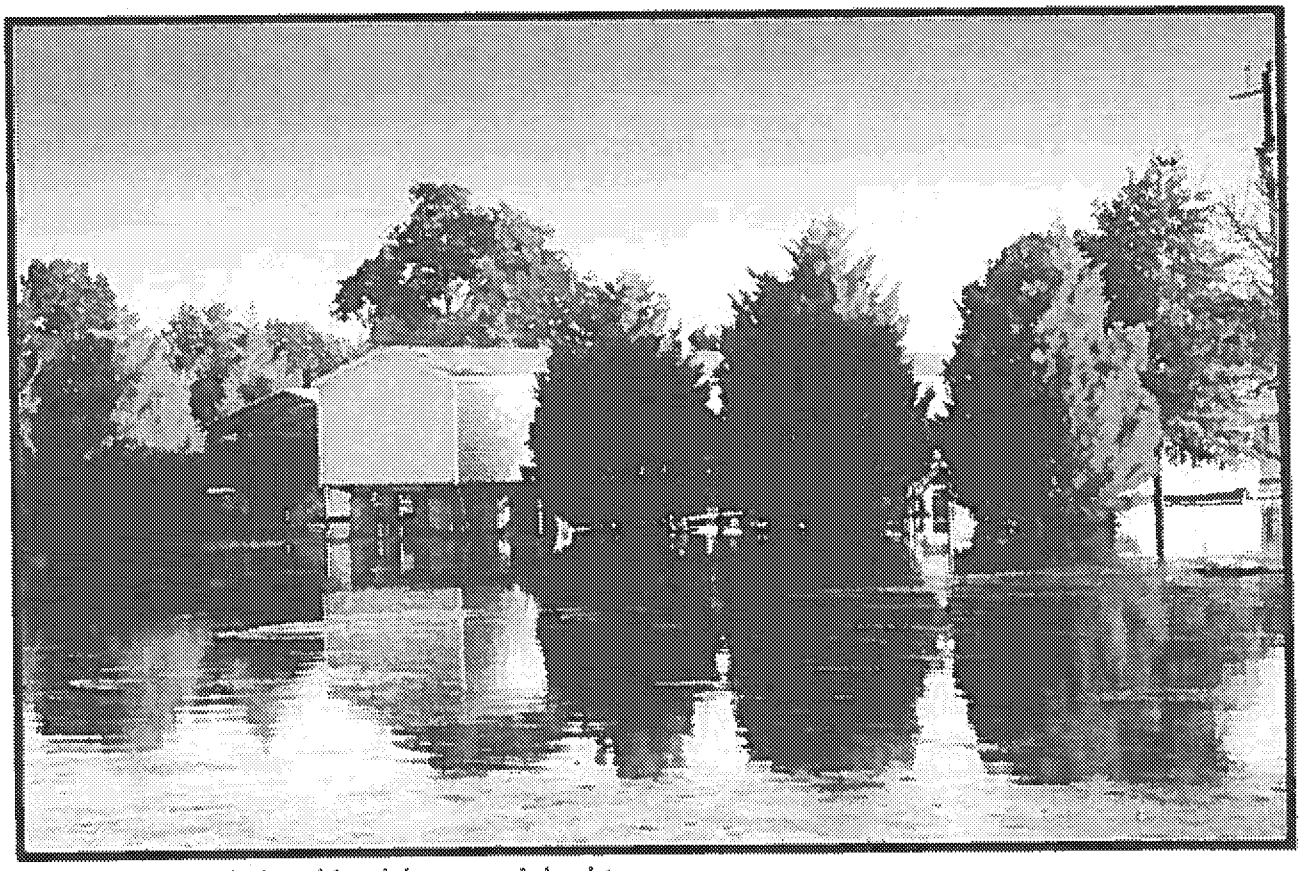

Figure 4. Flooded residential area and dead trees.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG - 8 2019

Mr. Andy Gipson
Commissioner
Mississippi Department of Agriculture
and Commerce
P.O. Box 1609
Jackson, Mississippi 39215-1609

Dear Commissioner Gipson:

Thank you for your July 29, 2019 letter to Andrew Wheeler, Administrator at the U.S. Environmental Agency, concerning flooding along the Mississippi River and the Yazoo Backwater area and your request for the EPA to review our decision to veto the Yazoo Backwater Area Pump Project in 2008. Your letter was forwarded the Region 4 office in Atlanta, Georgia, for response

We understand your concerns and recognize the significant, disruptive impacts of the flooding to thousands of Mississippians and to the state's economy. Together with the U.S. Army Corps of Engineers (USACE), the EPA has been actively working on options to provide flood protection as well as protect wetlands and other important natural resources in the Yazoo Backwater Area. The EPA and the USACE have met multiple times this summer, and we plan to continue meeting to review additional data and modeling results that support viable solutions, including a possible reconsideration of our 2008 decision.

We appreciate your desire to protect and preserve the environment and hope you find this information helpful. If I may be of further assistance, please contact me or Brandi J. Jenkins, Director of the Office of Outreach and External Engagement, at (404) 562-8327.

Sincerely,

Mary S. Walker
Regional Administrator

cc: Chris McDonald
Director, Federal Affairs

ED_004275A_00041064-00005

Message

From: Hicks, Matt [Hicks.Matthew@epa.gov]
Sent: 7/5/2019 1:28:11 PM
To: Mcgill, Thomas [Mcgill.Thomas@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]
CC: Calli, Rosemary [Calli.Rosemary@epa.gov]
Subject: RE: Question about Yazoo Pump Project

Tom,

FYI that I'm available this morning if you need any help on this. I'm checking my email and can be reached at Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Thanks,

Matt

From: Mcgill, Thomas
Sent: Wednesday, July 3, 2019 5:34 PM
To: Ghosh, Mita <Ghosh.Mita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: FW: Question about Yazoo Pump Project

FYI…

From: Gettle, Jeaneanne
Sent: Wednesday, July 3, 2019 5:33 PM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>
Cc: Allenbach, Becky <Allenbach.Becky@epa.gov>
Subject: Fwd: Question about Yazoo Pump Project

FYI. Waiting to hear back from Brandi

Sent from my iPhone

Begin forwarded message:

> **From:** "Jenkins, Brandi" <Jenkins.Brandi@epa.gov>
> **Date:** July 3, 2019 at 5:22:29 PM EDT
> **To:** "Gettle, Jeaneanne" <Gettle.Jeaneanne@epa.gov>
> **Cc:** "Walker, Mary" <walker.mary@epa.gov>, "Ashbee, Blake" <ashbee.blake@epa.gov>, "Wise, Allison" <Wise.Allison@epa.gov>
> **Subject: FW: Question about Yazoo Pump Project**
>
> I'm sending to HQ as well to see if they want to take the lead on any of these.
>
> Thanks,
> Brandi
>
> **From:** Tim Reeves <tim.reeves@vicksburgpost.com>
> **Sent:** Wednesday, July 3, 2019 5:11 PM

To: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: Re: Question about Yazoo Pump Project

Brandi, thanks for your email. Given tomorrow's holiday, the story and our ongoing coverage — which will include an interview with U.S. Sen. Hyde-Smith, will publish in our weekend edition. The deadline for that content is noon (central) Friday.

Couple of quick questions regarding the Yazoo Backwater Area pumps:

1. What was the official reason by the EPA to veto the project in 2008?

2. Just want to confirm what the senator said in that there has not been a case where a veto by the EPA has been overruled, reversed, et.

3. If the veto were lifted, how quickly would the project be given clearance by the EPA?

4. Currently, where does the process of overturning the veto stand? Is that handled through the EPA, another agency, the administration?

5. What environmental concerns — if any — are the EPA currently tracking as a result of this five-month-plus flood in the backwater area? Biohazards, chemicals, etc.

6. Has the EPA administrator taken a position on the pump project? If so, what is that position and when was it first made public?

Thanks,
Tim Reeves
Editor, The Vicksburg Post

On Wed, Jul 3, 2019 at 4:00 PM Jenkins, Brandi <Jenkins.Brandi@epa.gov> wrote:

> Good afternoon Mr. Reeves,
>
> I received your contact information from Senator Hyde-Smith's office. They indicated that you have some questions regarding the Yazoo pump project. Can you provide me with your questions so we can get back with you as soon as possible? Is your story still planned for tomorrow's paper?
>
> Best,
>
> Brandi Jenkins, Director
>
> Office of Outreach and External Engagement

Office of the Regional Administrator – EPA Region 4

404-562-9124 (office)

678-575-2148 (cell)

Message

From: Hicks, Matt [Hicks.Matthew@epa.gov]
Sent: 7/4/2019 1:33:47 AM
To: Palmer, Leif [Palmer.Leif@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]
CC: Mcgill, Thomas [Mcgill.Thomas@epa.gov]
Subject: FW: Question about Yazoo Pump Project

FYI. I'm scheduled to be out on Friday (switched CDO) but will be available to assist Friday morning as necessary.

From: Mcgill, Thomas
Sent: Wednesday, July 3, 2019 5:34 PM
To: Ghosh, Mita <Ghosh.Mita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>
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> **Cc:** "Walker, Mary" <walker.mary@epa.gov>, "Ashbee, Blake" <ashbee.blake@epa.gov>, "Wise, Allison" <Wise.Allison@epa.gov>
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> Brandi Jenkins, Director
>
> Office of Outreach and External Engagement
>
> Office of the Regional Administrator – EPA Region 4
>
> 404-562-9124 (office)
>
> 678-575-2148 (cell)

Message

From: Hough, Palmer [Hough.Palmer@epa.gov]
Sent: 8/13/2019 10:01:08 PM
To: Goodin, John [Goodin.John@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]
Subject: FW: Draft Yazoo Letter to the Army Corps for your review
Attachments: Edits to Draft Yazoo Letter - 8-13-19 v4_OWOW edits.docx; Edits to Draft Yazoo Letter - 8-13-19 v5_clean.docx

John

Per your request, below is a draft transmittal email to Lee including OWOW's additional edits on top of the mark-up provided by R4 today as well as a clean version accepting all of R4's and OWOW's edits.

Send to: Lee
CC: Brian, Russ, and Palmer

-Palmer

_____

Lee

Ex. 5 Deliberative Process (DP)

Thanks, John

From: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Sent: Tuesday, August 13, 2019 12:49 PM
To: Walker, Mary <walker.mary@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Ex. 5 Deliberative Process (DP)

Tom

From: Walker, Mary <walker.mary@epa.gov>
Sent: Monday, August 12, 2019 9:18 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

I've made some edits. Please see attached and let me know if you have concerns or further edits.

Thanks
Mary

From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Friday, August 9, 2019 6:54 PM
To: Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached, for you review, please find an edited and clean version of the draft EPA letter to the Corps regarding the Yazoo Backwater Pump project. In the marked up version, I have reconciled all of your edits so that you can see where the changes have occured, however, I did keep the comment bubbles in the clean version.

Let us know if you have any questions or concerns.

Thanks

bf

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, August 7, 2019 7:52 PM

To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: Fwd: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached for your review is a draft letter from EPA to the Corps sharing preliminary feedback from EPA's review of information provided by the Corps' Vicksburg District related to the Yazoo Backwater Area and the Yazoo Pumps project.

Please let us know if you have any questions regarding the draft letter.

Thanks, John

Message

From: Hough, Palmer [Hough.Palmer@epa.gov]
Sent: 8/13/2019 8:49:24 PM
To: Goodin, John [Goodin.John@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]
Subject: FW: Draft Yazoo Letter to the Army Corps for your review
Attachments: Edits to Draft Yazoo Letter - 8-13-19 v4_OWOW.docx

Importance: High

John/Brian/Russ:

Ex. 5 Deliberative Process (DP)

-Palmer

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Sent: Tuesday, August 13, 2019 12:49 PM
To: Walker, Mary <walker.mary@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Ex. 5 Deliberative Process (DP)

Thanks for the opportunity to weigh-in.

Tom

From: Walker, Mary <walker.mary@epa.gov>
Sent: Monday, August 12, 2019 9:18 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

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Thanks

Mary

From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Friday, August 9, 2019 6:54 PM
To: Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
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Let us know if you have any questions or concerns.

Thanks

bf

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Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
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From: Hough, Palmer [Hough.Palmer@epa.gov]
Sent: 8/13/2019 1:34:33 PM
To: Goodin, John [Goodin.John@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]
Subject: RE: Draft Yazoo Letter to the Army Corps for your review
Attachments: Edits to Draft Yazoo Letter - 8-12-19 v.3.clean_pfh.docx

Corrected one more format error

From: Hough, Palmer
Sent: Tuesday, August 13, 2019 8:59 AM
To: Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: FW: Draft Yazoo Letter to the Army Corps for your review
Importance: High

John/Brian/Russ

Ex. 5 Deliberative Process (DP)

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Sent: Friday, August 9, 2019 6:54 PM
To: Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached, for you review, please find an edited and clean version of the draft EPA letter to the Corps regarding the Yazoo Backwater Pump project. In the marked up version, I have reconciled all of your edits so that you can see where the changes have occured, however, I did keep the comment bubbles in the clean version.

Let us know if you have any questions or concerns.

Thanks

bf

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: Fwd: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

> Attached for your review is a draft letter from EPA to the Corps sharing preliminary feedback from EPA's review of information provided by the Corps' Vicksburg District related to the Yazoo Backwater Area and the Yazoo Pumps project.
>
> Please let us know if you have any questions regarding the draft letter.

Thanks, John

Message

From: Goodin, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3EAC342F280A4B9DB4079C81F66D1913-JGOODIN]
Sent: 8/14/2019 11:07:52 AM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Frazer, Brian [Frazer.Brian@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]
Subject: Revised Draft Yazoo Letter to the Army Corps for your review
Attachments: Edits to Draft Yazoo Letter - 8-13-19 v4_OWOW edits.docx; ATT00001.htm; Edits to Draft Yazoo Letter - 8-13-19 v5_clean.docx; ATT00002.htm

Ex. 5 Deliberative Process (DP)

Thanks,

John

From: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Sent: Tuesday, August 13, 2019 12:49 PM
To: Walker, Mary <walker.mary@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Attached are minor suggested revisions which include:

Ex. 5 Deliberative Process (DP)

Thanks for the opportunity to weigh-in.

Tom

From: Walker, Mary <walker.mary@epa.gov>
Sent: Monday, August 12, 2019 9:18 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

I've made some edits. Please see attached and let me know if you have concerns or further edits.

Thanks

Mary

From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Friday, August 9, 2019 6:54 PM
To: Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached, for you review, please find an edited and clean version of the draft EPA letter to the Corps regarding the Yazoo Backwater Pump project. In the marked up version, I have reconciled all of your edits so that you can see where the changes have occured, however, I did keep the comment bubbles in the clean version.

Let us know if you have any questions or concerns.

Thanks

bf

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer

<Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: Fwd: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached for your review is a draft letter from EPA to the Corps sharing preliminary feedback from EPA's review of information provided by the Corps' Vicksburg District related to the Yazoo Backwater Area and the Yazoo Pumps project.

Please let us know if you have any questions regarding the draft letter.

Thanks, John

Message

From: Goodin, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3EAC342F280A4B9DB4079C81F66D1913-JGOODIN]
Sent: 4/9/2019 9:21:58 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Sandra Connors (Connors.Sandra@epa.gov) [Connors.Sandra@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Russell Kaiser [Kaiser.Russell@epa.gov]; Palmer Hough [Hough.Palmer@epa.gov]
Subject: FW: FYI - 29Mar19 Letter from MS Gov to Wheeler requesting EPA review its Yazoo FD
Attachments: 19-000-4285.pdf

Ex. 5 Deliberative Process (DP)

John

-----Original Message-----
From: Hough, Palmer
Sent: Tuesday, April 09, 2019 5:00 PM
To: Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FYI - 29Mar19 Letter from MS Gov to Wheeler requesting EPA review its Yazoo FD

Folks

R4 shared this 29Mar19 Letter from MS Gov to Wheeler. It appears to have been controlled to them.

It makes the following request:

"I am requesting that the EPA initiate the formal process of reviewing the 404 (c) veto of the Yazoo Backwater-Area Pump Project. It is my understanding that the Army Corps has made a similar request and has indicated that there is new wetlands data that may be helpful. I hope that you and your team will engage with the Army Corps as well as stakeholders on this issue and begin a meaningful review of the 404 (c) veto."

Ex. 5 Deliberative Process (DP)

Thanks, Palmer

Message

From: Goodin, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3EAC342F280A4B9DB4079C81F66D1913-JGOODIN]
Sent: 4/11/2019 7:41:24 PM
To: Frazer, Brian [Frazer.Brian@epa.gov]
Subject: RE: Yazoo Backwater Area Pump Project Talking Points

No need—but I will be talking to R4

From: Frazer, Brian
Sent: Thursday, April 11, 2019 2:19 PM
To: Goodin, John <Goodin.John@epa.gov>
Subject: Re: Yazoo Backwater Area Pump Project Talking Points

Do you want me to call?

****
Brian Frazer, Acting Director
Oceans, Wetlands and Communities Division
Office of Wetlands, Oceans and Watersheds
US Environmental Protection Agency
202-566-1652

Sent from my iPhone

On Apr 11, 2019, at 12:42 PM, Goodin, John <Goodin.John@epa.gov> wrote:

> Can you give me a quick call—566-1373
>
> ---
>
> **From:** Gettle, Jeaneanne
> **Sent:** Thursday, April 11, 2019 12:40 PM
> **To:** Goodin, John <Goodin.John@epa.gov>
> **Subject:** Fwd: Yazoo Backwater Area Pump Project Talking Points
>
> John
>
> For your information.
>
> Jeaneanne
>
> Sent from my iPhone
>
> Begin forwarded message:
>
>> **From:** "Jenkins, Brandi" <Jenkins.Brandi@epa.gov>
>> **Date:** April 11, 2019 at 12:35:20 PM EDT
>> **To:** "Gettle, Jeaneanne" <Gettle.Jeaneanne@epa.gov>, "Palmer, Leif" <Palmer.Leif@epa.gov>, "Ghosh, Mita" <Ghosh.Mita@epa.gov>, "Hicks, Matt" <Hicks.Matthew@epa.gov>, "Zapata, Cesar" <Zapata.Cesar@epa.gov>, "Mcgill, Thomas" <Mcgill.Thomas@epa.gov>, "Guillard, Jennifer" <Guillard.Jennifer@epa.gov>
>> **Subject: FW: Yazoo Backwater Area Pump Project Talking Points**

From: Jenkins, Brandi
Sent: Thursday, April 11, 2019 12:34 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>; Blake Ashbee (ashbee.blake@epa.gov) <ashbee.blake@epa.gov>
Subject: Yazoo Backwater Area Pump Project Talking Points

Good afternoon Lee,

Attached for your review are the Region 4 talking points for Yazoo. Please let us know if you have any questions.

Thank you,
Brandi

Brandi Jenkins, Special Assistant
Office of the Regional Administrator – EPA Region 4
404-562-9124 (office)
678-575-2148 (cell)

<Yazoo Talking Points_04201911.docx>

Message

From: Goodin, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3EAC342F280A4B9DB4079C81F66D1913-JGOODIN]
Sent: 4/11/2019 4:45:51 PM
To: Mejias, Melissa [mejias.melissa@epa.gov]
Subject: FW: Yazoo Backwater Area Pump Project Talking Points
Attachments: Yazoo Talking Points_04201911.docx; ATT00001.htm

Give me call-- thanks

From: Gettle, Jeaneanne
Sent: Thursday, April 11, 2019 12:40 PM
To: Goodin, John <Goodin.John@epa.gov>
Subject: Fwd: Yazoo Backwater Area Pump Project Talking Points

John

For your information.

Jeaneanne

Sent from my iPhone

Begin forwarded message:

> **From:** "Jenkins, Brandi" <Jenkins.Brandi@epa.gov>
> **Date:** April 11, 2019 at 12:35:20 PM EDT
> **To:** "Gettle, Jeaneanne" <Gettle.Jeaneanne@epa.gov>, "Palmer, Leif" <Palmer.Leif@epa.gov>, "Ghosh, Mita" <Ghosh.Mita@epa.gov>, "Hicks, Matt" <Hicks.Matthew@epa.gov>, "Zapata, Cesar" <Zapata.Cesar@epa.gov>, "Mcgill, Thomas" <Mcgill.Thomas@epa.gov>, "Guillard, Jennifer" <Guillard.Jennifer@epa.gov>
> **Subject: FW: Yazoo Backwater Area Pump Project Talking Points**
>
> ---
>
> **From:** Jenkins, Brandi
> **Sent:** Thursday, April 11, 2019 12:34 PM
> **To:** Forsgren, Lee <Forsgren.Lee@epa.gov>
> **Cc:** Walker, Mary <walker.mary@epa.gov>; Blake Ashbee (ashbee.blake@epa.gov) <ashbee.blake@epa.gov>
> **Subject:** Yazoo Backwater Area Pump Project Talking Points
>
> Good afternoon Lee,
>
> Attached for your review are the Region 4 talking points for Yazoo. Please let us know if you have any questions.
>
> Thank you,
> Brandi

Brandi Jenkins, Special Assistant
Office of the Regional Administrator – EPA Region 4
404-562-9124 (office)
678-575-2148 (cell)

Message

From: Hicks, Matt [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EAA50F546C9B440A98C82F4E9BD5BD69-HICKS, MATTHEW]
Sent: 11/4/2019 4:10:05 AM
To: Hicks, Matt [Hicks.Matthew@epa.gov]
Subject: FW: Yazoo update
Attachments: Backwater dissolved oxygen.pdf; Backwater DO Species Plots.pdf; 2019 flood impacts for COE and Levee Board.pdf

Ex. 5 Attorney Client (AC)

Ex. 5 Deliberative Process (DP)

Tom

-----Original Message-----
From: Mcgill, Thomas
Sent: Friday, November 1, 2019 5:21 PM
To: 'Weller, Jeff' <jeff_weller@fws.gov>; Eversen, Michelle <michelle_eversen@fws.gov>
Cc: Ainslie, William <Ainslie.William@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Parrish, Kenneth D Jr CIV USARMY CEMVK (US) <Kent.D.Parrish@usace.army.mil>
Subject: Yazoo files sent by the Corps

Good afternoon Jeff,

As a follow-up to our call Monday, I'm forwarding documents that Kent Parrish (copied on this email) sent me which include presentations that were recently made to EPA regarding the Yazoo Backwater Area (YBA). One of the presentations, "2019 flood impacts for COE and Levee Board", was given by William T. MicKinley of the Mississippi Department of Wildlife Fish and Parks during a public meeting that EPA attended in Rolling Fork, MS on October 21, 2019. The other two presentations, "Backwater DO Species Plots" and "Backwater dissolved oxygen", were given respectively by ERDC and the Vicksburg District during a meeting the District hosted with EPA last month. I know you don't have the full context of the information provided in these documents, but it's my intention to share with you any information that EPA has that may be relevant to fisheries and wildlife in the YBA, particularly information that was not available in 2008.

We will continue to share any relevant information as we obtain it, and you are certainly welcome to reach out directly to Kent or to me/others at EPA with any questions or if you wish to discuss.

Have a great weekend!

Tom

==========
Thomas McGill, Chief
Ocean, Wetlands & Streams Protection Branch U.S. EPA Region 4, Water Division
61 Forsyth Street, SW
Atlanta, GA 30303
404-562-9243
mcgill.thomas@epa.gov

Message

From: Hicks, Matt [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EAA50F546C9B440A98C82F4E9BD5BD69-HICKS, MATTHEW]
Sent: 10/29/2019 2:12:52 AM
To: Hicks, Matt [Hicks.Matthew@epa.gov]
Subject: FW: call w/FWS tomorrow @ 10 re: Yazoo

From: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Sent: Monday, October 28, 2019 12:15 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>
Subject: call w/FWS tomorrow @ 10 re: Yazoo

During our meeting with the Corps last week we discussed re-engaging the FWS regarding their perspective on the effects of a pump project on fisheries and wildlife in the YBA. The FWS had issued a 2008 report that was part of our AR, and there are now at least two individuals (e.g., Jack Kilgore ERDC and a member of the MS Dept of Wildlife, Fisheries and Parks that spoke at the Yazoo public meeting last week) that seem to suggest that the pump would have beneficial impacts to fish and aquatic life in the YBA. Jeaneanne contacted the Acting RA for the Southeast Regional Office of the USFWS about setting-up a call, and I've scheduled a call with them for tomorrow from 10:00 to 10:30. I spoke briefly with Russ this morning, and he suggested including Palmer in the meeting invitation. If any of the rest of you wish to be included on the invitation please let me know. Tom

Message

From: Goodin, John [Goodin.John@epa.gov]
Sent: 4/9/2019 9:21:58 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Connors, Sandra [Connors.Sandra@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]
Subject: FW: FYI - 29Mar19 Letter from MS Gov to Wheeler requesting EPA review its Yazoo FD
Attachments: 19-000-4285.pdf

Ex. 5 Deliberative Process (DP)

Thanks,
John

-----Original Message-----
From: Hough, Palmer
Sent: Tuesday, April 09, 2019 5:00 PM
To: Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FYI - 29Mar19 Letter from MS Gov to Wheeler requesting EPA review its Yazoo FD

Folks

R4 shared this 29Mar19 Letter from MS Gov to Wheeler. It appears to have been controlled to them.

It makes the following request:

"I am requesting that the EPA initiate the formal process of reviewing the 404 (c) veto of the Yazoo Backwater-Area Pump Project. It is my understanding that the Army Corps has made a similar request and has indicated that there is new wetlands data that may be helpful. I hope that you and your team will engage with the Army Corps as well as stakeholders on this issue and begin a meaningful review of the 404 (c) veto."

Ex. 5 Deliberative Process (DP)

Thanks, Palmer

Message

From: Mcgill, Thomas [Mcgill.Thomas@epa.gov]
Sent: 8/13/2019 5:03:23 PM
To: Hough, Palmer [Hough.Palmer@epa.gov]
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Ex. 5 Deliberative Process (DP)

From: Hough, Palmer <Hough.Palmer@epa.gov>
Sent: Tuesday, August 13, 2019 12:58 PM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: FW: Draft Yazoo Letter to the Army Corps for your review

Ex. 5 Deliberative Process (DP)

From: Hough, Palmer
Sent: Tuesday, August 13, 2019 9:35 AM
To: Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Corrected one more format error

From: Hough, Palmer
Sent: Tuesday, August 13, 2019 8:59 AM
To: Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: FW: Draft Yazoo Letter to the Army Corps for your review
Importance: High

John/Brian/Russ

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

-Palmer

From: Walker, Mary <walker.mary@epa.gov>
Sent: Monday, August 12, 2019 9:18 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

I've made some edits. Please see attached and let me know if you have concerns or further edits.

Thanks
Mary

From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Friday, August 9, 2019 6:54 PM
To: Goodin, John <Goodin.John@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached, for you review, please find an edited and clean version of the draft EPA letter to the Corps regarding the Yazoo Backwater Pump project. In the marked up version, I have reconciled all of your edits so that you can see where the changes have occured, however, I did keep the comment bubbles in the clean version.

Let us know if you have any questions or concerns.

Thanks

bf

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: Fwd: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached for your review is a draft letter from EPA to the Corps sharing preliminary feedback from EPA's review of information provided by the Corps' Vicksburg District related to the Yazoo Backwater Area and the Yazoo Pumps project.

Please let us know if you have any questions regarding the draft letter.

Thanks, John

Message

From: Hough, Palmer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: 4/10/2019 1:20:48 PM
To: Ainslie, William [Ainslie.William@epa.gov]
Subject: FW: Mississippi Today Inquiry
Attachments: R4 Yazoo Pumps Desk Statement_pfh edits.docx

Importance: High

FYI – sent these edits up my chain. They may have other edits before it comes back to the Region – just wanted you to know about these suggested tweaks.

From: Hough, Palmer
Sent: Wednesday, April 10, 2019 9:16 AM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Mississippi Today Inquiry
Importance: High

Folks

I have some suggested edits for R4's factsheet, see attached. They are designed to ensure an accurate reflection of our record.

Let me know if you have questions.

Thanks, Palmer

From: Kaiser, Russell
Sent: Wednesday, April 10, 2019 6:59 AM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Subject: FW: Mississippi Today Inquiry

FYI, from Region. Note this is what went forward to Lee for review. Draft desk statement below.

Russell L. Kaiser
Chief, Freshwater and Marine Regulatory Branch
Oceans, Wetlands and Communities Division
Office of Wetlands, Oceans and Watersheds
1301 Constitution Ave., N.W.
Room 7114B West Bldg.
Washington, DC 20004
P: 202.566.0963
C: Ex. 6 Personal Privacy (PP)

From: Mcgill, Thomas
Sent: Tuesday, April 09, 2019 8:55 AM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: FW: Mississippi Today Inquiry

FYI...

From: Gettle, Jeaneanne
Sent: Thursday, April 4, 2019 8:12 AM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>; Purify, Johnnie <Purify.Johnnie@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>
Cc: Allenbach, Becky <Allenbach.Becky@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>
Subject: FW: Mississippi Today Inquiry

FYI - jeaneanne

From: Jenkins, Brandi
Sent: Wednesday, April 03, 2019 8:08 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Pinkney, James <Pinkney.James@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Militscher, Chris <Militscher.Chris@epa.gov>; Monell, Carol <Monell.Carol@epa.gov>
Subject: RE: Mississippi Today Inquiry

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Gettle, Jeaneanne
Sent: Wednesday, April 3, 2019 7:23 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Pinkney, James <Pinkney.James@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Militscher, Chris <Militscher.Chris@epa.gov>; Monell, Carol <Monell.Carol@epa.gov>
Subject: Re: Mississippi Today Inquiry

I removed appropriate and corrected a typo.

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Apr 3, 2019, at 7:01 PM, Hicks, Matt <Hicks.Matthew@epa.gov> wrote:

> Agreed.
>
> **From:** Ghosh, Mita
> **Sent:** Wednesday, April 3, 2019 7:00 PM
> **To:** Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>
> **Cc:** Palmer, Leif <Palmer.Leif@epa.gov>; Pinkney, James <Pinkney.James@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Militscher, Chris <Militscher.Chris@epa.gov>; Monell, Carol <Monell.Carol@epa.gov>
> **Subject:** RE: Mississippi Today Inquiry

Ex. 5 Attorney Client (AC)

Mita Ghosh
Chief, Office of Water Legal Support
Office of Regional Counel
United States Environmental Protection
Region 4
404-562-9568

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this communication in error, and delete the copy you received.

From: Jenkins, Brandi
Sent: Wednesday, April 3, 2019 6:51 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Palmer, Leif <Palmer.Leif@epa.gov>; Pinkney, James <Pinkney.James@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Militscher, Chris <Militscher.Chris@epa.gov>; Monell, Carol <Monell.Carol@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: Mississippi Today Inquiry

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Jenkins, Brandi
Sent: Wednesday, April 3, 2019 4:41 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Palmer, Leif <Palmer.Leif@epa.gov>; Pinkney, James <Pinkney.James@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Militscher, Chris <Militscher.Chris@epa.gov>; Monell, Carol <Monell.Carol@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: Re: Mississippi Today Inquiry

All,

In light of the Administrator's statement today indicating that we are looking at reconsideration of the veto, we need to update this statement. James was able to get an extension with the reporter until Friday. We need to have a good draft from us to Mary so she can send to OW first thing in the morning. I'll take a stab and send something around to the group.

Also, FYI, Governor Bryant apparently had a press conference today where this was mentioned so I will try to watch that and let you know what was said.

Thanks.

Brandi

Sent from my iPhone

On Apr 2, 2019, at 5:42 PM, Hicks, Matt <Hicks.Matthew@epa.gov> wrote:

Ex. 5 Attorney Client (AC)

From: Palmer, Leif
Sent: Tuesday, April 2, 2019 5:19 PM
To: Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Pinkney, James <Pinkney.James@epa.gov>
Cc: Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Militscher, Chris <Militscher.Chris@epa.gov>; Monell, Carol <Monell.Carol@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: Mississippi Today Inquiry

Ex. 5 Attorney Client (AC)

From: Jenkins, Brandi
Sent: Tuesday, April 2, 2019 4:29 PM
To: Pinkney, James <Pinkney.James@epa.gov>
Cc: Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Subject: Re: Mississippi Today Inquiry

James - I'm looping in Jeaneanne and Leif/Suzanne as they may be able to help us answer number one.

Brandi

Sent from my iPhone

On Apr 2, 2019, at 3:48 PM, Pinkney, James <Pinkney.James@epa.gov> wrote:

> Mississippi Today (MS) (Alex Rozier) [Received 4/2] – **OPEN** – the reporter's inquiry is as follows: Here's a link to a letter Gov. Bryant sent Administrator Wheeler: https://www.facebook.com/im4phil/photos/a.728379303848330/2375301345822776/?type=3&theater The two questions I have are: 1) What are the next steps for the EPA after receiving this request? 2) Has the EPA done any further research/study on the Yazoo Pumps since it vetoed the project in 2008? DDL 4/3

Ex. 5 Deliberative Process (DP)

James Pinkney
Public Affairs Specialist
U.S. Environmental Protection Agency, Region 4
Office of External Affairs
Phone: (404) 562-9183
Email: pinkney.james@epa.gov
https://www.epa.gov/aboutepa/about-epa-region-4-southeast
Follow Region 4 on Twitter: www.twitter.com/EPASoutheast
And Facebook: www.facebook.com/eparegion4

Message

From: Hough, Palmer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: 4/15/2019 8:30:48 PM
To: Mcgill, Thomas [Mcgill.Thomas@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]
CC: Calli, Rosemary [Calli.Rosemary@epa.gov]; Ainslie, William [Ainslie.William@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]
Subject: RE: Yazoo Backwater Area Pump Project Talking Points

Thanks for sharing, I don't have any edits.

From: Mcgill, Thomas
Sent: Monday, April 15, 2019 2:38 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: RE: Yazoo Backwater Area Pump Project Talking Points

Please see the attached draft, which was modeled after last week's talking points, and let me know what you think. I told Jeaneanne that we were hoping to get a vetted letter to her and John before the end of today.

From: Frazer, Brian
Sent: Monday, April 15, 2019 1:09 PM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: RE: Yazoo Backwater Area Pump Project Talking Points

Tom - No problem.

bf

From: Mcgill, Thomas
Sent: Monday, April 15, 2019 12:30 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: RE: Yazoo Backwater Area Pump Project Talking Points

Brian – I'm realizing that 2:00 may be too ambitious given a meeting I have at 1:00, and while I'll target 2:00 it will likely be closer to 3:00.

From: Frazer, Brian
Sent: Monday, April 15, 2019 12:28 PM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: RE: Yazoo Backwater Area Pump Project Talking Points

Tom - Sounds good.

Thanks

From: Mcgill, Thomas
Sent: Monday, April 15, 2019 12:25 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: FW: Yazoo Backwater Area Pump Project Talking Points

Brian – Attached is the latest version of the talking points that I saw, and my draft letter to the MS Governor will be brief and reflect these talking points. I'll try to get you a draft of the letter to the MS Governor by 2:00. Tom

---

From: Gettle, Jeaneanne
Sent: Monday, April 15, 2019 12:19 PM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: FW: Yazoo Backwater Area Pump Project Talking Points

---

From: Gettle, Jeaneanne
Sent: Thursday, April 11, 2019 12:40 PM
To: Goodin, John <Goodin.John@epa.gov>
Subject: Fwd: Yazoo Backwater Area Pump Project Talking Points

John

For your information.

Jeaneanne

Sent from my iPhone

Begin forwarded message:

> **From:** "Jenkins, Brandi" <Jenkins.Brandi@epa.gov>
> **Date:** April 11, 2019 at 12:35:20 PM EDT
> **To:** "Gettle, Jeaneanne" <Gettle.Jeaneanne@epa.gov>, "Palmer, Leif" <Palmer.Leif@epa.gov>, "Ghosh, Mita" <Ghosh.Mita@epa.gov>, "Hicks, Matt" <Hicks.Matthew@epa.gov>, "Zapata, Cesar" <Zapata.Cesar@epa.gov>, "Mcgill, Thomas" <Mcgill.Thomas@epa.gov>, "Guillard, Jennifer" <Guillard.Jennifer@epa.gov>
> **Subject: FW: Yazoo Backwater Area Pump Project Talking Points**
>
> ---
>
> **From:** Jenkins, Brandi
> **Sent:** Thursday, April 11, 2019 12:34 PM
> **To:** Forsgren, Lee <Forsgren.Lee@epa.gov>
> **Cc:** Walker, Mary <walker.mary@epa.gov>; Blake Ashbee (ashbee.blake@epa.gov)

<ashbee.blake@epa.gov>
Subject: Yazoo Backwater Area Pump Project Talking Points

Good afternoon Lee,

Attached for your review are the Region 4 talking points for Yazoo. Please let us know if you have any questions.

Thank you,
Brandi

Brandi Jenkins, Special Assistant
Office of the Regional Administrator – EPA Region 4
404-562-9124 (office)
678-575-2148 (cell)

ISSUE OF CONCERN - Yazoo Backwater Area Pumps Project Clean Water Act Section 404(c) Action

Background:

- Extreme flooding in the Mississippi Delta, including in the Yazoo Backwater, has garnered congressional and elected official interest. EPA has been in direct contact with the Governor's office and the offices of Sen. Roger Wicker, Sen. Cindy Hyde-Smith and Cong. Michael Guest at both the regional and Headquarters level.
- The Yazoo Backwater Pumps Project was a Corps Civil Works project designed to address flooding concerns in a 630,000-acre area situated between the Mississippi and Yazoo Rivers in west-central Mississippi (Yazoo Backwater Area).
- In August of 2008, EPA issued a 404(c) Final Determination that impacts from the Pumps Project would result in unacceptable adverse effects on fishery areas and wildlife. This action, commonly referred to as the "veto" effectively stopped the pumps project as proposed.
- At that time, and several times since, EPA expressed a willingness to consider other flood control options for this area, but the Army Corp of Engineers made no other proposals.
- The EPA's 2007 analysis was primarily based on data and information in the Corps' Supplemental Final Environmental Impact Statement (SFEIS) for the project.
- Given the current flooding, Senators Wicker and Hyde-Smith have publicly indicated support for approving the use of the Yazoo Pumps.
- Several town hall meetings have been hosted by Gov. Bryant, as well as Senators Wicker and Hyde-Smith.
- Governor Phil Bryant has declared a state of emergency for several communities in the impacted areas.
- Currently, the Agency has two letters from Governor Bryant and OCIR is leading the response to these. Region4 previously responded to correspondence from Sen. Roger Wicker, Sen. Hyde-Smith and Cong. Guest on this topic.
- Governor Bryant has been very vocal in the media about new data received by EPA from the Corps and that EPA holds the decision-making authority.
- The Administrator indicated that the Agency is reviewing our 2008 veto of the project during a Senate Appropriations subcommittee hearing on April 3, 2019.
- On March 19, 2019, Acting Region 4 Administrator Mary Walker toured the flooded Mississippi Delta with Major General Richard Kaiser of the U.S. Corps of Engineers' Mississippi Valley Division. The Corps also provided an overview of the Yazoo Backwater Pump Project.
- During the tour, significant impacts to individual property owners and the agricultural economy were observed. Over 500,000 acres are currently impacted by high water.
- EPA's 2008 Section 404 permit veto was based on the determination that the hydrological alterations proposed by the project would significantly degrade the critical ecological functions provided by approximately 67,000 acres of wetlands in the Yazoo Backwater Area,

including those functions that support wildlife and fisheries resources. In addition, the proposed mitigation would not adequately compensate unavoidable adverse impacts.

- This determination was based on an extensive administrative record including the Corps' record of decision for its final supplemental EIS.

Ex. 5 Deliberative Process (DP)

- The EPA will continue to work with the Corps and the local Levee Board (the flood control project's local sponsor) to review updated data and other information as it relates to our regulatory programs and oversight.
- The Administrator previously spoke with Governor Phil Bryant regarding the flooding concerns in this area, and the significant implications the flooding has for the communities within the Yazoo Backwater Area.

Key Points:

- EPA recognizes the significant economic and disruptive impacts of the recent flooding in the area. The Agency supports the goals of improved flood protection and wetland protection for the residents of the Mississippi Delta.
- EPA is focused on looking for solutions and will consider whether any additional information provided by the Corps supports reconsideration of the veto. Our considerations may include:

Ex. 5 Deliberative Process (DP)

- EPA continues to actively communicate with the Army Corps Division Commander and staff.
- Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) EPA is committed to continuing discussions with the Corps at all levels concerning the best ways to provide flood protection while protecting wetlands and other natural resources. EPA has also indicated a willingness to work with the Army Corps of Engineers on any new or revised proposals to address flood control in the Yazoo Backwater Area.

Ex. 5 Deliberative Process (DP)

New Data (INTERNAL ONLY):

- On June 3, 2019, the Corps provided EPA with a pre-peer review copy of a 118-page manuscript which describes a study conducted by the Corps investigating wetland hydrology in the Yazoo Backwater Area.
- On July 12, 2019, the Corps also submitted a 6-page preliminary assessment of wetland functions for the Yazoo Backwater Area, which EPA understands is based on wetland assessment field information from their 2007 Final Supplemental Environmental Impact Statement (FSEIS) along with new data collected and additional modeling conducted by the Corps.

Ex. 5 Deliberative Process (DP)

- EPA staff intends to request additional information from the Corps during the next 2 weeks and in the meantime will continue the review of the Yazoo information provided by the Corps on July 12 and June 3, respectively, as referenced above.

Message

From: Walker, Mary [walker.mary@epa.gov]
Sent: 7/21/2019 5:04:56 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: FW: request for attendance at town hall meeting

Ryan,

Here is some select language from the Executive Summary of the 2008 Veto:

...

On July 2, 2008, EPA Region IV submitted to EPA Headquarters its Recommended Determination to prohibit the specification of certain wetlands and other waters of the United States within Humphreys, Issaquena, Sharkey, Warren, Washington, or Yazoo County, in the state of Mississippi as a disposal site for the discharge of dredged or fill material for the purpose of construction of the proposed Yazoo Backwater Area Project, or any similar pump project in the Yazoo Backwater Area that would result in unacceptable adverse effects on fishery areas and wildlife.

...

Based on these findings, this Final Determination prohibits, pursuant to section 404(c) of the CWA, the specification of the subject wetlands and other waters of the United States as described in the FSEIS as a disposal site for the discharge of dredged or fill material for the purpose of construction of FSEIS Plans 3 through 7, and Modified Plan 6.1 The adverse effects associated with the prohibited projects are the result of a combination of operational factors including the capacity of the pumping station and its associated pump-on elevations. While this Final Determination prohibits the construction of FSEIS Plans 3 through 7, and Modified Plan 6, the data supporting this Final Determination indicates that derivatives of the prohibited projects that involve only small modifications to the operational features or location of these proposals would also likely result in unacceptable adverse effects and would generate a similar level of concern and review by EPA.

In addition, below is the invitation to an upcoming Town Hall and my reply.

Thanks,
Mary

From: Walker, Mary
Sent: Sunday, July 21, 2019 12:42 PM
To: Ulmer, Daniel (Hyde-Smith) <Daniel_Ulmer@hydesmith.senate.gov>
Cc: Ashbee, Blake <ashbee.blake@epa.gov>; Brandi Jenkins (Jenkins.Brandi@epa.gov) <Jenkins.Brandi@epa.gov>
Subject: RE: request for attendance at town hall meeting

Daniel,

Thank you for the invitation to attend the upcoming Eagle Lake Town Hall. I very much appreciate this invitation, as the ongoing flooding and its impact to residents means a great deal to me, as well as to the Agency. Unfortunately, I am unable to attend due to a previously scheduled meeting with Administrator

Wheeler in DC on Tuesday. Being able to tour the flooded areas with Senator Hyde-Smith and the Corps this Spring was very helpful in that it allowed me to see the significant and disruptive nature of the flooding. I would be happy to come down and meet with local officials and residents in the very near future, perhaps within the next couple of weeks. In addition to myself, I'd like to bring representatives from EPA Headquarters, as our national program offices are involved in this effort as well.

I've copied Brandi Jenkins, Region 4's Public Affairs Director, to help set up a future meeting. Please let us know if there is a good time in the near future for us to come, and I, along with my colleagues, will plan to attend.

Best Regards,

Mary S. Walker

From: Ulmer, Daniel (Hyde-Smith) <Daniel_Ulmer@hydesmith.senate.gov>
Sent: Friday, July 19, 2019 6:57 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Ashbee, Blake <ashbee.blake@epa.gov>
Subject: request for attendance at town hall meeting

Administrator Walker,

On behalf of Senator Hyde-Smith I respectfully request that you and/or your staff participate in the town hall meeting outlined below re ongoing Yazoo Backwater Area flooding. As you recall, you participated in a flyover of the flooded area with Senator Hyde-Smith and U.S. Army Corps of Engineers officials back in March, and the flooding is just as bad today as it was back then. It began long before that. It's going to be bad for another month, at best.

Just like the Corps, FEMA, MEMA, and members of the MS delegation, Region 4 too should have to hear from people who've lost everything, and Region 4 should be committed to understanding this issue. It's not that complicated. The Corps has submitted data and updated analyses to Region 4 that overwhelmingly defends EPA changing the course of action that was taken back in 2008.

EPA has the same authority to rescind a veto under section 404(c) of the Clean Water Act, pursuant to EPA regulations under 40 CFR Part 231, as it does to issue said veto. We truly believe Region 4 would benefit from hearing more about the personal aspects of this disaster, in addition to what the Corps has recently provided on paper in a more scientific manner.

We would be grateful if you and/or your staff would be willing to attend next Tuesday. Please let me know if you need additional information.

Sincerely,

Daniel Ulmer
Deputy Chief of Staff
Senator Cindy Hyde-Smith
202-224-1512 (direct)

Town Hall Meeting for Eagle Lake

And Surrounding Areas affected by
Yazoo Backwater Flood
Warren County Courthouse
2nd Floor Courtroom
Tuesday, July 23rd at 5:30pm

Panel:

Mr. Scott Coopwood, Region II & Vice Chairman for Mississippi Commission Department of Wildlife, Fisheries and Parks and owner of Delta Business Journal

Greg Michel, Director of MEMA

Peter Nimrod, Mississippi Levee Board

Drew Smith, Chief of Water Management, Vicksburg District Corps of Engineers

Ryan Jones, Mississippi Department of Wildlife, Fisheries and Parks

Warren County Board of Supervisors, all Supervisors should be in attendance

John Elfer, Warren County Emergency Management Director

Ben Luckett, Warren County Tax Assessor

Martin Pace, Warren County Sheriff

Jan Daige - Circuit Clerk

Jerry Briggs, Warren County Fire Coordinator

Kevin Ford, State Representative

Other representatives from various agencies will be in attendance also.

Message

From: Pinkney, James [Pinkney.James@epa.gov]
Sent: 8/1/2019 2:52:55 PM
To: Jenkins, Brandi [Jenkins.Brandi@epa.gov]
Subject: RE: Statement on Hyde-Smith/Wicker Bill to Overturn 2008 EPA Veto

Will do.

From: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Sent: Thursday, August 1, 2019 10:50 AM
To: Pinkney, James <Pinkney.James@epa.gov>
Cc: Wise, Allison <Wise.Allison@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Allenbach, Becky <Allenbach.Becky@epa.gov>; Jones, Erica <Jones.Erica@epa.gov>
Subject: FW: Statement on Hyde-Smith/Wicker Bill to Overturn 2008 EPA Veto

James – can you work with Tom (copied here) to get an approved response. I would suggest something similar (added language is highlighted) to the following although HQ may want us to stick with our normal statement.

Ex. 5 Deliberative Process (DP)

From: Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>
Sent: Thursday, August 1, 2019 10:34 AM
To: Pinkney, James <Pinkney.James@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: Statement on Hyde-Smith/Wicker Bill to Overturn 2008 EPA Veto

Looping in James and Brandi.

From: Jessi Turnure <jturnure@nexstar.tv>
Sent: Thursday, August 1, 2019 10:30 AM
To: Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Statement on Hyde-Smith/Wicker Bill to Overturn 2008 EPA Veto

Hi Dawn,

My name is Jessi Turnure and I'm a reporter with Nexstar Media Group based in DC. I'm working on a story today about the latest in the fight to resume the pump project for the Yazoo Backwater Region in the South Mississippi Delta. Sens. Cindy Hyde-Smith and Roger Wicker introduced a bill on the Senate floor yesterday that would overturn the EPA's 2008

veto that halted the work. I was wondering if you or someone else from the agency could send me a statement in response to the legislation. My deadline is 2 p.m.

Thanks,
Jessi

Jessi Turnure
Washington Correspondent
Nexstar DC Bureau
501-366-9557
@JessiTurnure

Message

From: Hudson, Wanda [Hudson.Wanda@epa.gov]
Sent: 7/25/2019 3:55:47 PM
To: Jenkins, Brandi [Jenkins.Brandi@epa.gov]; Marraccini, Davina [Marraccini.Davina@epa.gov]; Myers, Bryan [Myers.Bryan@epa.gov]
Subject: RE: CMS New Assignment - Jacqueline Leavy - AX-19-000-6973-WH

Let me know when to move forward with this. The due date is 8/8/2109 and cannot be extended since it is a white house control.

Wanda E. Hudson
(404) 562-9351

-----Original Message-----
From: Jenkins, Brandi
Sent: Wednesday, July 24, 2019 3:51 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>; Hudson, Wanda <Hudson.Wanda@epa.gov>; Myers, Bryan <Myers.Bryan@epa.gov>
Subject: RE: CMS New Assignment - Jacqueline Leavy - AX-19-000-6973-WH

Ex. 5 Deliberative Process (DP)

Brandi

-----Original Message-----
From: Marraccini, Davina
Sent: Wednesday, July 24, 2019 3:48 PM
To: Hudson, Wanda <Hudson.Wanda@epa.gov>; Myers, Bryan <Myers.Bryan@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: RE: CMS New Assignment - Jacqueline Leavy - AX-19-000-6973-WH

Good question, Wanda.

Brandi - do you want to update the meat of the response to the following (based on the updated statement I prepared last week)?

Ex. 5 Deliberative Process (DP)

-Davina

-----Original Message-----
From: Hudson, Wanda
Sent: Wednesday, July 24, 2019 3:27 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>; Myers, Bryan <Myers.Bryan@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: FW: CMS New Assignment - Jacqueline Leavy - AX-19-000-6973-WH

Is there an updated response for Yazoo letters?

Wanda E. Hudson
(404) 562-9351

-----Original Message-----
From: cmsadmin@epa.gov <cmsadmin@epa.gov>
Sent: Wednesday, July 24, 2019 10:52 AM
To: Wise, Allison <Wise.Allison@epa.gov>; Myers, Bryan <Myers.Bryan@epa.gov>; Lovett, Queen <Lovett.Queen@epa.gov>; delli-gatti.dionne@epa.gov; Hudson, Wanda <Hudson.Wanda@epa.gov>; Marraccini, Davina <Marraccini.Davina@epa.gov>
Subject: CMS New Assignment - Jacqueline Leavy - AX-19-000-6973-WH

Control AX-19-000-6973-WH has been assigned to your office on 7/24/19 10:51 AM by Jacqueline Leavy. Please go to the CMS webpage to view the details of the control.

Summary Information -
Control Number: AX-19-000-6973-WH
Control Subject: Yazoo Backwater Pump Project
From: Neill, Marion

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at https://cms.epa.gov/cms. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

PHIL BRYANT
GOVERNOR

March 29, 2019

Andrew R. Wheeler
Acting Administrator
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Washington, D.C. 20460

Dear Administrator Wheeler:

As we discussed recently via phone, Mississippi continues to experience devastating flooding along the Mississippi River and the Yazoo Backwater Area. The flooding began in February of this year and to date has affected over 500,000 acres and thousands of Mississippians. Unfortunately, this flooding is not uncommon. Over the past decade there have been nine flooding incidents, including the historic Mississippi River Flood of 2011. These floods have cost over $377 million in damages, a number that will only increase once the current damage is fully assessed. People have experienced significant losses to their homes, businesses, and farms.

The flood plan for the U.S. Army Corps of Engineers Yazoo Backwater Project Area was originally designed with levees and pumps to reduce flooding; however, the full design was never realized. In 2008, the U.S. Environmental Protection Agency (EPA) vetoed a permit for the proposed Yazoo Backwater Area Pump Project under Section 404 (c) of the Clean Water Act. The pumps are a critical component to the flood plan in the backwater area. Had these pumps been in place, a large amount of the acreage that continually floods and is currently flooded would have been spared.

I am requesting that the EPA initiate the formal process of reviewing the 404 (c) veto of the Yazoo Backwater Area Pump Project. It is my understanding that the Army Corps has made a similar request and has indicated that there is new wetlands data that may be helpful. I hope that you and your team will engage with the Army Corps as well as stakeholders on this issue and begin a meaningful review of the 404 (c) veto. Please do not hesitate to contact me if I can be helpful in this process or if you would like to tour the damage first hand.

Sincerely,

Phil Bryant
Governor

STATE OF MISSISSIPPI • OFFICE OF THE GOVERNOR
POST OFFICE BOX 139 • JACKSON, MISSISSIPPI 39205 • TELEPHONE: (601) 359-3150 • FAX: (601) 359-3741 • www.governorbryant.com

Message

From: Marraccini, Davina [Marraccini.Davina@epa.gov]
Sent: 7/5/2019 4:21:24 PM
To: Jenkins, Brandi [Jenkins.Brandi@epa.gov]
Subject: FW: Question about Yazoo Pump Project

Brandi – Give these a once-over and let me know if we're good to go to HQ. New/updated info is in red.

Ex. 5 Deliberative Process (DP)

From: Jenkins, Brandi
Sent: Friday, July 5, 2019 11:42 AM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>
Subject: Re: Question about Yazoo Pump Project

Yes. Can you make sure we are responsive to all his questions and draft the response? And send to HQ for approval. These were just my initial thoughts.

Brandi
678-575-2148 (mobile)

Sent from my iPhone

On Jul 5, 2019, at 11:37 AM, Marraccini, Davina <Marraccini.Davina@epa.gov> wrote:

> Got it – so you don't need me to do anything with this inquiry, correct?
>
> **From:** Jenkins, Brandi
> **Sent:** Friday, July 5, 2019 11:30 AM
> **To:** Marraccini, Davina <Marraccini.Davina@epa.gov>
> **Subject:** Re: Question about Yazoo Pump Project
>
> Link to veto.
>
> https://www.epa.gov/sites/production/files/2015-05/documents/yazoo-final-determination_signed_8-31-08.pdf
>
> Brandi
>
> Sent from my iPhone
>
> On Jul 5, 2019, at 11:20 AM, Marraccini, Davina <Marraccini.Davina@epa.gov> wrote:
>
>> OK. I haven't seen the holding statement. Is it modeled after the response to correspondence on this issue?
>>
>> -Davina
>>
>> **From:** Jenkins, Brandi
>> **Sent:** Friday, July 5, 2019 11:15 AM
>> **To:** Marraccini, Davina <Marraccini.Davina@epa.gov>
>> **Subject:** Fwd: Question about Yazoo Pump Project

We don't have much time. So it's better to stick with our holding statement.

Thanks,

Brandi

Sent from my iPhone

Begin forwarded message:

> **From:** "Wise, Allison" <Wise.Allison@epa.gov>
> **Date:** July 5, 2019 at 9:17:11 AM EDT
> **To:** "Jenkins, Brandi" <Jenkins.Brandi@epa.gov>
> **Subject: Re: Question about Yazoo Pump Project**
>
> Yep. I think Davina is working today. She can help as well
>
> Sent from my iPhone
>
> On Jul 5, 2019, at 9:10 AM, Jenkins, Brandi <Jenkins.Brandi@epa.gov> wrote:
>
>> Probably. I'm going to start working on it in a bit. Some of the questions are better answered by just referring him to the veto. It's too complicated to simplify in a couple of sentences.
>>
>> Brandi
>>
>> Sent from my iPhone
>>
>> On Jul 5, 2019, at 9:05 AM, Wise, Allison <Wise.Allison@epa.gov> wrote:
>>
>>> Do you need help pulling this together?
>>>
>>> Sent from my iPhone
>>>
>>> Begin forwarded message:
>>>
>>>> **From:** "Abboud, Michael" <abboud.michael@epa.gov>
>>>> **Date:** July 3, 2019 at 6:51:18 PM EDT
>>>> **To:** "Jenkins, Brandi" <Jenkins.Brandi@epa.g

ov>
Cc: Press <Press@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Wise, Allison" <Wise.Allison@epa.gov>
Subject: Re: Question about Yazoo Pump Project

Please do. Hyde-Smith's team flagged this for OCIR.

Sent from my iPhone

On Jul 3, 2019, at 5:23 PM, Jenkins, Brandi <Jenkins.Brandi@epa.gov> wrote:

> See below questions about the Yazoo pump project. Do you want us to take the lead?
>
> Thanks, Brandi
>
> **From:** Tim Reeves <tim.reeves@vicksburgpost.c

om>
Sent: Wednesday, July 3, 2019 5:11 PM
To: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: Re: Question about Yazoo Pump Project

Brandi, thanks for your email. Given tomorrow's holiday, the story and our ongoing coverage — which will include an interview with U.S. Sen. Hyde-Smith, will publish in our weekend

edition. The deadline for that content is noon (central) Friday.

Couple of quick questions regarding the Yazoo Backwater Area pumps:

1. What was the official reason by the EPA to veto the project in 2008?

2. Just want to confirm what the senator said in that there has not been a case where a veto by the EPA has been overrul

ed,
reverse
d, et.

3. If the
veto
were
lifted,
how
quickly
would
the
project
be
given
clearan
ce by
the
EPA?

4.
Current
ly,
where
does
the
process
of
overtur
ning
the
veto
stand?
Is that
handle
d
through
the
EPA,
another
agency,
the
adminis
tration?

5. What
environ
mental
concern
s — if
any —
are the
EPA

currently tracking as a result of this five-month-plus flood in the backwater area? Biohazards, chemicals, etc.

6. Has the EPA administrator taken a position on the pump project? If so, what is that position and when was it first made public?

Thanks,
Tim Reeves
Editor, The Vicksburg Post

On Wed,

Jul 3, 2019 at 4:00 PM Jenkins, Brandi <Jenkins.Brandi@epa.gov> wrote:

> Good afternoon Mr. Reeves,
>
> I received your contact information from Senator Hyde-Smith's office. They indicated that you have some questions regarding the Yazoo

pump projec t. Can you provi de me with your questi ons so we can get back with you as soon as possib le? Is your story still plann ed for tomor row's paper ?

Best,

Brand i Jenkin s, Direct or

Office of Outre ach and

External Engagement

Office of the Regional Administrator – EPA Region 4

404-562-9124 (office)

678-575-2148 (cell)

Message

From: Marraccini, Davina [Marraccini.Davina@epa.gov]
Sent: 10/18/2019 9:07:45 PM
To: Jenkins, Brandi [Jenkins.Brandi@epa.gov]
Subject: FW: Talking points, agenda and some bios for Yazoo
Attachments: EPA Listening Session Agenda DRAFT.docx; Yazoo TPs and Q-A DMedits.docx; Peter Nimrod Bio.pdf; Senator Briggs Hopson Bio.pdf; Yazoo TPs and Q-A DM+MHedits.docx

Ex. 5 Deliberative Process (DP)

-Davina

From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Friday, October 18, 2019 3:01 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>
Cc: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: FW: Talking points, agenda and some bios for Yazoo

Davina,

I spoke with Jeaneanne and she wants to include the Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Thanks,

Matt

From: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Sent: Friday, October 18, 2019 2:35 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>
Subject: FW: Talking points, agenda and some bios for Yazoo

From: Marraccini, Davina <Marraccini.Davina@epa.gov>
Sent: Friday, October 18, 2019 12:53 PM
To: Walker, Mary <walker.mary@epa.gov>; Hairston, Brandy <hairston.brandy@epa.gov>
Cc: Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>
Subject: Talking points, agenda and some bios for Yazoo

Mary,

Please see attached – I welcome any feedback on the opening statement. Note the latest version of the agenda is attached – but it's not final as they still have General Toy listed (I crossed his name out). I have also attached bios for the moderator and one speaker. I'll look for the others and send separately.

Davina Marraccini
Government Liaison
U.S. Environmental Protection Agency - Region 4

404-562-8293 (office)
404-387-4368 (cell)
marraccini.davina@epa.gov

Message

From: Pinkney, James [Pinkney.James@epa.gov]
Sent: 7/15/2019 3:13:51 PM
To: Jenkins, Brandi [Jenkins.Brandi@epa.gov]
Subject: RE: Inquiry about Yazoo Backwater Project

Thanks Brandi.

From: Jenkins, Brandi
Sent: Monday, July 15, 2019 11:10 AM
To: Pinkney, James <Pinkney.James@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>
Subject: RE: Inquiry about Yazoo Backwater Project

Hi James. We have an updated statement that was recently provided to the Vicksburg Post. I will get that to you.

Brandi

From: Pinkney, James
Sent: Monday, July 15, 2019 10:32 AM
To: Wise, Allison <Wise.Allison@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>
Subject: FW: Inquiry about Yazoo Backwater Project

Allison/Brandi,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Governor Bryant's Press Conference providing an update on the flooding in the Delta – Wednesday, April 3, 2019
https://newsms.fm/governor-bryant-mema-provide-update-on-delta-flooding/
Governor Bryant's Press Conference Declaring State of Emergency – Thursday, March 21, 2019
http://www.wlbt.com/2019/03/22/governor-bryant-issues-state-emergency-response-flooding/

From: Dennis, Allison
Sent: Monday, July 15, 2019 10:19 AM
Cc: Fuld, John <Fuld.John@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Pinkney, James <Pinkney.James@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>
Subject: Re: Inquiry about Yazoo Backwater Project

Ex. 5 Deliberative Process (DP)

On Jul 15, 2019, at 10:12 AM, Hackel, Angela <Hackel.Angela@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Hackel, Angela
Sent: Monday, July 15, 2019 9:49 AM
To: Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Press <Press@epa.gov>
Cc: Pinkney, James <Pinkney.James@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: RE: Inquiry about Yazoo Backwater Project

Ex. 5 Deliberative Process (DP)

From: Harris-Young, Dawn
Sent: Monday, July 15, 2019 8:48 AM
To: Press <Press@epa.gov>
Cc: Pinkney, James <Pinkney.James@epa.gov>
Subject: RE: Inquiry about Yazoo Backwater Project

Looping in James Pinkney (POC for Miss.).

From: Barbara Corbellini Duarte <bcorbelliniduarte@insider-inc.com>
Sent: Sunday, July 14, 2019 1:20 PM
To: Press <Press@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>
Subject: Inquiry about Yazoo Backwater Project

Hello,

My name is Barbara. I'm a reporter for Business Insider working on a video about the flood in the Mississippi Delta area and the connection to the Yazoo Backwater Project.

I would like to know if there are updates on Andrew Wheeler's decision to revisit the veto of the project.

I would also like to request an interview with someone from the agency to ask about why the project was vetoed and why it's been revisited now.

My deadline for the story is Wednesday, so if we could arrange some of these for earlier in the week it would be greatly appreciated.

Let me know if you have any questions, and feel free to call me at C Ex. 6

Thank you!

BCD
--
Barbara Corbellini Duarte
Supervising Producer

An Insider Inc. Publication

C: Ex. 6
One Liberty Plaza, 8th FL, New York, NY 10006

Message

From: Marraccini, Davina [Marraccini.Davina@epa.gov]
Sent: 10/15/2019 1:50:07 PM
To: Jenkins, Brandi [Jenkins.Brandi@epa.gov]
CC: Wise, Allison [Wise.Allison@epa.gov]
Subject: RE: Region 4 - Yazoo Listening Session

Got it – will handle. Thx.

-Davina

From: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Sent: Tuesday, October 15, 2019 9:48 AM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>
Cc: Wise, Allison <Wise.Allison@epa.gov>
Subject: RE: Region 4 - Yazoo Listening Session

I know Mary has mentioned it to MG Toy but not as a point of getting a commitment to participate from them. I actually don't think we need to confirm the Corps participation. Since we're not hosting, perhaps Wicker's office or the Mayor's office should contact the Corps to let them know about the Listening Session.

Brandi

From: Marraccini, Davina <Marraccini.Davina@epa.gov>
Sent: Tuesday, October 15, 2019 9:37 AM
To: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Cc: Wise, Allison <Wise.Allison@epa.gov>
Subject: FW: Region 4 - Yazoo Listening Session

Brandi,

I left Christian and Allison each a voicemail letting them know we are moving forward with this and that it will likely be advertised publicly as early as today. I asked Allison to let me know as soon as possible whether Lee expects to participate since we're less than a week out. I need your help with one other follow-up:

Who will reach out to the Corps to determine whether anyone will participate? I need to know ASAP so we can give them all speakers' info for the agenda.

Thanks,

Davina Marraccini
Government Liaison
U.S. Environmental Protection Agency - Region 4
404-562-8293 (office)
404-387-4368 (cell)
marraccini.davina@epa.gov

From: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Sent: Friday, October 11, 2019 7:03 PM

To: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Marraccini, Davina <Marraccini.Davina@epa.gov>
Subject: Region 4 - Yazoo Listening Session

Good afternoon,

I wanted to provide you with a short update on our intergovernmental interaction related to the Yazoo pump project in the Mississippi Delta. Region 4 has been invited to a listening session on the Yazoo pump project on Monday, October 21st. The Town of Rolling Fork and the Sharkey County Board of Supervisors plan to co-host the Yazoo Listening session from 6-8 pm. We had a call with Senator Roger Wicker's office and the Mayor of Rolling Fork today; they will draft an agenda to share with us, including a recommended moderator (most likely a state Senator). State agencies will also participate in the listening session. Since Mary and Lee plan to meet with the Corps on October 22nd, there is an opportunity for Lee and someone from the Corps to participate, as well.

In addition, Governor Bryant has invited Mary to do a radio spot with him the morning/early afternoon of October 21st on the Supertalk radio show, http://www.supertalk.fm/, which is broadcast throughout the MS Delta. The main goal is for Mary to be able to provide a short update on EPA's actions followed by a few words from the Governor. This should last @ 10 minutes and will not include time for call-in questions.

If you have any questions, please let me know.

Best,
Brandi

Brandi Jenkins, Director
Office of Outreach and External Engagement
Office of the Regional Administrator – EPA Region 4
404-562-9124 (office)
678-575-2148 (cell)

Message

From: Hudson, Wanda [Hudson.Wanda@epa.gov]
Sent: 7/30/2019 3:08:43 PM
To: Park, Susan [Park.Susan@epa.gov]; Myers, Bryan [Myers.Bryan@epa.gov]; Jenkins, Brandi [Jenkins.Brandi@epa.gov]; Wise, Allison [Wise.Allison@epa.gov]
Subject: RE: Mississippi Yazoo Backwater Flood_ Follow-up Letter

HQ has also assigned this to us thru CMS.

Wanda E. Hudson
(404) 562-9351

From: Park, Susan <Park.Susan@epa.gov>
Sent: Monday, July 29, 2019 7:35 PM
To: Myers, Bryan <Myers.Bryan@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>
Cc: Hudson, Wanda <Hudson.Wanda@epa.gov>
Subject: Fwd: Mississippi Yazoo Backwater Flood_ Follow-up Letter

FYI- attached please find a letter from Commissioner Gipson, AL Department of Agriculture and Commerce, to Administration Wheeler sent today re: Yazoo Backwater Pump.

Thank you,

-Susan

Susan Park,
Agriculture Advisor,
US EPA, Region 4
(404)562-9604

Begin forwarded message:

> **From:** Chris McDonald <Chris@mdac.ms.gov>
> **Date:** July 29, 2019 at 7:26:23 PM EDT
> **To:** Susan Park <Park.Susan@epa.gov>
> **Subject: Fwd: Mississippi Yazoo Backwater Flood_ Follow-up Letter**
>
> Susan,
>
> Good evening. Please find attached a letter sent today to Administrator Wheeler from Commissioner Andy Gipson.
>
> Thank you.
>
> Chris McDonald

Mississippi Department of Agriculture and Commerce

Sent from my iPhone

From: Chris McDonald <chris@mdac.ms.gov>
Sent: Monday, July 29, 2019 4:33 PM
To: 'Wheeler.andrew@Epa.gov'
Cc: Andy Gipson; Julie McLemore; Brian Perry
Subject: Mississippi Yazoo Backwater Flood_ Follow-up Letter

Administrator Wheeler,

Please accept the attached follow-up letter from Mississippi Agriculture and Commerce Commissioner Andy Gipson regarding the continuing flood along the Mississippi River and Yazoo backwater area of Mississippi. This event has flooded over 550,000 acres of which more than 225,000 acres are agricultural crop land. The economic and environmental impact to the South Delta will be long lasting. Commissioner Gipson first submitted a letter to you on March 15, 2019, on behalf of South Delta residents and farmers requesting that dialogue regarding construction of the Yazoo Backwater Area Pump Project be re-opened and reconsidered by the EPA. Enclosed with the attached follow-up letter are photos that were taken on July 18, 2019 in the South Delta. The photos illustrate commonly observed flood damage to infrastructure and the environment in the backwater flood area.

Thank you once again for your consideration regarding the Yazoo Backwater Area Pump Project. The residents of Mississippi and Commissioner Gipson look forward to the completion of this much needed flood control structure.

A hardcopy of the attached letter will also be mailed to your office.

Chris McDonald
Director of Federal Affairs
Mississippi Department of Agriculture and Commerce

121 North Jefferson St.
Jackson, MS 39201
Office: (601) 359-1135
Cell: (Ex. 6
Fax: (601) 354-6290
Email: chris@mdac.ms.gov

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Message

From: Park, Susan [Park.Susan@epa.gov]
Sent: 7/29/2019 11:35:19 PM
To: Myers, Bryan [Myers.Bryan@epa.gov]; Jenkins, Brandi [Jenkins.Brandi@epa.gov]; Wise, Allison [Wise.Allison@epa.gov]
CC: Hudson, Wanda [Hudson.Wanda@epa.gov]
Subject: Fwd: Mississippi Yazoo Backwater Flood_ Follow-up Letter
Attachments: Mississippi Yazoo Backwater Flood_Follow up Letter_EPA Administrator Wheeler_7.29.2019.pdf; ATT00001.htm

FYI- attached please find a letter from Commissioner Gipson, AL Department of Agriculture and Commerce, to Administration Wheeler sent today re: Yazoo Backwater Pump.

Thank you,

-Susan

Susan Park,
Agriculture Advisor,
US EPA, Region 4
(404)562-9604

Begin forwarded message:

From: Chris McDonald <Chris@mdac.ms.gov>
Date: July 29, 2019 at 7:26:23 PM EDT
To: Susan Park <Park.Susan@epa.gov>
Subject: Fwd: Mississippi Yazoo Backwater Flood_ Follow-up Letter

Susan,

Good evening. Please find attached a letter sent today to Administrator Wheeler from Commissioner Andy Gipson.

Thank you.

Chris McDonald
Mississippi Department of Agriculture and Commerce

Sent from my iPhone

From: Chris McDonald <chris@mdac.ms.gov>
Sent: Monday, July 29, 2019 4:33 PM
To: 'Wheeler.andrew@Epa.gov'
Cc: Andy Gipson; Julie McLemore; Brian Perry
Subject: Mississippi Yazoo Backwater Flood_ Follow-up Letter

Administrator Wheeler,

Please accept the attached follow-up letter from Mississippi Agriculture and Commerce Commissioner Andy Gipson regarding the continuing flood along the Mississippi River and Yazoo backwater area of Mississippi. This event has flooded over 550,000 acres of which more than 225,000 acres are agricultural crop land. The economic and environmental impact to the South Delta will be long lasting. Commissioner Gipson first submitted a letter to you on March 15, 2019, on behalf of South Delta residents and farmers requesting that dialogue regarding construction of the Yazoo Backwater Area Pump Project be re-opened and reconsidered by the EPA. Enclosed with the attached follow-up letter are photos that were taken on July 18, 2019 in the South Delta. The photos illustrate commonly observed flood damage to infrastructure and the environment in the backwater flood area.

Thank you once again for your consideration regarding the Yazoo Backwater Area Pump Project. The residents of Mississippi and Commissioner Gipson look forward to the completion of this much needed flood control structure.

A hardcopy of the attached letter will also be mailed to your office.

Chris McDonald
Director of Federal Affairs
Mississippi Department of Agriculture and Commerce

121 North Jefferson St.
Jackson, MS 39201
Office: (601) 359-1135
Cell: Ex. 6
Fax: (601) 354-6290
Email: chris@mdac.ms.gov

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Message

From: Marraccini, Davina [Marraccini.Davina@epa.gov]
Sent: 7/12/2019 3:05:57 PM
To: Carter, Brittany S. [carter.brittanys@epa.gov]
CC: Wise, Allison [Wise.Allison@epa.gov]; Jenkins, Brandi [Jenkins.Brandi@epa.gov]
Subject: Responses to Vicksburg Post on Yazoo + current statement for citizen inquiries

Britt,

Below are the responses to a recent reporter inquiry that Brandi mentioned on the call:

1. What was the official reason by the EPA to veto the project in 2008?

Please refer to the veto at: https://www.epa.gov/sites/production/files/2015-05/documents/yazoo-final-determination_signed_8-31-08.pdf

2. Just want to confirm what the senator said in that there has not been a case where a veto by the EPA has been overruled, reversed, et.; and

3. If the veto were lifted, how quickly would the project be given clearance by the EPA?

None of the Agency's previous 404c vetoes have been reversed. For EPA to make a reversal on a previous 404c veto, a substantial administrative record would be required to be built justifying the reversal.

4. Currently, where does the process of overturning the veto stand? Is that handled through the EPA, another agency, the administration?

The EPA strongly supports the goals of improved flood protection and wetland protection for the residents of the Mississippi Delta. The EPA will continue to work with the Corps and the local Levee Board to review updated data and other information as it relates to our regulatory programs and oversight.

5. What environmental concerns — if any — are the EPA currently tracking as a result of this five-month-plus flood in the backwater area? Biohazards, chemicals, etc.

EPA Region 4 stands ready to assist our state and local partners in Mississippi as they respond to flooding. For oil and hazmat incidents, EPA would respond through our normal processes. For other general assistance, EPA would need a FEMA mission assignment.

6. Has the EPA administrator taken a position on the pump project? If so, what is that position and when was it first made public?

Administrator Wheeler has stated that the Agency is reviewing the project and working with the Corps through the process.

And this is the current statement we're using to respond to citizen inquiries on the topic:

At the request of the U.S. Army Corps of Engineers (Corps) General Richard G. Kaiser, EPA Region 4 Administrator Mary S. Walker participated in a tour of the flooded Yazoo backwater area on March 19, 2019. Since the tour, the EPA and the Corps have met and continue to discuss options to address flooding and environmental sustainability in the area.

The EPA continues to support the goal of providing improved flood protection for the residents of the Mississippi Delta, and is prepared to work with the Corps, the local Levee Board and residents to advance this goal.

Please let us know if you need anything else from R4 – thank you!

Davina Marraccini
Government Liaison
U.S. Environmental Protection Agency - Region 4
404-562-8293 (office)
404-387-4368 (cell)
marraccini.davina@epa.gov

Message

From: Carter, Brittany S. [carter.brittanys@epa.gov]
Sent: 10/12/2019 12:15:59 AM
To: Jenkins, Brandi [Jenkins.Brandi@epa.gov]
Subject: Re: Region 4 - Yazoo Listening Session

Thanks Brandi!

On Oct 11, 2019, at 7:02 PM, Jenkins, Brandi <Jenkins.Brandi@epa.gov> wrote:

Good afternoon,

I wanted to provide you with a short update on our intergovernmental interaction related to the Yazoo pump project in the Mississippi Delta. Region 4 has been invited to a listening session on the Yazoo pump project on Monday, October 21st. The Town of Rolling Fork and the Sharkey County Board of Supervisors plan to co-host the Yazoo Listening session from 6-8 pm. We had a call with Senator Roger Wicker's office and the Mayor of Rolling Fork today; they will draft an agenda to share with us, including a recommended moderator (most likely a state Senator). State agencies will also participate in the listening session. Since Mary and Lee plan to meet with the Corps on October 22nd, there is an opportunity for Lee and someone from the Corps to participate, as well.

In addition, Governor Bryant has invited Mary to do a radio spot with him the morning/early afternoon of October 21st on the Supertalk radio show, http://www.supertalk.fm/, which is broadcast throughout the MS Delta. The main goal is for Mary to be able to provide a short update on EPA's actions followed by a few words from the Governor. This should last @ 10 minutes and will not include time for call-in questions.

If you have any questions, please let me know.

Best,
Brandi

Brandi Jenkins, Director
Office of Outreach and External Engagement
Office of the Regional Administrator – EPA Region 4
404-562-9124 (office)
678-575-2148 (cell)

PHIL BRYANT
GOVERNOR

March 29, 2019

Andrew R. Wheeler
Acting Administrator
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Washington, D.C. 20460

Dear Administrator Wheeler:

As we discussed recently via phone, Mississippi continues to experience devastating flooding along the Mississippi River and the Yazoo Backwater Area. The flooding began in February of this year and to date has affected over 500,000 acres and thousands of Mississippians. Unfortunately, this flooding is not uncommon. Over the past decade there have been nine flooding incidents, including the historic Mississippi River Flood of 2011. These floods have cost over $377 million in damages, a number that will only increase once the current damage is fully assessed. People have experienced significant losses to their homes, businesses, and farms.

The flood plan for the U.S. Army Corps of Engineers Yazoo Backwater Project Area was originally designed with levees and pumps to reduce flooding; however, the full design was never realized. In 2008, the U.S. Environmental Protection Agency (EPA) vetoed a permit for the proposed Yazoo Backwater Area Pump Project under Section 404 (c) of the Clean Water Act. The pumps are a critical component to the flood plan in the backwater area. Had these pumps been in place, a large amount of the acreage that continually floods and is currently flooded would have been spared.

I am requesting that the EPA initiate the formal process of reviewing the 404 (c) veto of the Yazoo Backwater Area Pump Project. It is my understanding that the Army Corps has made a similar request and has indicated that there is new wetlands data that may be helpful. I hope that you and your team will engage with the Army Corps as well as stakeholders on this issue and begin a meaningful review of the 404 (c) veto. Please do not hesitate to contact me if I can be helpful in this process or if you would like to tour the damage first hand.

Sincerely,

Phil Bryant
Governor

STATE OF MISSISSIPPI • OFFICE OF THE GOVERNOR
POST OFFICE BOX 139 • JACKSON, MISSISSIPPI 39205 • TELEPHONE: (601) 359-3150 • FAX: (601) 359-3741 • www.governorbryant.com

Message

From: Tim Reeves [tim.reeves@vicksburgpost.com]
Sent: 7/5/2019 9:14:31 PM
To: Marraccini, Davina [Marraccini.Davina@epa.gov]
CC: region4press [region4press@epa.gov]; Wise, Allison [Wise.Allison@epa.gov]; Jenkins, Brandi [Jenkins.Brandi@epa.gov]
Subject: Re: EPA response to your inquiry

Thanks for the response, information.

Tim

On Fri, Jul 5, 2019 at 4:11 PM Marraccini, Davina <Marraccini.Davina@epa.gov> wrote:

> Tim,
>
> Apologies for the delay - please see the responses to your questions below and let us know if you need anything else:
>
> 1. What was the official reason by the EPA to veto the project in 2008?
>
> Please refer to the veto at: https://www.epa.gov/sites/production/files/2015-05/documents/yazoo-final-determination_signed_8-31-08.pdf
>
> 1. Just want to confirm what the senator said in that there has not been a case where a veto by the EPA has been overruled, reversed, et.; and
>
> 2. If the veto were lifted, how quickly would the project be given clearance by the EPA?
>
> None of the Agency's previous 404c vetoes have been reversed. For EPA to make a reversal on a previous 404c veto, a substantial administrative record would be required to be built justifying the reversal.
>
> 3. Currently, where does the process of overturning the veto stand? Is that handled through the EPA, another agency, the administration?

The EPA strongly supports the goals of improved flood protection and wetland protection for the residents of the Mississippi Delta. The EPA will continue to work with the Corps and the local Levee Board to review updated data and other information as it relates to our regulatory programs and oversight.

4. What environmental concerns — if any — are the EPA currently tracking as a result of this five-month-plus flood in the backwater area? Biohazards, chemicals, etc.

EPA Region 4 stands ready to assist our state and local partners in Mississippi as they respond to flooding. For oil and hazmat incidents, EPA would respond through our normal processes. For other general assistance, EPA would need a FEMA mission assignment.

5. Has the EPA administrator taken a position on the pump project? If so, what is that position and when was it first made public?

Administrator Wheeler has stated that the Agency is reviewing the project and working with the Corps through the process.

Davina Marraccini

Government Liaison

U.S. Environmental Protection Agency - Region 4

404-562-8293 (office)

404-387-4368 (cell)

marraccini.davina@epa.gov

Davina Marraccini

Government Liaison

U.S. Environmental Protection Agency - Region 4

404-562-8293 (office)

404-387-4368 (cell)

marraccini.davina@epa.gov

Message

From: Marraccini, Davina [Marraccini.Davina@epa.gov]
Sent: 7/5/2019 9:12:20 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]; regionalpress [regionalpress@epa.gov]
CC: Jenkins, Brandi [Jenkins.Brandi@epa.gov]
Subject: RE: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Thank you! It's been sent.

From: Grantham, Nancy
Sent: Friday, July 5, 2019 4:35 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>; regionalpress <regionalpress@epa.gov>
Cc: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: RE: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Good to go thanks ng

From: Marraccini, Davina
Sent: Friday, July 5, 2019 4:11 PM
To: regionalpress <regionalpress@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: FW: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Nancy – wanted to make sure you're good with this. The reporter just pinged Brandi again. Thank you!

-Davina

From: Dennis, Allison
Sent: Friday, July 5, 2019 4:05 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Risley, David <Risley.David@epa.gov>
Subject: RE: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

This works for us.

From: Marraccini, Davina
Sent: Friday, July 05, 2019 3:28 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: RE: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you!

-Davina

From: Dennis, Allison
Sent: Friday, July 5, 2019 2:35 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Ex. 5 Deliberative Process (DP)

From: Dennis, Allison
Sent: Friday, July 5, 2019 1:44 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Risley, David <Risley.David@epa.gov>
Subject: FW: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

Ex. 5 Deliberative Process (DP)

From: Marraccini, Davina
Sent: Friday, July 05, 2019 1:09 PM
To: regionalpress <regionalpress@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: Vicksburg Post press inquiry - DDL today

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Davina Marraccini
Government Liaison
U.S. Environmental Protection Agency - Region 4
404-562-8293 (office)
404-387-4368 (cell)
marraccini.davina@epa.gov

Message

From: Marraccini, Davina [Marraccini.Davina@epa.gov]
Sent: 7/5/2019 6:45:35 PM
To: Jenkins, Brandi [Jenkins.Brandi@epa.gov]
Subject: Fwd: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today

And this.

Sent from my iPhone

Begin forwarded message:

> **From:** "Dennis, Allison" <Dennis.Allison@epa.gov>
> **Date:** July 5, 2019 at 2:35:43 PM EDT
> **To:** "Marraccini, Davina" <Marraccini.Davina@epa.gov>
> **Subject: Re: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today**

Ex. 5 Deliberative Process (DP)

> Sent from my iPhone
>
> On Jul 5, 2019, at 2:34 PM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:
>
> > Davina,
> >
> > **Ex. 5 Deliberative Process (DP)**
> >
> > **From:** Dennis, Allison
> > **Sent:** Friday, July 5, 2019 1:44 PM
> > **To:** Forsgren, Lee <Forsgren.Lee@epa.gov>
> > **Cc:** Risley, David <Risley.David@epa.gov>
> > **Subject:** FW: Vicksburg Post re: Yazoo Pumps press inquiry - DDL today
> >
> > **Ex. 5 Deliberative Process (DP)**
> >
> > Looking forward to hearing your thoughts!
> >
> > -Allison
> >
> > **From:** Marraccini, Davina
> > **Sent:** Friday, July 05, 2019 1:09 PM
> > **To:** regionalpress <regionalpress@epa.gov>
> > **Cc:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Wise,

Allison <Wise.Allison@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: Vicksburg Post press inquiry - DDL today

Ex. 5 Deliberative Process (DP)

Davina Marraccini
Government Liaison

U.S. Environmental Protection Agency - Region 4
404-562-8293 (office)
404-387-4368 (cell)
marraccini.davina@epa.gov

<Yazoo Backwater Pump Veto and Mississippi Delta Flooding Desk Statement_20190404.docx>

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG - 8 2019

Mr. Marion Neill
116 Treadway Circle
Hollandale, Mississippi 38748

Dear Mr. Neill:

Thank you for your July 16, 2019, email to President Trump, concerning flooding along the Mississippi River and the Yazoo Backwater area and your request for the U.S. Environmental Protection Agency to expedite pump approval in order to finish the Backwater Pump Project. Your letter was forwarded to the Region 4 office in Atlanta, Georgia, for response

We understand your concerns and recognize the significant, disruptive impacts of the flooding to thousands of Mississippians and to the state's economy. Together with the U.S. Army Corps of Engineers (USACE), the EPA has been actively working on options to provide flood protection as well as protect wetlands and other important natural resources in the Yazoo Backwater Area. The EPA and the USACE have met multiple times this summer, and we plan to continue meeting to review additional data and modeling results that support viable solutions, including a possible reconsideration of our 2008 decision.

We appreciate your desire to protect and preserve the environment and hope you find this information helpful. If I may be of further assistance, please contact Davina Marraccini at (404) 562-8293.

Sincerely,

Brandi J. Jenkins
Director, Office of Outreach
and External Engagement

ED_004275A_00059627-00001

Message

From: Jenkins, Brandi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9B3EA7AACD1A44C0AB3EE9A8F0A2EA3F-JENKINS, BRANDI]
Sent: 7/31/2019 2:12:59 PM
To: Marraccini, Davina [Marraccini.Davina@epa.gov]; Hudson, Wanda [Hudson.Wanda@epa.gov]; Myers, Bryan [Myers.Bryan@epa.gov]
Subject: RE: CMS New Assignment - Jacqueline Leavy - AX-19-000-6973-WH

Britt is checking the status of the Bryant responses so we can be consistent. She will circle back with me ASAP.

-----Original Message-----
From: Marraccini, Davina <Marraccini.Davina@epa.gov>
Sent: Wednesday, July 31, 2019 9:55 AM
To: Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Hudson, Wanda <Hudson.Wanda@epa.gov>; Myers, Bryan <Myers.Bryan@epa.gov>
Subject: RE: CMS New Assignment - Jacqueline Leavy - AX-19-000-6973-WH

Brandi,

Checking on this since the White House control is due on the 8th and I also got a citizen inquiry emailed to me. I would like to use the same response for both.

-Davina

-----Original Message-----
From: Jenkins, Brandi
Sent: Wednesday, July 24, 2019 3:51 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>; Hudson, Wanda <Hudson.Wanda@epa.gov>; Myers, Bryan <Myers.Bryan@epa.gov>
Subject: RE: CMS New Assignment - Jacqueline Leavy - AX-19-000-6973-WH

Ex. 5 Deliberative Process (DP)

Brandi

-----Original Message-----
From: Marraccini, Davina
Sent: Wednesday, July 24, 2019 3:48 PM
To: Hudson, Wanda <Hudson.Wanda@epa.gov>; Myers, Bryan <Myers.Bryan@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: RE: CMS New Assignment - Jacqueline Leavy - AX-19-000-6973-WH

Good question, Wanda.

Ex. 5 Deliberative Process (DP)

-Davina

-----Original Message-----
From: Hudson, Wanda
Sent: Wednesday, July 24, 2019 3:27 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>; Myers, Bryan <Myers.Bryan@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: FW: CMS New Assignment - Jacqueline Leavy - AX-19-000-6973-WH

Is there an updated response for Yazoo letters?

Wanda E. Hudson
(404) 562-9351

-----Original Message-----
From: cmsadmin@epa.gov <cmsadmin@epa.gov>
Sent: Wednesday, July 24, 2019 10:52 AM
To: Wise, Allison <Wise.Allison@epa.gov>; Myers, Bryan <Myers.Bryan@epa.gov>; Lovett, Queen <Lovett.Queen@epa.gov>; delli-gatti.dionne@epa.gov; Hudson, Wanda <Hudson.Wanda@epa.gov>; Marraccini, Davina <Marraccini.Davina@epa.gov>
Subject: CMS New Assignment - Jacqueline Leavy - AX-19-000-6973-WH

Control AX-19-000-6973-WH has been assigned to your office on 7/24/19 10:51 AM by Jacqueline Leavy. Please go to the CMS webpage to view the details of the control.

Summary Information -
Control Number: AX-19-000-6973-WH
Control Subject: Yazoo Backwater Pump Project
From: Neill, Marion

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at https://cms.epa.gov/cms. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

Message

From: Jenkins, Brandi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9B3EA7AACD1A44C0AB3EE9A8F0A2EA3F-JENKINS, BRANDI]
Sent: 10/12/2019 1:40:44 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]
Subject: Re: Region 4 - Yazoo Listening Session

Okay, thanks.

Sent from my iPhone

On Oct 12, 2019, at 5:04 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

> I shared with Lee
>
> Sent from my iPhone
>
> On Oct 11, 2019, at 7:02 PM, Jenkins, Brandi <Jenkins.Brandi@epa.gov> wrote:
>
>> Good afternoon,
>>
>> I wanted to provide you with a short update on our intergovernmental interaction related to the Yazoo pump project in the Mississippi Delta. Region 4 has been invited to a listening session on the Yazoo pump project on Monday, October 21st. The Town of Rolling Fork and the Sharkey County Board of Supervisors plan to co-host the Yazoo Listening session from 6-8 pm. We had a call with Senator Roger Wicker's office and the Mayor of Rolling Fork today; they will draft an agenda to share with us, including a recommended moderator (most likely a state Senator). State agencies will also participate in the listening session. Since Mary and Lee plan to meet with the Corps on October 22nd, there is an opportunity for Lee and someone from the Corps to participate, as well.
>>
>> In addition, Governor Bryant has invited Mary to do a radio spot with him the morning/early afternoon of October 21st on the Supertalk radio show, http://www.supertalk.fm/, which is broadcast throughout the MS Delta. The main goal is for Mary to be able to provide a short update on EPA's actions followed by a few words from the Governor. This should last @ 10 minutes and will not include time for call-in questions.
>>
>> If you have any questions, please let me know.
>>
>> Best,
>> Brandi
>>
>> Brandi Jenkins, Director
>> Office of Outreach and External Engagement
>> Office of the Regional Administrator – EPA Region 4
>> 404-562-9124 (office)
>> 678-575-2148 (cell)

Official Meeting/Briefing Request for the RA or DRA

Has your Division Director been briefed on this subject, and is he/she aware of your request to set up this meeting? Yes X

NOTE: A briefing sheet needs to accompany this meeting request

Date of Request: 1/8/2020

Requestor: Rosemary Calli
Phone No.: 2-9846

Name of Meeting: Pre-brief on Yazoo pumps document from the Corps

Purpose of Meeting: In preparation for a 1/15/202 meeting with Corps, inform the RA of the contents of a document submitted by the Corps on 12/20/19 regarding their 404(b)(1) analysis of a proposed pump project to address flooding in the Yazoo Backwater Area.

Is the Meeting Date Sensitive? Yes X No ☐	**Deadline Date: Jan 14**	
Meeting Date/Time Preference #1	Date: Jan 14	Time: afternoon
Meeting Date/Time Preference #2	Date: Jan 14	Time: morning
Meeting Date/Time Preference #3	Date: Jan 13	Time: afternoon

Duration of Meeting:
Do you need a conference number: Yes __X___

Background:
Staff are reviewing a document submitted by the Corps on 12/20/19 regarding their 404(b)(1) analysis of their currently proposed pump project in the Yazoo Backwater Area. Senior managers from the Corps will be coming to Atlanta for a meeting on 01/15/20 to discuss the project.

Expectations from Meeting
Inform the RA of the information included in the submitted document as background for the meeting to occur on 01/15/20.

No. of Participants: **(It is very important that the RA's office is aware of how many and whom...no surprises; i.e., we were told 2 staff members and 10 show up)**	Names of Required Invitees: Jeaneanne Gettle Cesar Zapata Thomas McGill Bill Ainslie Rosemary Calli Matt Hicks Mita Ghosh Leif Palmer	Optional Invitees:

Requested Meeting Location:
Please email **final** slides, background documents etc., to [HYPERLINK "mailto:R4_ORA_Briefing_Materials@epa.gov"] **Hudson** and **Brandi Jenkins** 2-days prior to the scheduled meeting; failure to receive finalized documentation may cause your meeting to be rescheduled. Your Power-point presentation (if any) will be loaded and ready for showing at the scheduled meeting. All slides and background information will be printed for the RA, DRA, their Special Assistants and the COS by the front. **For *any critical issues that need to be elevated, please email Brandi Jenkins and Blake Ashbee.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG - 8 2019

Mr. Andy Gipson
Commissioner
Mississippi Department of Agriculture
and Commerce
P.O. Box 1609
Jackson, Mississippi 39215-1609

Dear Commissioner Gipson:

Thank you for your July 29, 2019 letter to Andrew Wheeler, Administrator at the U.S. Environmental Agency, concerning flooding along the Mississippi River and the Yazoo Backwater area and your request for the EPA to review our decision to veto the Yazoo Backwater Area Pump Project in 2008. Your letter was forwarded the Region 4 office in Atlanta, Georgia, for response

We understand your concerns and recognize the significant, disruptive impacts of the flooding to thousands of Mississippians and to the state's economy. Together with the U.S. Army Corps of Engineers (USACE), the EPA has been actively working on options to provide flood protection as well as protect wetlands and other important natural resources in the Yazoo Backwater Area. The EPA and the USACE have met multiple times this summer, and we plan to continue meeting to review additional data and modeling results that support viable solutions, including a possible reconsideration of our 2008 decision.

We appreciate your desire to protect and preserve the environment and hope you find this information helpful. If I may be of further assistance, please contact me or Brandi J. Jenkins, Director of the Office of Outreach and External Engagement, at (404) 562-8327.

Sincerely,

Mary S. Walker
Regional Administrator

cc: Chris McDonald
Director, Federal Affairs

ED_004275A_00064603-00001

Message

From: Marraccini, Davina [Marraccini.Davina@epa.gov]
Sent: 10/15/2019 4:15:55 PM
To: Jones, Aaryn [Jones.Aaryn@epa.gov]
Subject: FW: Region 4 - Yazoo Listening Session

From: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Sent: Friday, October 11, 2019 7:03 PM
To: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Marraccini, Davina <Marraccini.Davina@epa.gov>
Subject: Region 4 - Yazoo Listening Session

Good afternoon,

I wanted to provide you with a short update on our intergovernmental interaction related to the Yazoo pump project in the Mississippi Delta. Region 4 has been invited to a listening session on the Yazoo pump project on Monday, October 21st. The Town of Rolling Fork and the Sharkey County Board of Supervisors plan to co-host the Yazoo Listening session from 6-8 pm. We had a call with Senator Roger Wicker's office and the Mayor of Rolling Fork today; they will draft an agenda to share with us, including a recommended moderator (most likely a state Senator). State agencies will also participate in the listening session. Since Mary and Lee plan to meet with the Corps on October 22nd, there is an opportunity for Lee and someone from the Corps to participate, as well.

In addition, Governor Bryant has invited Mary to do a radio spot with him the morning/early afternoon of October 21st on the Supertalk radio show, http://www.supertalk.fm/, which is broadcast throughout the MS Delta. The main goal is for Mary to be able to provide a short update on EPA's actions followed by a few words from the Governor. This should last @ 10 minutes and will not include time for call-in questions.

If you have any questions, please let me know.

Best,
Brandi

Brandi Jenkins, Director
Office of Outreach and External Engagement
Office of the Regional Administrator – EPA Region 4
404-562-9124 (office)
678-575-2148 (cell)

Message

From: Goodin, John [Goodin.John@epa.gov]
Sent: 4/9/2019 9:21:58 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Connors, Sandra [Connors.Sandra@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]
Subject: FW: FYI - 29Mar19 Letter from MS Gov to Wheeler requesting EPA review its Yazoo FD
Attachments: 19-000-4285.pdf

Ex. 5 Deliberative Process (DP)

Thanks,
John

-----Original Message-----
From: Hough, Palmer
Sent: Tuesday, April 09, 2019 5:00 PM
To: Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FYI - 29Mar19 Letter from MS Gov to Wheeler requesting EPA review its Yazoo FD

Folks

R4 shared this 29Mar19 Letter from MS Gov to Wheeler. It appears to have been controlled to them.

It makes the following request:

"I am requesting that the EPA initiate the formal process of reviewing the 404 (c) veto of the Yazoo Backwater-Area Pump Project. It is my understanding that the Army Corps has made a similar request and has indicated that there is new wetlands data that may be helpful. I hope that you and your team will engage with the Army Corps as well as stakeholders on this issue and begin a meaningful review of the 404 (c) veto."

Ex. 5 Deliberative Process (DP)

Thanks, Palmer

Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 9/18/2019 11:32:53 AM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Re: AW Meeting with Gov. Bryant (MS) - Yazoo materials

Ex. 5 Attorney Client (AC)

Sent from my iPhone

On Sep 18, 2019, at 6:48 AM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

Ex. 5 Attorney Client (AC)

Sent from my iPhone

On Sep 17, 2019, at 7:32 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Matt:

Ex. 5 Deliberative Process (DP)

Thanks,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Fotouhi, David
Sent: Tuesday, September 17, 2019 10:12 AM
To: Matthew Leopold (Leopold.Matt@epa.gov) <Leopold.Matt@epa.gov>
Subject: FW: AW Meeting with Gov. Bryant (MS) - Yazoo materials

Matt: FYI, please see below and attached.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel

U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Nalven, Heidi <Nalven.Heidi@epa.gov>
Sent: Tuesday, September 17, 2019 10:02 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FYI: AW Meeting with Gov. Bryant (MS) - Yazoo materials

David – Attached is the paper OW and Region 4 developed for the Administrator's meeting with the Governor of Mississippi scheduled for tomorrow.

From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Monday, September 16, 2019 12:31 PM
To: Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Subject: Fwd: AW Meeting with Gov. Bryant (MS)

Updated

Sent from my iPhone

Begin forwarded message:

> **From:** "Walker, Mary" <walker.mary@epa.gov>
> **Date:** September 16, 2019 at 12:29:47 PM EDT
> **To:** "Gettle, Jeaneanne" <Gettle.Jeaneanne@epa.gov>
> **Subject: FW: AW Meeting with Gov. Bryant (MS)**
>
> ---
>
> **From:** Walker, Mary
> **Sent:** Monday, September 16, 2019 12:02 PM
> **To:** Carter, Brittany S. <carter.brittanys@epa.gov>
> **Cc:** Forsgren, Lee <Forsgren.Lee@epa.gov>
> **Subject:** RE: AW Meeting with Gov. Bryant (MS)
>
> Good morning Brittany,
>
> Attached is a briefing document for the Administrator from R4 and OW.
>
> Please let me know if you need anything else.
>
> Mary
>
> ---
>
> **From:** Carter, Brittany S. <carter.brittanys@epa.gov>
> **Sent:** Friday, September 13, 2019 4:20 PM
> **To:** Walker, Mary <walker.mary@epa.gov>
> **Cc:** Forsgren, Lee <Forsgren.Lee@epa.gov>
> **Subject:** Re: AW Meeting with Gov. Bryant (MS)
>
> COB is fine. Much appreciated!

On Sep 13, 2019, at 4:04 PM, Walker, Mary <walker.mary@epa.gov> wrote:

Hi Brittany,

Ex. 5 Deliberative Process (DP)

What time on Monday do you need the document?

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 3:42 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

Ex. 5 Deliberative Process (DP)

Thank you and please let me know if you need anything.

On Sep 11, 2019, at 10:28 AM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Brittany,

Ex. 5 Deliberative Process (DP)

Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 10:18 AM

To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

Gov. Bryant has asked to meet with AW on Sept. 18 regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008. Wanted to get the ball rolling for the briefing. Would it be possible to have the materials ready by 9/16?

Thank you!

-Britt

<Yazoo issue paper for Adm 9.16.19 (3 clean).docx>

Message

From: Mississippi Department of Environmental Quality [rwilbur@mdeq.ms.gov]
Sent: 1/23/2020 2:10:28 PM
To: Marraccini, Davina [Marraccini.Davina@epa.gov]
Subject: News Clippings January 23, 2020 -- Full Stories

State

Supes divided over future of county lake dam repairs
Starkville Daily News

Even as pumps continue removing water from Oktibbeha County Lake, the county's supervisors approved a resolution Tuesday night pledging to pay half of the costs to fix the lake's dam and levee.
The resolution passed by a vote of 3-2 with District 4 Supervisor Bricklee Miller and District 1 Supervisor John Montgomery opposing it.
Additionally, Supervisors agreed to hold a public hearing to allow citizens to have their voices heard on the issue on Feb. 24 at 5:30 p.m.
District 3 Supervisor Marvell Howard, whose district includes the lake area, brought the resolution to the board and pressed for them to act on the issue.
“At this particular time, I think the most pressing issue in Oktibbeha County is the county lake dam," Howard said. "I think that is where all our attention needs to focus.”
Problems with the lake's dam were found last week by County Engineer Clyde Pritchard, prompting emergency planning by county officials, but Howard said the warning signs of the failing dam have been well-known for years.
“I think I’ve been coming to this Board for four years now, telling about the danger out there at Oktibbeha County Lake, and I think this Board has heard me, but not really taken it as serious as we need to have taken it," Howard said. "I think right now, that takes priority over anything else this Board does.”
Looking ahead at future costs, Howard said Austin Barbour, a county consultant, had advised him a resolution from Oktibbeha County declaring its intent to pay up to 50% of the costs for the repairs would generate more interest from potential funding sources.
“The problem is, this is a big-ticket item," Howard said. "There's nobody that's just going to say, 'OK, we're just going to write you a check for the entire thing.' Our consultant has told us that the chances of that happening are very slim to none.”
Howard said Pritchard had put together an estimate for the cost of repairing the infrastructure at the lake that would see the project having a $7.5 million to $8 million price tag.
"We don't have a specific number without the bids coming in," Howard said.
Facing a roughly $4 million bond issue, Miller said she wanted more discussion on the matter before agreeing to a resolution that, despite being non-binding, essentially obligated the county to pay for half of the repairs.
“I think we need to have an open discussion like we do any other time we're asking for a large sum of money," Miller said. "I think we also need to know how many people want to build the levee back and raise taxes for $5 million or $4 million or more.”
Howard said the Board had acted on more expensive issues in the past.
"I do want to remind the Board that we did a $10 million bond issue last term, and we didn't consult the taxpayers about that; we just did it," Howard said.
Addressing the idea that the repairs were not needed, Howard said people were confused about the current plan.
As part of an emergency plan to lower the water level of the lake, the county secured pumps to drain the lake, allowing access to a structure referred to as a riser in order to demolish it,

effectively limiting the lake's ability to hold water and reach a dangerous level where water pushes on the failing dam and levee.
https://www.starkvilledailynews.com/supes-divided-over-future-of-county-lake-dam-repairs/article_2ef9f086-3d19-11ea-bc67-533bdbcd6b0c.html

Oktibbeha County Supervisors agree to cover partial cost of dam repairs
WTVA

OKTIBBEHA COUNTY, Miss. (WTVA) - The Oktibbeha County Board of Supervisors agreed to cover half the total costs of dam repairs.
Supervisor Marvell Howard said the board passed a resolution at Tuesday's regular meeting. He said county leaders want to do a total reconstruction of the dam. Workers will drain the dam, remove the levee and rebuild a new dam. The plan includes installing a new valve to control the release of water. It also includes building a new emergency spillway, where the contrlled release of water flows from the levee.
Howard said the estimated cost to repair the dam is between $7 and $8 million.
Clearwater Consultants are helping the county to find additional funding for the repairs.
With the dam on the brink of failing last week, county leaders scheduled a town meeting for residents to attend and learn more about the condition of the dam.
County Supervisor Orlando Trainer said the town hall meeting is set for Monday, February 24th at 5:30 p.m. in the Chancery Courthouse.
https://www.wtva.com/content/news/Oktibbeha-County-Supervisors-agree-to-cover-partial-cost-of-dam-repairs-567215121.html

Engineers hired for Robins Lake Road dam
Natchez Democrat

NATCHEZ — Adams County officials said they are at work finding a long-term solution to the recurring flooding on Robins Lake Road.
During Tuesday's meeting of the Adams County Board of Supervisors, the supervisors hired Jordan Kaiser & Sessions to work on a design for the dam at Robins Lake that will later be reviewed by the Dam Safety Division of the Mississippi Department of Environmental Quality.
Adams County Road Department Manager Robbie Dollar said the dam doesn't allow enough water from the 50-acre lake to pass through to keep the lake from toping the dam after a heavy rain — which is what happened earlier this month when the shoulder of the road sloughed off and caused some of the culverts to pull apart at the seams.
"Whatever we put in needs to be designed to carry 7,000 cubic feet of water per second," Dollar said. "It needs to be designed by an engineer with dam experience and whatever he designs needs to be submitted back to MDEQ for their review and approval before we do anything to Robins Lake."
Emergency management director Robert Bradford said a voluntary evacuation had been issued Jan. 2 for some 15 to 20 residents in a neighborhood downstream from the dam as a precaution, though no houses were flooded.
Also during Tuesday's meeting, officials said the dam is not their only concern caused by erosion.
The Board of Supervisors will have a special-called meeting at 9:30 a.m. Friday morning two discuss the dam as well as various Emergency Watershed Protection Program projects — one of which is at a county building at 140 East Franklin Street.
Dollar said water that collects in the parking lot on the property is causing erosion issues underneath the corner of the building.
Board president Ricky Gray said the supervisors could list their most immediate concerns during Friday's meeting to present to the state officials during the annual legislative breakfast meeting Monday, organized by the Natchez Adams Chamber of Commerce.
"We are in one of the oldest communities and our soil is soft," Gray said of the erosion.
"Maybe some of the new people in office will give us special consideration, because it is never going to stop raining."

https://natchezdemocrat.com/2020/01/23/engineers-hired-for-robins-lake-road-dam/

LOCAL LAKE BEING DRAINED TO CORRECT HAZARD
Simpson County News

Simpson County Lake is being drained to make repairs to its dam.
Simpson County Lake is a 76-acre state fishing lake located on Highway 49 between Magee and Mendenhall. The dam is designated as high-hazard by the Mississippi Department of Environmental Quality. Fishing will be allowed while the lake drains. All daily limits have been lifted and anglers may keep as many fish as they want until the lake closes, but only by rod and reel or pole. No other fishing gear is allowed. A state lake permit and a Mississippi fishing license is required unless exempt under state law. The dam is closed to public access.
MDWFP officials said the lake is still being drained, but the heavy rains the county has experienced lately is slowing the process. However the lake is expected to close in the near future, at which point fishing will no longer be allowed. Once drained, the lake will remain closed while repairs and renovations are made to the property. Afterwards the lake will be filled and restocked with fish. The lake will be closed for approximately 3 years.
https://www.simpsoncounty.ms/front-page-slideshow-news/local-lake-being-drained-correct-hazard#sthash.BYS8dNrx.dpbs

Waste Water Treatment Plant Dumping Material
Delta News TV

In Greenville ... One resident is outraged at the dumping of what she believes to be raw sewage allegedly from the waste water treatment plant.
Sarah Moorman says she's upset about the dumping after having several problems with a nearby sewage drain leaking into a ditch by her home, she was outraged to see the plant dumping what looks and smells like raw sewage in an empty field by her house.
Moorman says she's reached out the EPA after seeing the dumping to find out whether that was legal or not. MDEQ says it is a one time dumping of silts, grit and other non hazardous material from the waste water treatment plant that was causing the plant to run inefficiently.
Greenville Mayor Simmons tells us the city has an agreement with the Mississippi Department of Environmental quality dated October 7th 2019 stating it's all legal and safe.
"And it's not raw sewage we do have approval from MDEQ, the city has obtained approval to do one time on sight disposal of material that is not a danger to public safety, health, or the well being of the public," he said.
Mayor Simmons also adds the disposal of the material into the field was the most cost efficient way to handle the process. There is a public works meeting scheduled for 2 p.m. Thursday at Greenville City Hall. We will have continued coverage on this following that meeting.
https://www.deltanews.tv/news/waste-water-treatment-plant-dumping-material/article_e2f8541e-3d6a-11ea-be3d-33623a8302b6.html

South Mississippi businesses affected by algae can now apply for disaster assistance
WLOX

HARRISON COUNTY, Miss. (WLOX) - If you're a Mississippi business owner who was hurt by the blue-green algae outbreak in our waters last summer, you now have an opportunity to apply for disaster assistance through the U.S. Small Business Administration (SBA).
Wednesday, the SBA opened Disaster Loan Outreach Centers in each of the three coastal counties to help answer questions about the program and help individuals complete their applications.
The low-interest Economic Injury Disaster Loans (EIDLs) are available to small businesses, small agricultural cooperatives, small aquaculture businesses and private nonprofit organizations that were affected by the blue-green algae on the Mississippi Gulf Coast from June 22 through Oct. 5, 2019.

The disaster declaration area covers Hancock, Harrison and Jackson counties and the adjacent counties of George, Pearl River, and Stone in Mississippi; Mobile in Alabama; and St. Tammany Parish in Louisiana.
Here's where the Disaster Loan Outreach Centers are located in South Mississippi:

- **Hancock County** - Storm Prep Building Conference Room (18355 Highway 603, Kiln, MS 39556)
- **Harrison County** - County Office Complex, Sand Beach Office (842 Commerce St., Gulfport, MS 39507)
- **Jackson County** (2915 Canty St., Suite P, Pascagoula, MS 39567)

First day open: Wednesday, Jan. 22
Last day open: Wednesday, Feb. 5, from 9 a.m. to 4 p.m.
Hours:

- Monday-Friday from 9 a.m. to 6 p.m.
- Saturdays, 10 a.m. to 2 p.m.
- Closed on Sundays

"The SBA can help affected small businesses and nonprofit organizations overcome their economic losses by offering working capital loans, but the help cannot start until they submit an SBA disaster loan application to us," said SBA's Mississippi District Director Janita Stewart.
Eligible entities may qualify for loans up to $2 million. The rates on theses loan are 4% for small businesses and 2.75% for nonprofit organizations with terms up to 30-years.
Eligibility for these working capital loans are based on the size and type of business and its financial resources. These working capital loans may be used to pay fixed debts, payroll, accounts payable, and other bills that could have been paid had the disaster not occurred. The loans are not intended to replace lost sales or profits. Economic Injury Disaster Loan assistance is available regardless of whether the business suffered any physical property damage.
"This assistance is to help our businesses, small businesses of all sizes. Let's say their revenue during this time frame was really low because the algae might have effected their business and their revenue was lower than what it normally is from the year before. What they want to do is recoup that revenue that they lost. What they can do is come in and fill out an application and get a loan," said Janel Fairley, SBA Public Affairs Specialist.
Applicants may apply online using the Electronic Loan Application (ELA) via SBA's secure website at DisasterLoan.sba.gov.
Businesses may also obtain information and loan applications by calling the SBA's Customer Service Center at 1-800-659-2955 (1-800-877-8339 for the deaf and hard-of-hearing), or by emailing disastercustomerservice@sba.gov. Loan applications can also be downloaded at www.sba.gov.
Completed applications should be returned to the center or mailed to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155
The deadline to return economic injury applications is Oct. 16, 2020.
"The SBA is strongly committed to providing the people of Mississippi with the most effective and customer-focused response possible to assist small businesses with federal Economic Injury Disaster Loans," said SBA Administrator Jovita Carranza. "Getting businesses and communities up and running after a disaster is our highest priority at SBA."
https://www.wlox.com/2020/01/22/south-mississippi-business-affected-by-algae-can-now-apply-disaster-assistance/

Backwater flood returns to the Delta
WJTV

YAZOO COUNTY, Miss. (WJTV) – Backwater has pushed its way back into farmland in the Delta putting homeowners and farmers on edge.
The water levels at the Mississippi River by Vicksburg and the Steele Bayou Gates are very similar to how the 2019 backwater flood began.

One week after the Steele Bayou Gates were forced to close the flooding is back, rain runoff and backwater in the Delta has nowhere to go. Painting a similar picture to how the 2019 flood began putting a big setback on agriculture business.
"It's just exactly like it was in January of 2019," Yazoo County farmer Clay Adcock told us.
Since January 14th the Steele Bayou Gates at the foot of the Delta remain shut as the Mississippi River rose into flood stage expected to crest at 45.5-ft. this weekend.
"Last year I was probably not as concerned with the same elevation this year because I know what can happen," Adcock continued.
Trapped behind the gates the backwater has piled up to almost 92-ft. above sea-level, enough to take over 337,000 acres of land where livelihoods are grown.
"You just don't like it full this time of year because spring is coming," Adcock explained. "The snow melts coming and a lot of things that you see typically are coming."
The good news right now is planting season is still a month away and by Feb. 2nd the Mississippi River is predicted to drop below flood level allowing the Bayou Gates to re-open.
"Corn will be planted at the end of February and into March," Yazoo County farmer Smith Stoner said. "And we still have time to get those planted and stuff so we're really staying optimistic and hoping for the best."
"Farmers and me particularly are always optimistic," Adcock stated. "The record breaking things that had to happen in 2019 to cause that flood the chances of that happening this year are not that great."
Still this early flood highlights how vulnerable the South Delta is without any pumping system and in this short lived backwater damage is already done.
"One of our main revenue generators is hunting and out of town people coming into this area," Stoner said. "But they've already shut hunting season down. That really hurts some small businesses and with the pumps in place we wouldn't have to worry about that."
"The pumps would have cut on at 87-ft.," Adcock told us. "That was the level they compromised at were at 92 now. So it would have pulled roughly five feet of water off here now."
Yazoo County farmers who have been working closely with the Army Corp. of Engineers about finishing the backwater pump project with the Environmental Protection Agency tell me those talks are making progress. They should have more details from the agency coming up in the next few months.
https://www.wjtv.com/news/backwater-flood-returns-to-the-delta/

Mississippi sets state record for tornadoes in 2019
WDAM

HATTIESBURG, Miss. (WDAM) - Last year was another active year for severe weather in Mississippi with a record-setting 115 tornadoes across the state. Multiple rounds of severe weather last spring and again during the late fall and early winter culminated in the most tornadoes since record-keeping began in 1950.
"The previous record was 108 tornadoes, which was set in 2008. Three fatalities occurred this year along with 48 injuries from these tornadoes," the National Weather Service in Jackson said in a statement.
The tornado numbers were boosted by two big events in April and an active December. Ninety-one of the 115 tornadoes during 2019 occurred in April and December. April tied the record for the most tornadoes in a given month with 67. In December, the state set a new record for the most tornadoes in the month of December with 24.
When it comes to tornado strength, the state saw 28 EF-O tornadoes, 63 EF-1 tornadoes, 19 EF-2 tornadoes and 5 EF-3 tornadoes.
Last year also set a record for the most EF-1 and EF-2 tornadoes. The previous records were 51 EF-1 and 18 EF-2 tornadoes.
https://www.wlox.com/2020/01/23/mississippi-sets-state-record-tornadoes/

What The Smell? Jackson residents complain about mysterious odor
WLBT

JACKSON, Miss. (WLBT) - From Bellingrath Road to Bellewood Drive, from Dinsmor to northwest Jackson, residents have reported the same strange odor.
“It was in the front yard," Wilson Day said. "Come out the front door. Definitely smelled the odor. It was noticeable, it was a strong, natural, gas smell.”
Atmos Energy says they received hundreds of calls reporting gas smells in Ridgeland and Jackson.
They went to check the source of the odor and found they did not have any leaks.
They’ve now hired a 3rd party environmental company to find out where the stench is coming from.
“It is strange, but I do appreciate they checked it and didn’t smell it. That they continued to pursue the people’s request to find out what was going on and have an outside firm to independently look and see what the cause was. Hopefully they’ll be able to pin it down,” said Day.
Atmos won’t be releasing the source of the smell until the testing is done.
Those results expected any day now.
They say if you smell gas call 911 and get out of the area.
https://www.wlbt.com/2020/01/23/what-smell-jackson-residents-complain-about-mysterious-odor/

Co-Lin’s Case nominated for national Instructor of the Year
Daily Leader

One local educator may be on the way to receiving national recognition.
Copiah-Lincoln Community College Automation and Control Technology instructor Mandy Hart Case has been chosen as a finalist to receive the 2020 American Technical Education Association Instructor of the Year Award.
In March, Case will travel to the 2020 ATEA National Conference in Camden, New Jersey, where the teacher of the year will be announced. Camden is directly across the Delaware River from Philadelphia, and Case said she is excited to see the city.
“I was very humbled and very honored, that they would do this,” she said. “I just found out Tuesday.”
Automation and control technology is an engineering program with a broad range of applications, and students of that class are in high demand. According to Case, applicants have had 100 percent hire rates in the past several years.
“I think that speaks well for the need for automation control technicians,” she said. “It’s also a great career opportunity as far as it’s very competitive salaries. It’s gotten to the point where (employers) contact us. So its a good relationship.”
Case said automation and control technician students find jobs in the medical field and manufacturing, and as many as 15 percent of students even to go work for the Grand Gulf Nuclear Station.
“That’s the great thing about our program,” she said. “It’s a really broad field.”
Case said she was first introduced to engineering in high school, and it turned out to be a great fit.
“I loved crafts, I loved science and I loved to solve problems,” she said.
From there — and with a little guidance from her high school counselor — engineering was the obvious choice.
With an associate’s degree from Co-Lin and a bachelor’s degree in industrial and manufacturing engineering from Louisiana State University, Case spent years working as an engineer for the Mississippi Department of Environmental Quality and for the United Parcel Service.
Case said both of her parents were educated, and she was well aware of the ups and downs of working in education. But when she started giving on-the-job training as part of her job, she got first-hand experience in what it was like to teach others. Case made the move to teaching at Co-Lin in 2015, and she said it has been a rewarding experience for her.

"We have a group of students that get great job opportunities, so we get to see all of them succeed," Case said.
https://www.dailyleader.com/2020/01/22/co-lins-case-nominated-for-national-instructor-of-the-year/

State Government

Mississippi Lottery sends $7.6M in net proceeds to state treasury
Daily Journal

The Mississippi Lottery Corporation made its first transfer of more than $7.6 million in net proceeds to the Lottery Proceeds Fund in the Mississippi State Treasury last week.
The MLC is required to transfer net proceeds within 20 days following the close of each calendar month.
"We are very pleased with these early results," said MLC President Tom Shaheen. "Retailer and player support have been fantastic in our collective efforts to raise money for roads, bridges and education needs for the state of Mississippi."
The MLC transferred $7,621,232.37 to the state.
For the first 10 years, the first $80 million a year from lottery revenue will go to infrastructure needs. After the $80 million benchmark is hit, the rest goes to education. After the initial 10-year period is over, the first $80 million will go to the state's general fund, with the remainder continuing to go toward education.
Lottery sales began on Nov. 25, 2019, with the introduction of four instant scratch-off games. Sales through the first eight weeks of sales ending Jan.18, 2020, have exceeded $80.7 million. Players have claimed more than $44 million in prizes so far, including, but not limited to:
• 730 – $500 prizes
• 63 – $2,000 prizes
• 1 – $2,500 prize
• 11 – $3,000 prizes
• 6 – $5,000 prizes
• 1 – $15,000 prizes
• 18 – $20,000 prizes
• 2 – $100,000 prizes
"On Jan. 7, the MLC introduced its first $10 game with a top prize of $200,000," said Shaheen. "Player interest has been extremely high. We look forward to our first $200,000 winning ticket being claimed."
Sheehan said more than 1,400 retailers are now selling lottery tickets. And through Jan. 21, retailers had earned more than $4.8 million in commissions. The Powerball and Mega Millions multi-state lottery tickets go on sale Jan. 30, and lottery officials expect to have 1,500 retailers by then.
Retailers get a 6% commission on sales.
https://www.djournal.com/news/state-news/mississippi-lottery-sends-m-in-net-proceeds-to-state-treasury/article_e336f270-38a1-57b7-ac15-e2b8305de691.html

Oil Spill

$10K AWARDED TO MISSISSIPPI AQUARIUM
WXXV

Construction is moving swimmingly and in just a few months the doors will open at the Mississippi Aquarium as they stand on their three pillars of education, community, and conservation.

With those education and community pillars in mind, a new partnership arose this morning between the aquarium and Harrah's Gulf Coast and Caesar's Foundation.
Harrah's and Caesar's granted the aquarium $10,000 to be used for educational programs. This grant is going to help kick start a virtual learning program within the aquarium.
The aquarium is going to purchase Chromebooks to be used as offsite tools that livestream back to education workshops and classes on site.
This will help the students who cannot make it on campus still be a part of the aquatic fun in a high tech way. Mississippi Aquarium President/CEO David Kimmel said, "It's great to show pictures, but to be able to show live animals with their trainers and allow the students to communicate with the trainers and ask questions and learn is the next best thing to being hands-on. This opportunity today on the Chromebooks that Harrah's supports really goes a long way in promoting that education."
Harrah's Gulf Coast General Manager Jonathan Jones said, "We are proud to be here. We are proud to support the community. We are proud to represent Caesar's Entertainment and the Caesar's Foundation. It's really critical that we make the communities that we live and work in a vibrant place to be and you know, this is a great fit for us."
The Mississippi Aquarium is set to open on April 30th.
https://www.wxxv25.com/2020/01/22/10k-awarded-mississippi-aquarium/

SCAPE hired to develop plan to protect Carpenter Creek and Bayou Texar watershed
PNJ

Escambia County will be bringing SCAPE Landscape Architecture back to Pensacola to help develop a watershed restoration plan for Carpenter Creek and Bayou Texar as part of the RESTORE Act.
The first of four public workshops will be held on the plan Feb. 19 to hear suggestions from the public for future uses of Carpenter Creek and Bayou Texar.
As part of the RESTORE Act passed following the 2010 oil spill, Escambia County proposed a $1.3 million project to develop a watershed restoration plan for Carpenter Creek, and won the grant from the federal government last year.
Now the county has hired Wood PLC to develop the plan for the county under the grant for $900,000. As part of the contract, the company brought in SCAPE Landscape Architecture and Wetland Sciences to help develop the plan with the public.
SCAPE is the same company brought in by CivicCon's Center for Civic Engagement to create a waterfront framework plan for the city of Pensacola last year. After months of studying and public engagement, SCAPE proposed two catalytic projects for the waterfront, a new "hashtag" connector for Palafox and Main streets and revitalizing Bruce Beach.
Carpenter Creek runs more than four miles long through the most densely populated areas of Pensacola before emptying into Bayou Texar and has been a focus of cleanup efforts as one of the city's last uncovered watersheds.
Matt Posner, Escambia County RESTORE program manager, said the program will be a first for the county.
"We'll utilize investigative science and then work with the community to identify the community's vision for the creek and the watershed," Posner said.
Four public workshops will be held to gather public feedback to help shape that vision.
"That's why we really have this group that has a public engagement piece of that, coupled with the technical or science side, to find issues in the creek and bayou," Posner said.
Posner said the plan will identify specific things that stress or damage the watershed and specific projects to alleviate that stress.
Commissioner Robert Bender said it's important to bring the community in to help plan the future because the creek has long been connected to the community.
"You hear people talking about how they were swimming in it when they were growing up and things like that," Bender said. "So how can we develop it to have it more used by the community and give it that quality of life, but also protect the creek and improve the water quality."

The Feb. 19 workshop will take place at the Booker T. Washington High School auditorium at 6000 College Parkway. The public workshop will include:

· A formal presentation
· Group discussions
· Opportunities for attendees to share personal stories about Carpenter Creek and Bayou Texar
· Opportunities for public comments, ideas and suggestions for future use of the waterway

More information about the project can be found at RestoreTheWatershed.com.
https://www.pnj.com/story/news/2020/01/23/scape-hired-develop-plan-protect-carpenter-creek-bayou-texar/4546571002/

Regional

Warning to anglers: Invasive carp moving up Tennessee River
Al.com

Anglers and conservationists who have been worried about the arrival of invasive silver carp in Alabama waters just got a wakeup call.

The Tennessee Wildlife Resources has confirmed that a fish that jumped into Dustin Hinkle's boat on Lake Chickamauga in October is one of these dreaded critters, known for reproducing in the millions and making some waterways risky for boaters due to their jumping behavior.

Chickamauga is two lakes upstream from Guntersville and other TVA lakes in Alabama, which likely means the fish or their forebearers passed through Alabama waters and that lots of them could still be there. silver carp are so abundant in Kentucky Lake, downstream of Pickwick, that they've reportedly decimated the bass population there, and some have already been reported in Pickwick.

Hinkle said the invasive fish "jumped into the boat as I deployed my trolling motor." Hinkle encountered the fish near the Sequoyah Nuclear Plant, and stated he "saw 15-20 more fish near the surface" exhibiting a feeding behavior.

"No additional reports have been made since this occurrence." said Cole Harty, TWRA's aquatic nuisance species coordinator. "This is an excellent reminder to report carp sightings from East Tennessee, where carp are not already known to be established. We encourage anyone reporting to include photos, location information, and if possible keep a fish frozen to share with TWRA."

It is likely that these fish traveled up the Tennessee River through navigation locks, ultimately finding their way to Chickamauga Lake. "TWRA has been working with multiple partners to limit the spread and impact of invasive Asian carp in Tennessee," said Frank Fiss, TWRA Fisheries Chief. "This new observation demonstrates the urgency of the issue."

Other than becoming flying missiles that sometimes smack boaters, the carp are considered a threat to gamefish populations because they vacuum up all the algae and plankton in a lake as they reach critical mass, starving outpopulations of smaller baitfish like gizzard shad and thus reducing the food supply for bass and other gamefish.

Fry-sized gamefish also rely on zooplankton for their food and can be wiped out by dense concentrations of carp, according to biologists with the U.S. Fish & Wildlife Service. The carp quickly become too large for bass to eat, reaching more than 50 pounds and living 20 years.

Because of the threat, Alabama has joined forces with the Tennessee Wildlife Resources Agency and the Mississippi Department of Wildlife, Fisheries and Parks to work collectively on mitigating the spread of silver carp. A multiple-state group called the Mississippi Interstate Cooperative Resources Association has been formed by the 28 states in the Mississippi basin. The U.S. Fish and Wildlife Service, U.S. Geological Service, Tennessee Valley Authority, U.S. Bureau of Reclamation and two Native American tribes are also members of the coalition.

With federal funding, Tennessee Tech was tasked with monitoring numerous lakes, including Pickwick, for silver carp. One of the goals is to catch silver carp and insert sonic tags to allow the tracking of the fish movements.
A few years ago Tennessee Tech researchers' netting in Bear Creek on Pickwick made a disturbing discovery. In the six net-sets, 75 silver carp were caught, according to Alabama DCNR Fisheries Division Chief Nick Nichols.
Several different methods are being evaluated in deterring the migration of silver carp, Nichols said, including electronic barriers and large hydrophones to scare the fish away from the locks. Although these methods are experimental, Nichols hopes the sonic devices will be installed below Barkley Dam and Pickwick Dam in the next couple of years.
Nichols said it may be up to Mother Nature to limit the spread of silver carp, which require tributary systems to successfully spawn. Meantime, anglers on Alabama's TVA lakes should keep their eyes open for flying fish.
https://www.al.com/outdoors/2020/01/warning-to-anglers-invasive-carp-moving-up-tennessee-river.html

National

Trump Removes Pollution Controls on Streams and Wetlands
NYT

WASHINGTON — The Trump administration on Thursday will finalize a rule to strip away environmental protections for streams, wetlands and other water bodies, handing a victory to farmers, fossil fuel producers and real estate developers who said Obama-era rules had shackled them with onerous and unnecessary burdens.
From Day 1 of his administration, President Trump vowed to repeal President Barack Obama's "Waters of the United States" regulation, which had frustrated rural landowners. His new rule, which will be implemented in the coming weeks, is the latest step in the Trump administration's push to repeal or weaken nearly 100 environmental rules and laws, loosening or eliminating rules on climate change, clean air, chemical pollution, coal mining, oil drilling and endangered species protections.
Mr. Trump has called the regulation "horrible," "destructive" and "one of the worst examples of federal" overreach.
"I terminated one of the most ridiculous regulations of all: the last administration's disastrous Waters of the United States rule," he told the American Farm Bureau Federation's annual convention in Texas on Sunday, to rousing applause.
"That was a rule that basically took your property away from you," added Mr. Trump, whose real estate holdings include more than a dozen golf courses. (Golf course developers were among the key opponents of the Obama rule and key backers of the new one.)
His administration had completed the first step of its demise in September with the rule's repeal.
His replacement on Thursday will complete the process, not only rolling back 2015 rules that guaranteed protections under the 1972 Clean Water Act to certain wetlands and streams that run intermittently or run temporarily underground, but also relieves landowners of the need to seek permits that the Environmental Protection Agency had considered on a case-by-case basis before the Obama rule.
It also gives President Trump a major policy achievement to bring to his political base while his impeachment trial continues.
"Farmers coalesced against the E.P.A. being able to come onto their land, and he's delivering," said Jessica Flanagain, a Republican strategist in Lincoln, Neb. "This is bigger news for agricultural producers than whatever is happening with the sideshow in D.C.," she added.
The new water rule will remove federal protections from more than half the nation's wetlands, and hundreds of thousands of small waterways. That would for the first time in decades allow landowners and property developers to dump pollutants such as pesticides and fertilizers

directly into many of those waterways, and to destroy or fill in wetlands for construction projects.

"This will be the biggest loss of clean water protection the country has ever seen," said Blan Holman, a lawyer specializing in federal water policy at the Southern Environmental Law Center. "This puts drinking water for millions of Americans at risk of contamination from unregulated pollution. This is not just undoing the Obama rule. This is stripping away protections that were put in place in the '70s and '80s that Americans have relied on for their health."

Mr. Holman also said that the new rule exemplifies how the Trump administration has dismissed or marginalized scientific evidence. Last month, a government advisory board of scientists, many of whom were handpicked by the Trump administration, wrote that the proposed water rule "neglects established science."

But farmers and fossil fuel groups supported the change.

"This is a big win for farmers, and this is the president delivering what he promised," said Donald Parrish, senior director of regulatory affairs for the American Farm Bureau Federation, which had lobbied for years to weaken the Obama administration's water rules.

Karen Harbert, chief executive officer of the American Gas Association, said the new rule "would restore the proper balance between federal and state regulation of our nation's waters and protect our rivers, streams and lakes without stifling construction of important infrastructure."

The Obama rule protected about 60 percent of the nation's waterways, including large bodies of water such as the Chesapeake Bay, Mississippi River and Puget Sound, and smaller headwaters, wetlands, seasonal streams and streams that run temporarily underground. It limited the discharge of pollutants such as fertilizers, pesticides and industrial chemicals into those waters.

The new rule, written by the Environmental Protection Agency and the Army Corps of Engineers, will retain federal protections of large bodies of water, as well as larger rivers and streams that flow into them and wetlands that lie adjacent to them. But it removes protections for many other waters, including wetlands that are not adjacent to large bodies of water, some seasonal streams that flow for only a portion of the year, "ephemeral" streams that only flow after rainstorms, and water that temporarily flows through underground passages.

Legal experts say that Mr. Trump's replacement rule would go further than simply repealing and replacing the 2015 Obama rule — it would also eliminate protections to smaller headwaters that have been implemented for decades under the 1972 Clean Water Act.

"This is rolling back federal jurisdiction of the Clean Water Act further than it's ever been before," said Patrick Parenteau, a professor of environmental law at Vermont Law School. "Waters that have been protected for almost 50 years will no longer be protected under the Clean Water Act."

That could open millions of acres of pristine wetlands to pollution or destruction, and allow chemicals and other pollutants to be discharged into smaller headland waters that eventually drain into larger water bodies, experts in water management said. Wetlands play key roles in filtering surface water and protecting against floods, while also providing wildlife habitat.

Ean Thomas Tafoya, a Colorado-based clean water activist with the group GreenLatinos, said the new rule could harm the quality of the water in the Colorado River, which supplies water to 17 western states.

"We are a headwater state," he said. "This rollback will affect almost every single stream that flows into the Colorado River."

Mr. Tafoya said about 90 percent of the streams that supply the Colorado River run only after rainfall or snowmelt. Under the new Trump water rule, many of those streams will not qualify for federal pollution protection. But Mr. Tafoya said pollutants such as chemical pesticides that end up in those dry stream beds could nonetheless be swept into larger bodies of water when the streams begin running after the spring thaw of mountain snow.

"The toxics or poisons that lie dormant will still be there when the streams are reactivated," he said. "They will still get into the larger bodies of water."

Government scientists, even those appointed by the Trump administration, say those concerns are justified. The E.P.A.'s Scientific Advisory Board, a panel of 41 scientists

responsible for evaluating the scientific integrity of the agency's regulations, concluded that the new Trump water rule ignores science by "failing to acknowledge watershed systems."
They found "no scientific justification" for excluding certain bodies of water from protection under the new regulations, concluding that pollutants from those smaller and seasonal bodies of water can still have a significant impact on the health of larger water systems.
Those scientific findings, although they are not reflected in the administration's policy, could still play a role in the fate of the new rule. Several state attorneys general are expected to join with environmental groups to sue to overturn the Trump water rule, and those groups are likely to cite those findings as evidence that the rule is not legally sound.
"The legal standing all has to do with whether you have a rational basis for what you're doing," said Mr. Parenteau. "And when you have experts saying you're not adhering to the science, that's not rational, it's arbitrary."
https://www.nytimes.com/2020/01/22/climate/trump-environment-water.html

Five states raise alarms about EPA coal-fired power plant waste disposal proposal
The Hill

Attorneys general from five states have raised objections to an Environmental Protection Agency (EPA) rollback of Obama-era regulations that stipulate how coal-fired power plants dispose of waste containing arsenic, lead and mercury.
The lawyers representing Maryland, Pennsylvania, Illinois, Michigan, and Vermont expressed concerns about the proposed changes, which would weaken rules dealing with the residue from burning coal, called coal ash, in a Tuesday comment addressed to EPA Administrator Andrew Wheeler.
"When power plants burn coal, the resulting waste—coal combustion residuals, or coal ash—includes a host of toxic chemicals, such as arsenic, lead, and mercury," they wrote. "These chemicals pose numerous dangers to human health, including cancer, cardiovascular effects, and neurological effects."
Their comment acknowledged that states are free to impose stricter regulations than the federal government, but noted that waters within their borders are connected to out-of-state waters and could be tainted by pollution produced in those states.
"Our states thus rely on federal regulation to ensure a stable nationwide regulatory floor protecting against pollution crossing our borders," the attorneys general wrote.
An EPA official told The Hill in an email that the agency "will consider all timely filed public comments as part of the rulemaking process."
The agency has previously defended the proposed changes as supporting "the Trump Administration's commitment to responsible, reasonable regulations by taking a commonsense approach, which also protects public health and the environment."
https://thehill.com/policy/energy-environment/479395-five-states-raise-alarms-about-epa-coal-fired-power-plants-waste

EPA official encourages ag industry feedback
Delta Farm Press

An EPA official challenged the agriculture industry to take advantage of public comment periods to make their cases for retaining products they need to protect crops.
"It is vital that we get comments from you on how a product is used," said Rick Keigwin, director, EPA Pesticide Programs, during the Cotton Consultant's Conference, the lead-in to the annual Beltwide Cotton Conferences, held this year in Austin, Texas, Jan. 8-10.
Keigwin said EPA needs to hear more than anecdotal reports about how important a product is, though that information is helpful, when EPA considers reregistration and registration reviews.
He said EPA wants to know "how vital a product is, what the impact of the product is compared to what losing it would mean. Did we assess the use rates correctly? Did we assess how many applications you need in a season?"

He added that data showing the economic loss from crop damage as well as the additional costs to substitute other products and potential environmental changes provide information that allows EPA to make informed decisions.

Needs information

He said the agency needs information that "provides something tangible that can support what you're saying so EPA can justify modifying the risk assessment to reflect how you all are actually using the product. The more data you provide, the more helpful it is in our review."

He added that EPA needs to know how geography affects product use. Data might show a product in a certain part of the Cotton Belt is used a certain way and then in a different part of the Cotton Belt the product is used a different way.

"At EPA we are trying to find out what's the value of a product," Keigwin said. "We want to quantify the value economically and biologically. Why is it important to the crop?"

Keigwin said the timing of consumer comments make a difference.

The 60-day comment period following the draft risk assessment offers an opportunity to weigh in on how important a product is to agriculture.

"And then we evaluate those comments. We revise the risk assessments if we think it's warranted. And then we come up with a proposed interim decision or proposed regulatory decision and this is where we're doing our cost-benefit analysis. Then we pause to consider the feedback from stakeholders. And then we look at an interim or a final decision."

Comment timing

He said comments on the interim risk assessment are important.

"We are largely in these two phases right now; the bulk of the chemicals [under review] are either in the draft risk assessment stage or in the proposed decision phase."

A public comment period is currently in progress. "So, if this is an issue that impacts you specifically, it would be good to hear from you."

Registration review

Keigwin explained that EPA conducted a reregistration program back in 2008.

Then Congress added a registration review. "Congress said, 'well, you know, maybe we shouldn't just be looking at chemicals one time and be done because we know that science evolves, information changes, new things become available.' So, when they passed the Food Quality Protection Act amendments in the late 1990s and then through some changes in legislation, they created what's called the registration review program. Rather than a one-time reregistration process, now it is a process that every 15 years we reevaluate every active ingredient. We're currently in that first round or first cycle of registration review."

In 2019, EPA reviewed 14 new active ingredients and 9 biopesticides. They also looked at 212 new uses of existing chemicals and three new uses of existing biopesticides.

EPA currently has 1,100 active ingredients and 700 cases under review. Deadline to finish is Oct. 1., 2022.

Keigwin said the agricultural industry should take the opportunity for public review seriously but explained that the reregistration decisions are not based on the "number of votes," pro or con, a product receives. He said a recent review included more than a million product comments, the vast majority negative. The final decision, he said, is based on science.

"We scope out what we think we know about the active ingredients, what its registered uses are, how it's used, and what additional data we think we're going to need, primarily from the registrar. We conduct that evaluation and then we put the plan out for public comment."

Harder chemicals

He said the process is moving into "the harder chemicals for risk assessment in 2020," including neonicotinoids, pyrethroids, organophosphates, acephate, chlorpyrifos and others. They are also looking at dicamba.

He said EPA's opinion on glyphosate remains that "it poses no public health risk and it is not a carcinogen. We will release our final decision early in the year."

He said neonics provide a challenge but said risk with seed treatments appears lower than other application methods.

Acephate is a challenge because of food risk. "We need a better understanding of how it is used, when it is used and the residue on food," he said.

Bt review

Keigwin said the recent declaration by Secretary of Agriculture Sonny Perdue that the pink bollworm has been eradicated will activate a review of Bt cotton products.
He said dicamba incidents have resulted in label changes, including required training, application by a certified pesticide applicator, revised application timing regulations and additional buffers to limit volatility drift.
"Off-site movement studies are under way. Also, some counties have different restrictions and some states have different application timing regulations."
Keigwin said the agriculture industry should provide as much use and impact information as possible to preserve needed chemistry.
"What will influence how we do the assessment is if you have better data than we do and data on how it's been used or the different use patterns across cotton production areas that can lead us to changing the risk assessment. It's important to you, and it is vitally important to comment at the proposed decision phase."
https://www.farmprogress.com/cotton/epa-official-encourages-ag-industry-feedback

Opinion

Opinion: The miracle at the lake
Starkville Daily News

I think it's safe to say we witnessed a miracle over the weekend.
Be it by divine intervention or human ingenuity, a complete failure of the Oktibbeha County Lake dam was avoided, despite deteriorating infrastructure and torrential rain that had the entire county on edge.
Through the county's swift action, contractor pumps were brought in over the weekend to quickly begin the process of draining the lake to a safe enough level to take the pressure off of the dam.
I'm not totally sure if you could call this a gamble, rather it seemed like the only option. But when you consider the overall tone of the situation as it developed, it's nothing short of amazing that a complete crisis was averted and things went as smoothly as they did after a failure of the dam was viewed as imminent.
While I was — and remain — critical of the series of events that led us to this point with respect to the dam's failing infrastructure, I do think the current status is something to celebrate, especially for the people who made it possible.
Simply put, it wasn't near as bad as it could have been.
Oktibbeha County EMA Director Kristen Campanella once again managed a complex situation with a steady hand, while Supervisor Marvell Howard worked day and night at the dam itself along with Board President John Montgomery.
All three were out there on Saturday as the rain drenched the dam and worked against the county's pumping efforts. It was a dangerous and tense situation, but with the way they approached it, I felt at ease because they never gave the impression they weren't in control.
Even after the primary threat passed, Howard was initially slated to be one of the speakers at the Unity Park induction on Monday for Martin Luther King Jr. Day, but was still out at the site, working to ensure the safety of his home and his district. That says something when a politician avoids a crowd to roll up their sleeves and physically work in their district.
In the nearly three years since she was named EMA director, Campanella has also proven to be an invaluable asset to our community for her hard work, quick thinking and ability to coordinate with other agencies. I've had a firsthand look to see her manage searches, coordinate efforts for storm damage and now, I can say I've seen her successfully navigate a potential dam failure.
To both Campanella and Howard's credit, though, I never saw them panic. While they were stern in their warnings given to those in the area, the tone never became one of hysteria. Keeping that calm, measured demeanor during a crisis is an excellent hallmark of strong leadership and is something both of these individuals and Supervisor Montgomery embody.
Other brights spots also shined through during the county's hour of need.

Sandbagging efforts began on Sunday morning as the sun came out to reveal the dam still holding and Oktibbeha residents began working to reinforce the worn earthen structure. The dam survived the night, but the countless hours of work moving forward was only beginning. After seeing a need and without being asked, Jim Maddox, owner of Eupora-based J&M Bagging and Sales, donated 1,000 sandbags and volunteered to help in the effort.
This act of generosity deserves special recognition because it was done without a desire for praise. At least, I can say no one reached out to me for a photo opportunity, which underscores the selflessness behind the act.
So many times when people do something good, they are sure to ask to get their picture in the paper for all to see. Then, there are the people who don't crave the spotlight, but who feel led to help others.
I'm a fan of those folks.
So for Mr. Maddox, it presents an important lesson to us all.
We should strive to be kind and look for situations to do good, not because it will gain us favor or notoriety, but because it's the right thing to do.
It's my hope that those reading this column will take the time to thank these community leaders and the others I didn't mention for their efforts during this trying time.
And it might not necessarily be that the miracle witnessed was the dam holding, but the fact we were blessed with the right leadership when we needed it most.
Ryan Phillips is the executive editor of the Starkville Daily News and Daily Times Leader. The views expressed in this opinion column are his and do not necessarily represent the views and opinions of either paper or their staffs.
https://www.starkvilledailynews.com/opinion-the-miracle-at-the-lake/article_3aa8dc7c-3c6e-11ea-9c77-434951396733.html

Press Releases

Special Deer Season Set
MDWFP

During the 2019–2020 hunting season, the Mississippi Department of Wildlife, Fisheries, and Parks (MDWFP) has collected more than 5,000 samples for Chronic Wasting Disease (CWD) testing across the state. However, sample numbers are lower than expected for counties in the North MS CWD Management Zone. Since October 2019, 25 CWD-positive deer have been detected from this zone. To obtain additional samples, a 2-day February special season was set during the January meeting of the Commission on Wildlife, Fisheries, and Parks. The proposed season includes:
Special Season
· All counties included in the North MS CWD Management Zone
· February 8–9, 2020 (Saturday/Sunday)
· Mandatory CWD sample submission on day of harvest for all harvested deer
o Existing CWD drop-off freezers may be utilized
o 1 physical check station will be in each of the five (5) CWD-positive counties
· Legal weapons:
o Weapon of choice may be used on private lands.
o Primitive weapons may be used on Graham Lake, Hell Creek, Malmaison, O'Keefe, Tuscumbia Unit 1, and Upper Sardis
o Muzzleloader/Youth Gun on Charles Ray Nix and Tuscumbia Unit 2
o No other WMAs are open for deer hunting during this season.
· Still hunting only on public and private lands
Bag Limits (in addition to regular season)
Private Lands, Upper Sardis WMA, and Holly Springs National Forest
· 2 bucks (1 buck per day and 1 may be sub-criteria)
o 5 does
Wildlife Management Areas

· 2 bucks (1 buck per day and both must meet antler criteria)
o 5 does
Further information will be available at physical check station locations and on the MDWFP website. For more information regarding hunting or fishing in Mississippi, visit our website at www.mdwfp.com or call us at (601) 432-2400. Follow us on Facebook at www.facebook.com/mdwfp or on Twitter at www.twitter.com/MDWFPonline.
https://www.mdwfp.com/media/news/wildlife-hunting/special-deer-season-set/

Trump Administration Recruits Six New Members as U.S. Food Loss and Waste 2030 Champions
Commitments made by new Champions will contribute to national food waste reduction
01/22/2020

LAS VEGAS (Jan. 21, 2020) — Today, Environmental Protection Agency (EPA) Administrator Andrew Wheeler and U.S. Department of Agriculture (USDA) Secretary Sonny Perdue announced the addition of six new U.S. Food Loss and Waste 2030 Champions. These champions are U.S. businesses and organizations pledging to reduce food loss and waste in their own operations by 50 percent by the year 2030. New champions in 2019 and announced today include: Browns Superstores, Compass Group, Giant Eagle, Hello Fresh, Las Vegas Sands, and The Wendy's Company.
"Food products make up 22 percent of municipal solid waste sent to our nation's landfills annually and working with my partners at USDA, we are challenging American businesses and consumers to reduce food waste," said EPA Administrator Andrew Wheeler. "The commitments made by these organizations in joining the Champions program will help propel the U.S. one step closer towards meeting the national goal of reducing food waste and loss 50 percent by 2030."
"Businesses across the country are stepping up to reduce food loss and waste," said U.S. Secretary of Agriculture Sonny Perdue. "We applaud the manufacturers, grocers, restaurants, and other businesses that have made a commitment to reduce food loss and waste in their operations, and we call on more businesses to become U.S. Food Loss and Waste 2030 Champions."
"The elimination of food waste has been a critical component of our Sands ECO360 sustainability plan," said Las Vegas Sands Senior Vice President of Global Sustainability Katarina Tesarova. "While this is definitely an environmental issue, it is also a social and economic issue. Not only does wasted food end up in the landfill, but there are other implications as well. For instance, we continue to focus on new ways to get excess unserved food to those in the community who are food insecure."
The six new Champions join the list of existing 2030 Champions, which include: Ahold Delhaize, Aramark, Blue Apron, Bon Appetit, Campbells, ConAgra, Farmstead, General Mills, Hilton, Kellogg's, Kroger, Marley Spoon, MGM Resorts, Mom's Organic Market, Pepsico, Sodexo, Sprouts, Unilever, Walmart, Wegmans, Weis, Whitsons and Yum! Brands.
Cutting food waste in half by 2030 will take a sustained commitment from everyone. Success requires action from the entire food system including the food industry, and the U.S. 2030 Food Loss and Waste Champions group can help lead the way. Details on becoming a U.S. Food Loss and Waste 2030 Champion can be found at www.usda.gov/oce/foodwaste and www.epa.gov/sustainable-management-food.
Businesses not in a position to make the 50 percent reduction commitment may be interested in participating in EPA's Food Recovery Challenge: https://www.epa.gov/sustainable-management-food/food-recovery-challenge-frc. State, local, tribal and territorial governments interested in making a commitment to food waste reduction can sign the Winning on Reducing Food Waste pledge.
BACKGROUND
Facts about food waste:

- EPA estimates that more food (over 75 billion pounds) reaches landfills and combustion facilities than any other material in everyday trash, constituting 22% of discarded municipal solid waste.
- Landfills are the third largest source of human-related methane emissions in the United States.
- Food waste not only impacts landfill space and emissions, it hurts the economy. The U.S. Department of Agriculture (USDA) estimates the value of food loss and waste for retailers and consumers each year to be over $161 billion.
- Food waste consumes 21% of all fresh water globally.
- Wasted food also results in unnecessary, excess expenditures of U.S. domestic energy resources.

Ongoing Federal Efforts:
EPA has taken significant measures to highlight the need to reduce food waste nationally. In October 2018, EPA, the U.S. Food and Drug Administration (FDA), and USDA signed a formal agreement to align efforts across the federal government to educate consumers, engage stakeholders, and develop and evaluate solutions to food loss and waste.
The agencies launched "Winning on Reducing Food Waste Month" in April 2019 with a Presidential Message from President Trump encouraging public action and participation from all sectors.
During the month of April 2019, Administrator Wheeler and leadership from USDA and FDA convened a summit at EPA bringing state and local stakeholders together to form partnerships with leading food waste reduction non-governmental organizations. At this event, over 30 governmental organizations signed onto a new pledge in which state, local, tribal and territorial government organizations solidified interest in working with the federal government to continue to build upon existing efforts back home to reduce food loss and waste. Also at the summit, EPA announced $110,000 in funding for food waste management and infrastructure projects (to expand anaerobic digestion capacity) in Wisconsin, Vermont, and Washington. EPA also opened a Small Business Innovation Research Grants program solicitation in 2019, which included "preventing food waste" as a topic.
For more information on the Winning on Reducing Food Waste Initiative, visit:
https://www.epa.gov/sustainable-management-food
https://www.usda.gov/foodlossandwaste
www.fda.gov/Food/ResourcesForYou/Consumers/ucm628706.htm
https://www.epa.gov/newsreleases/trump-administration-recruits-six-new-members-us-food-loss-and-waste-2030-champions

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Subject: News Clippings August 20, 2019 -- Full Stories

State

Tourism industry hopes algae bloom is on the way out
WLOX

BILOXI, Miss. (WLOX) - For many in the tourism industry, the summer of 2019 will be remembered as the summer of the blue-green algae.
Tourism leaders are tracking the Mississippi Department of Environmental Quality's (MDEQ) monitoring program and hoping for the best. Water contact warning signs, red flags, empty beaches, void of vendors and visitors are still evident at beaches across the Gulf Coast.
The presence of the harmful algae tarnished tourism in the peak months of June and July.
Tourism leaders are hoping to salvage to next few weeks and plan ahead for next year.
"Some of our partners and the beach vendors are having one of the worse summers in their businesses, and we will try for more opportunities for them from now until September and be prepared for next summer in 2020," said Coastal Mississippi CEO Milton Segarra.
MDEQ is constantly monitoring the water and working with the Department of Marine Resources and the Gulf Coast Research Lab (GCRL).
A scientist with GCRL told WLOX they have not seen surface blooms in the the last four weeks. That could be a positive sign of salinity levels on the rise and water conditions moving in the right direction.
Officials at Coastal Mississippi are in constant contact with the agencies. And while realizing public safety comes first, they are simultaneously watching and waiting for good news.
"I know some groups are pushing every single day, but we'll have to wait for the official position from the agencies. They'll have to call that and lift the ban. We have heard that it could be in October or it could be in two weeks. We don't want to speculate about that, and we're going to wait for the official organizations to let us know when it's appropriate for us to say that the beaches are open," Segarra said.
Several programs have been proposed and some are already in place to help people impacted recover from economic damages.
https://www.wlox.com/2019/08/20/tourism-industry-hopes-algae-bloom-is-way-out/

Judge: Lawsuit involving Jones County oil companies can move forward
WDAM

JONES COUNTY, Miss. (WDAM) - A Jones County judge ruled Monday that a lawsuit brought by a family against several oil companies in the area could move forward.
Tae and Diedra Baucum are suing Petro Harvester Oil and Gas Company LLC, Petro Harvester Operating Company LLC, Champion Oilfield Service LLC, Boots Smith Oilfield Services LLC, Comstock Oil & Gas LP, Jerry Huddleston and Gary McAdams.
The lawsuit alleges that polluted oilfield waste buried beneath the surface on a nearby property has leached into the Baucum's property causing it to be contaminated as well.
Monday's ruling allows for the family to pursue a personal injury claim through the Jones County court while a property damage claim will go through the Oil and Gas Board.
The lawsuit claims the defendants disregarded human health and safety by dumping, drilling, pumping and burying oil field waste below the surface of the properties.

Environmental expert Bob Bowcock said that Petro Harvester's property is contaminating the area with surface water discharge ponds and may have percolated into the shallow aquifer system.
Jones County Circuit Court Judge Dal Williamson ruled in the case.
https://www.wdam.com/2019/08/19/judge-lawsuit-involving-jones-county-oil-companies-can-move-forward/

Holly Bluff residents pushing for Yazoo pumps to relieve backwater flooding
WLBT

YAZOO COUNTY, Miss. (WLBT) - The Environment Protection Agency could reconsider its 2008 decision to veto the Yazoo Pump Project. In a letter posted by Mississippi's Agriculture Commissioner Andy Gipson, the EPA says it is actively working on an option to provide flood protection and protect wetlands in the Yazoo backwater area.
This comes after months of backwater flooding in the Holly Bluff Community that has taken an emotional and financial toll on residents.
Over at Lake George Pub and Eatery in Holly Bluff, the backwater has receded, but the owner says the problems have just begun here -- and he's not happy about it.
"It damaged all the bottom of wall and the sheet rock," owner Chuck Perry said.
Chuck says the historic backwater flooding that was on the ground for months did some major damage to his business.
"It was about that thick of mud when the water went down in here, we had to scoop out," he said. "I didn't have flood insurance, but at $5,000 a month, I can't afford flood insurance in this small building."
His son Tre' Perry is a farmer. His business also took a big financial hit.
"We never made any money. Never got any crops in the field and it all could have been avoided with a simple pump," said Tre'.
Residents say they want to see pumps installed to relieve the backwater flooding in the future.
EMA Director Jack Willingham says the Yazoo Pump Project plan was vetoed by the Environmental Protection Agency over a decade ago due to environmental concerns.
"Thankfully, by a lot of pressure by Mississippi leaders both in DC, here in the state and the historic flooding, it appears the EPA is going to reconsider the veto. It is very important they do that to prevent this from happening again not only is this affecting lives, but livelihoods," Willingham said.
The Perry's couldn't agree more.
"We need the pumps we were promised 40 years ago," said Chuck.
"This is our livelihood, this is how we go to Walmart, buy our groceries, this is the way we make our money and it all could've been prevented," added Tre'.
https://www.wlbt.com/2019/08/20/holly-buff-residents-pushing-yazoo-pumps-relieve-backwater-flooding/

Supervisors weigh in on illegal dirt mining complaint in Hinds County
WLBT

HINDS COUNTY, Miss. (WLBT) - Hinds County Supervisors are working to end a feud between Siwell Road residents and a property owner they accuse of dirt mining.
Monday the board of supervisors met about land where residents say, up until a week ago, trucks were going in out causing constant noise.
The recently deforested property in the 800 block of Siwell Road has been a thorn in the side for residents like Irish Patrick Williams, who claims that the owner is operating a dirt mine.
For a year-and-a-half she said dirt trucks were constantly leaving and entering the property from early morning until evening.
But following inspections, the Hinds County Board of Supervisors determined landowner James Orey was not running an illegal dirt operation.

“There was no evidence to show again that a mining operation was taking place,” said Hinds County Board of Supervisors president Peggy Hobson Calhoun. “The board of supervisors also wanted to assure Mrs. Williams that we will not allow anyone to be in violation of our zoning ordinances."
County officials said Orey has a permit to build a two acre pond and is also building roads to and from the site.
He told WLBT on August 8 that he also planned to construct a house at the location.
Despite the county’s findings, Williams, who lives next door, wants a firm date on when dirt work will be completed.
“Mr. Orey doesn’t live there. He comes to work there,” said Williams. “That is a work site for him. Myself and others, we live there and we’re just asking him to get down with what he’s doing and do it in a reasonable amount of time."
As a courtesy to residents, the board is asking the land developer not to bring in trucks for work between 8 a.m. and 5 p.m.
Orey did not attend the meeting and declined to comment other than to say he was never doing anything illegal and that he has no date for work completion.
https://www.wlbt.com/2019/08/20/supervisors-weigh-illegal-dirt-mining-complaint-hinds-county/

Mississippi's largest city ends recycling, extends Waste Management landfill contract
Waste Dive

Jackson, Mississippi will indefinitely end its residential curbside recycling program on Sept. 1. While this had been forecast for months, the timing surprised many and raised questions about what influenced the move.
The state capital's current collection contract with Waste Management wasn't set to expire until the fall of 2020. The Jackson Public Works Department's efforts to negotiate an amendment to end recycling had been unsuccessful, according to the Northside Sun and Clarion Ledger, and the city was months behind on payment.
In addition to challenging commodity prices, officials cited low participation as a reason to drop the $96,000 per month program. According to council documents, Jackson was paying $1.68 per residential unit for recycling service and $9.27 per month for other waste collection.
That stalemate was broken on Aug. 6, when the Jackson City Council unanimously approved a contract amendment to end recycling and pay Waste Management for 11 months of service. The $1.058 million debt is now due on or before Oct. 31.
Contract questions
No explanation was offered during the meeting as to what had changed, but the vote speaks for itself. The council concurrently approved an extension to Waste Management's residential disposal contract. The initial five-year deal, which wasn't set to expire until late 2021, will now run until Oct. 31, 2025.
Waste Management declined to answer questions about what changed its stance, whether the landfill contract extension was a factor and if similar shifts could be coming to other area municipalities.
"Waste Management has honored the City of Jackson's request to discontinue curbside recycling services within its city limits. This action is effective only within the boundaries of the City of Jackson," said Buford Clark, government and community relations manager, in a statement.
Requests to interview Director of Public Works Robert Miller about the contract timing and funding issues were also declined.
"As of right now, we have no further comment other than the City believes in recycling, but has suspended those efforts and redirected funding that would otherwise go toward recycling, to clean up our illegal dumping sites throughout the city," wrote Director of Communications Candice Cole via email. "The City plans to resume recycling once the market stabilizes."
During the council's public comment period, David Greene of Republic Services said the decision "caught us kind of surprise."

According to Greene, Jackson's move to extend its disposal contract beyond the expiration date limits competition. Republic previously held contracts in Jackson and also operates a local landfill. Without allowing future collection bidders to concurrently pursue the disposal contract and internalize their own waste, Greene said, "You're exposing yourself to the potential for higher rates."

"I just think the city is giving away all of your leverage with this. Now, I understand the wins for your current service provider. It's a win-win-win position for them, without a doubt. For the city, I just can't understand any win that you have from this other than maybe short term," he said. "Even short term, I don't understand it."

Mississippi's recycling outlook

Many of Mississippi's communities are small – Jackson, the largest, has around 165,000 people – and have been grappling with their own financial challenges around recycling.

In response to a recent Waste Dive survey, Mississippi's Department of Environmental Quality (DEQ) said local MRFs were having more trouble selling material due to low commodity values and high contamination rates. This has led to "significant increases" for collection and sorting costs, which are compounded by the longstanding challenge of efficiently collecting enough volume from across the rural state. Certain companies have reportedly been taking material to their own out-of-state facilities, rather than using more limited local options – putting further strain on the system.

Waste Management had been taking Jackson's material to FV Recycling in the town of Sumrall, about 80 miles south, until just a couple of months ago. After FV raised its tip fee, the company decided to start shipping material much farther north to its own MRF in Little Rock, Arkansas. The transportation costs are higher, but the processing costs are more controllable.

FV Recycling President Gene Smith declined to share his current price, but said "we tried to be as friendly as we could" and called it "a very fair tip fee." He maintains the recent decision in Jackson wasn't influenced by FV's rate change.

"It's a poor city. They have a hard time with their infrastructure needs and they began to look for ways to try to save some money, and of course this was a cost to them," he said.

Prior to the shift, FV was taking in about 325 tons per month from Waste Management. Smith said this included both Jackson's residential material and volume from other customers in the region. FV was close to moving sorting equipment up to a company-owned property in Jackson as a way to attract more business, but that was put on hold indefinitely within the past year due to market conditions.

Despite Jackson's financial challenges, Smith feels the move is shortsighted and may lead to higher disposal costs in the future. Will Sagar, executive director of the Southeast Recycling Development Council, agrees. He pointed to strong regional market demand as one of multiple reasons to stay the course.

"It is disappointing to see a state capital drop its recycling program. It is especially frustrating to see the blame placed on the actions of China's import restrictions. Market prices are down, but there remains significant demand for recycled feedstock in the manufacturing sector," said Sagar. "Rather than shuttering a recycling program, it would be in the city's interest to improve the program."

Sagar referenced existing grant opportunities from the DEQ or other organizations as ways cities can help, encouraging optimism.

"Almost weekly, there are press releases or media stories covering expansions in manufacturing that will drive demand for material. Let's hope Jackson will reconsider and be positioned for the coming strong recycling markets."

Following the news, Jackson has directed residents to two local companies that offer subscription recycling service. One, Environmentality, reported receiving a high volume of calls in recent days.

Derek Augustus, co-owner and operations manager, told Waste Dive the company is still small and plans to cap the influx at 1,000 new customers to start. Currently, material is collected in pick-up trucks and trailers before being manually sorted and baled.

Environmentality had talked with the city about taking on some business last year when

discussions about ending the program first started, and was eyeing the chance for a new collection contract in 2020.
"We kind of saw this coming," said Augustus. "That's why we started getting ready for it and we were positioning ourselves to be able to take it on."
Now, with that new business coming in a year early, Environmentality is quickly trying to expand its capabilities. The company is working with FV to help broker some of its material – although it will be dropping mixed plastics – and remains confident customers are willing to pay enough to cover costs (current rates are $5-10 per pick-up). Environmentality is also looking into ways creating new products from recycled content as a supplemental line of business.
"Our model is not based on the sale of the material," said Augustus, adding that the company's goal is to "work on actually closing the loop instead of shipping it all over the world."
https://www.wastedive.com/news/jackson-mississippi-cancel-recycling-waste-management/560827/

45 Mississippi counties primary ag disaster areas
AP

U.S. Agriculture Secretary Sonny Perdue has named 45 Mississippi counties primary natural disaster areas because of freezing, flooding, flash flooding and excessive rain.
Producers who had losses from those causes since Jan. 15 may be eligible for Farm Service Agency emergency loans.
Farmers and ranchers in adjacent counties can also apply. There are 33 such counties in Mississippi, eight in Alabama, four in Arkansas, eight in Louisiana and five in Tennessee.
Emergency loans can be used for replacing equipment or livestock, reorganizing a farming operation, refinancing certain debts, and other recovery needs.
The application deadline is April 7, 2020.
The agency has a number of other emergency programs that don't require a disaster declaration.
The Mississippi counties named primary disaster areas are Adams, Alcorn, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clay, Covington, Forrest, Grenada, Harrison, Holmes, Humphreys, Issaquena, Itawamba, Jefferson, Lamar, Lee, Leflore, Lowndes, Marion, Marshall, Monroe, Montgomery, Oktibbeha, Pearl River, Perry, Pontotoc, Sharkey, Stone, Tippah, Tishominogo, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, and Yazoo.
The contiguous Mississippi counties are Amite, Attala, Bolivar, Clarke, Coahoma, Copiah, DeSoto, Franklin, George, Greene, Hancock, Hinds, Jackson, Jasper, Jefferson Davis, Jones, Kemper, Lafayette, Lawrence, Leake, Lincoln, Madison, Neshoba, Noxubee, Panola, Pike, Prentiss, Quitman, Simpson, Smith, Sunflower, Tallahatchie, and Tate.
https://www.sunherald.com/news/business/article234163037.html

Brookhaven driller awarded USDA grant
Daily Leader

A Brookhaven drilling company received one of five USDA grants — nearly $70,000 total —to be used for a project that will help reduce energy cost.
The Big H Directional Drilling Co. received a $6,733 grant that will be used to install a solar array system.
Four other businesses in Mississippi also earned nods from the USDA, said Justin Wilkes, public affairs and community economic development coordinator.
In Bay Springs, BMW Farms Inc. received a $20,000 grant that will be used to upgrade brooders, fans and baffles, while in Brooksville, owner Kendall Jost received a $15,000 grant to upgrade the aeration systems of the catfish ponds. In Vicksburg, the Magnolia Metal and Plastic Products Inc. received a grant of $6,181 to make upgrades to their lighting systems,

resulting in increased energy efficiency and in Greenwood, Walter Pillow and Sons Planting Co. received a $20,000 grant to upgrade their grain dryer.
The USDA awarded the grants for projects in all states and Puerto Rico to reduce energy costs farmers, agriculuture producers and rural-based businesses and institutions.
"Energy costs represent a large expense for many businesses," said State Director for USDA Rural Development John Rounsaville. "Lowering these costs helps rural businesses improve their bottom line and create jobs."
The USDA is investing $9.3 million through the Rural Energy for America Program for renewable energy and energy efficiency projects across the nation. Congress appropriated $50 million for REAP grants and loan guarantees in fiscal year 2019. USDA will make additional funding announcements in the REAP program in coming weeks.
Recipients can use REAP funding for a variety of needs, such as conducting energy audits and installing renewable energy systems such as biomass, geothermal, hydropower and solar. Funds also can be used to make energy efficiency improvements to heating, ventilation and cooling systems; insulation; and lighting and refrigeration.
Like Big H Directional Drilling, many businesses nationwide will use the grants to switch to solar power.
USDA Rural Development provides loans and grants to help expand economic opportunities and create jobs in rural areas. This assistance supports infrastructure improvements; business development; housing; community facilities such as schools, public safety and health care; and high-speed internet access in rural areas. For more information, visit www.rd.usda.gov.
https://www.dailyleader.com/2019/08/19/brookhaven-driller-awarded-usda-grant/

Millsaps partners with MSU on dual degree program
NewsMS

A new partnership between Millsaps College and the Bagley College of Engineering at Mississippi State University offers students the opportunity to earn degrees from both institutions in a range of academic disciplines. The partnership is outlined in a formal agreement recently signed by Dr. Robert Pearigen, president of Millsaps College, and Dr. Mark Keenum, president of Mississippi State University.
As outlined in the agreement, the program offers a new path by which students at Millsaps can complete a degree in math, physics, chemistry, biology, geology, or a related major, and an additional degree in engineering from Mississippi State in the minimum amount of time. Degrees can be earned at both the undergraduate and graduate levels.
"We are proud to enter this new partnership with Mississippi State, and to offer our students a new pathway to earning degrees in the STEM fields," said Pearigen. "This is a tremendous opportunity for students to combine the value of a smaller institution and its personalized, experience-driven education with the benefits found in a larger university and its strong reputation in engineering."
Students who pursue the dual degree program can be admitted to both schools. The first two to three years would be spent at Millsaps completing coursework toward a bachelor of science degree, followed by matriculation to the Bagley College of Engineering to complete remaining courses required for an engineering degree. The program also supports graduate level work, combining a bachelor's degree from Millsaps with a master of engineering or master of science degree from MSU.
"Partnerships such as this are critical in providing students with important options," Pearigen said. "We look forward to working with Mississippi State to produce a new generation of engineers, equipped with the vitally important skills of critical thinking combined with the sciences, who can enter the workforce ready to succeed."
The agreement is effective immediately.
https://newsms.fm/millsaps-partners-with-msu-on-dual-degree-program/

Regional

Hundreds attend open house to learn about cancer-causing toxic coming from nearby plant
11 Alive

SMYRNA, Ga. — Hundreds attended a meeting in Marietta to demand answers about cancer-causing chemicals from a nearby plant.
An in-depth report by WebMD and Georgia Health News published back on July 19 found that high levels of ethylene oxide – a toxic chemical – were being released into the air in two specific census tracts in metro Atlanta: near Smyrna, in Cobb County and Covington, in Newton County.
The chemical is widely used in the sterilization of medical supplies, but is a known cancer-causing toxin. Residents who live in the at-risk zones near two plants who use the chemical – Sterigenics near Smyrna and BD in Covington – said they were never notified of the health risks.
Both communities have subsequently held several meetings to demand answers from representatives from both companies, local leaders and the government agencies who were in charge of testing the air quality.
The Smyrna community held another such meeting Monday night. 11Alive's Elwyn Lopez was at the packed Cobb County Civic Center where representatives from the state's Environment Department of Georgia spoke publicly for the first time and heard from neighbors who are frustrated with the situation.
The discussion started around 5 p.m. Monday with an open house, where folks could come and speak to health experts. It was followed by an informational meeting.
"My neighbors are concerned. My community is of concern," said Laurie Squirek. "We need to know what's going on, and have a company that is responsible and open to what they are putting out into the air."
Squirek's question of what's going on is the same one that's on many people's minds who live in the Smryna area. Georgia's EPD found elevated levels of the toxic chemical miles from the Sterigenics plant. The department said it's working with the plant to lower the emissions, even though right now they do fall within federal Environmental Protection Agency's limits.
So, the EPD came up with a plan.
"What they are going to do is put the entire building under negative pressure, under vacuum, and capture every single air and it route it to a scrubber," explained Dika Kuoh, who is with the state EPD.
He added that system will be in place within 24 weeks.
But for Jonathan Woodword with Stop Sterigenics Georgia, it's too little, too late.
"At this point, it's a moot point," he said. "I don't think that anything they can do to improve at this point is going to make any difference to the community."
Kuoh said he understands the frustration, but wants neighbors to know this: "We are not withholding any information. We are not hiding information. We are just very careful about the data we release to people."
Meanwhile, the EPA said it is reviewing regulations for the plants releasing the cancer-causing chemicals. The federal agency said it will continue to have open communication with neighbors in the affected communities.
https://www.11alive.com/article/news/local/hundreds-attend-open-house-to-learn-about-cancer-causing-toxic-coming-from-nearby-plant/85-237e12e1-68e8-4cc4-9ed2-23ca3aba84a7

National

New EPA app helps warn you about toxic blue-green algae
WUSA

WASHINGTON — Want a heads up about toxic blue green algae? Well now there's an app for that.
The Environmental Protection Agency has launched the CyAN app to help users spot harmful algal blooms or HABs due to cyanobacteria.
Here's how the app works: it uses satellite data to spot specific changes in the color of the water observed. This data is available at more than 2,000 locations across the United States. Users can even customize the app to suit their needs for certain locations. App users can see information about cyanobacteria concentrations across the nation or narrow it down to a specific lake or reservoir.
The app is free and available to Android users on Google Play. According to the EPA's website, the CyAN app is currently being developed as a web-based app to be compatible with most devices.
https://www.wusa9.com/article/news/local/new-epa-app-helps-warn-you-about-toxic-blue-green-algae/65-503f706c-53b0-4f2c-930a-384afab38618

Freeway crossing to give wildlife room to roam
AP

Like many urban singles, the mountain lion P-22 lives a solitary life in a too-small habitat. And he has a hard time finding a mate in the big city.
Famous for traveling across two freeways and making a huge Los Angeles park his home, the lonesome big cat has become a symbol of the shrinking genetic diversity of wild animals that must remain all but trapped by sprawling development or risk becoming roadkill.
Hoping to fend off the extinction of mountain lions and other species that require room to roam, transportation officials and conservationists will build a mostly privately funded wildlife crossing over a major Southern California highway. It will give big cats, coyotes, deer, lizards, snakes and other creatures a safe route to open space and better access to food and potential mates.
The span along U.S. 101 will only be the second animal overpass in a state where tunnels are more common. Officials say it will be the first of its kind near a major metropolis and the largest in the world, stretching 200 feet (61 meters) above 10 lanes of busy highway and a feeder road just 35 miles (56 kilometers) northwest of downtown LA.
"When the freeway went in, it cut off an ecosystem. We're just now seeing impacts of that," Beth Pratt of the National Wildlife Federation told The Associated Press.
Scientists tracking mountain lions fitted with GPS collars found roadways are largely trapping animals in the Santa Monica Mountains, which run along the Malibu coast and across the middle of Los Angeles to Griffith Park, where P-22 settled.
"They can't get out of here to get dates, and cats can't get in to get dates. ... For those of us in LA, having a romance prospect quashed by traffic is something we can all relate to," Pratt said.
The result of that isolation, researchers say, is imminent genetic collapse for mountain lions. Habitat loss has driven the populations to inbreeding that could lead to extinction within 15 years unless the big cats regularly connect with other populations to increase their diversity, according to a study published this year by the University of California, Los Angeles; University of California, Davis; and the National Park Service.
The $87 million bridge last month entered its final design phase. It's on track for groundbreaking within two years and completion by 2023, according to engineer Sheik Moinuddin, project manager with the California Department of Transportation. Construction will take place mostly at night and won't require any lengthy shutdowns of the 101 freeway, officials said.
Moinuddin said Caltrans considers it a "special" project that the agency hopes will inspire others like it across the state.
One of the reasons it's special is that 80% of the money to build it will come from private sources, Pratt said. She's in charge of fundraising and is using P-22 — "the Brad Pitt of the cougar world" — as the poster cat for the campaign.

"He is world famous, handsome, everybody loves him," she said about the cougar that's been photographed in his park home with the Hollywood sign as a backdrop.
Despite being the face of the project, P-22 is unlikely to use the bridge because he's confined to the park many miles away. But many of his relatives could benefit, Pratt said.
More than $13.5 in private funding has already been raised, Pratt said. Officials are considering offering naming rights to the bridge if an entity or individual — perhaps a Hollywood studio or star — ponies up a significant donation, she said.
The remaining 20% will come from public funds already allocated toward conservation projects, officials said.
Some 300,000 cars a day travel that stretch of the 101 in Agoura Hills, a small city surrounded by a patchwork of protected wildland that the new crossing will connect.
Residents regularly spot tarantulas, coyotes and bobcats in their yards and enjoy a short walk to hiking and biking trails that offer sweeping views of the Pacific Ocean.
Drivers on the busy freeway in the Liberty Canyon area might do a double-take as they speed under a bridge 165 feet (50 meters) wide with brush and trees growing on top, seamlessly joining hillsides on both sides of the lanes.
"And who knows, you might see an animal peeking over as it's crossing," Pratt said.
From the perspective of that animal meandering to or from the Santa Monica Mountains, the topography will hopefully be indistinguishable from the scenery on either side, said architect Clark Stevens. His design will total about 8 acres of landscape — of which the bridge top occupies about an acre.
He's working with biologists and engineers to design berms and hollows with high edges that will block sound and light from the lanes below.
"Ideally the animals will never know they're on a bridge," said Stevens, with the Resource Conservation District of the Santa Monica Mountains. "It's landscape flowing over a freeway. It's putting back a piece of the ecosystem that was lost."
Wildlife crossings — bridges and tunnels — are common in western Europe and Canada. A famous one in Banff National Park in Alberta spans the Trans-Canada Highway and is frequently used by bears, moose and elk. The first one in California opened with little fanfare last October near Temecula, about 60 miles (97 kilometers) north of San Diego.
The Los Angeles-area bridge has enjoyed nearly universal support, unusual for a public works project. The draft environmental impact document received nearly 9,000 comments — with only 15 opposed, according to the NWF.
Agoura Hills resident Fran Pavley, a retired state senator, said one of her neighbors was initially concerned about cost.
"He came on board after learning it would be funded privately," she said.
Stevens said he's encouraged by Caltrans' devotion to the project and its promise to consider more like it.
"Every hole in the freeway ought to be exploited. It's a game of odds," he said. "The more options animals have, the better off they'll be."
https://www.sunherald.com/news/business/article234171387.html

Opinion

Wicker: It is Time to Finish the Yazoo Pumps
The Delta Should Get What Was Promised

In the wake of the historic flood of 1927, the United States Congress made the people of Mississippi a promise. After the water receded, the legislative branch took action to protect areas along the Mississippi River from future overflows, passing the Flood Control Act of 1928 and eventually authorizing the Yazoo Backwater Project. These measures told area residents that, when future rains came, those living above a certain elevation would be protected.
Similar assurances were made to those living by the Mississippi River in other states. Louisiana and Arkansas received pumps to mitigate the damaging effects of flooding. But the

promise still has not been kept for Mississippi, leaving the Delta vulnerable. This situation should not continue. It is time to finish the pumps.

Fixing Past Mistakes

Progress has been made on aspects of flood control for the Yazoo Backwater Area in Mississippi, but the effort to install the pumps was stopped in 2008 by a veto from the Environmental Protection Agency (EPA). This action – based on inaccurate claims about potential harms to the Delta's ecosystem – overrode the congressional authorization for the project. The agency's veto left the region unable to move forward with a project that would save lives, property, and habitats. EPA also failed to offer realistic alternative solutions to address the flooding.

I am working with EPA to reverse its 2008 mistake and allow this effort to move forward. I am also pursuing legislative options, including a joint effort with Senator Hyde-Smith to introduce the Flood Reduction, Wildlife Habitat, and Water Quality Improvement Act of 2019. This bill would prohibit and nullify EPA vetoes of US Army Corps-approved flood control projects authorized by Congress, including the pumps for the Yazoo Backwater area.

The Pumps Would Save Lives and Money

The need for these pumps has been demonstrated once again by historic flooding, which has left local homes and businesses across half a million acres in the South Delta underwater for most of 2019. Farmers in one of the most fertile parts of our country are unable to plant crops, roads are underwater, deer and other wildlife are dying, and residents are forced to leave their houses behind. The fact that these repeated disasters could be prevented by the Yazoo Backwater Pumps adds to the outrage.

This July Senator Hyde-Smith, Congressman Guest, and I joined with Governor Bryant to request President Trump make a Major Disaster Declaration for the flooded parts of our state. The president answered our request, opening up federal support for some of those who need it. But the continued presence of floodwaters in several counties has prevented local and state officials from conducting damage assessments, delaying much-needed resources for the most affected areas.

Federal and local support has somewhat eased the burden in the Delta, and I hope those in the remaining counties will soon receive the relief they deserve. But these are stopgap measures. The pumps would be a permanent solution. Funds to repair damage from repeated disasters would be saved if they were installed, more than offsetting the costs of installing the new flood control system. Most importantly, it would provide certainty and safety to those living in affected areas.

Thousands of Mississippians have made their homes, businesses, and lives in the Delta. They are not asking for special treatment. I am working with my colleagues in Congress and in the executive branch to keep the promise made to them so many years ago.

https://www.wicker.senate.gov/public/index.cfm/2019/8/wicker-it-is-time-to-finish-the-yazoo-pumps

Press Releases

U.S. Fish and Wildlife Service Finalizes 2019-2020 Migratory Bird Hunting Season Frameworks

August 19, 2019

The U.S. Fish and Wildlife Service today announced it is finalizing game bird season lengths and bag limits for the 2019-2020 hunting seasons that are largely unchanged from those of last year. The Service is the lead agency charged with managing migratory birds under international treaties and works closely with many partners, including sportsmen's groups and state agencies.

These seasons and bag limits are based on results from monitoring programs that indicated most species remain at or above population objectives. Each year, the Service works in partnership with states from the four Flyway Councils (Pacific, Central, Mississippi and

Atlantic) to establish regulatory frameworks for hunting season lengths, dates and bag limits. States select their individual seasons from within the federal frameworks.
Changes this year include:

- Moving the closing framework date for ducks from the last Sunday in January to January 31 for all Flyways.
- Allowing states to offer two additional days for active duty military and veterans.
- New tundra swan season in Delaware.
- New sandhill crane season in Alabama.
- Nationwide northern pintail daily bag limit of one.
- Mallard daily bag limit of two in the Atlantic Flyway.
- More restrictive seasons for the Atlantic population of Canada geese.

Although most migratory game bird populations remain abundant, when and where birds will be encountered depends on many factors. Food availability, habitat and weather conditions, and other factors all influence local bird abundance, distribution, behavior and ultimately, hunter success. The Service's reports on the status and harvest of migratory game bird populations and information about migratory bird management across North America are available online.
The Migratory Bird Treaty Act of 1918 protects some 170 species of game birds. Fewer than 60 species are typically hunted each year, subject to limits based on data from aerial surveys and other monitoring programs. The Service publishes migratory game bird regulations each year in the Federal Register.
Revenues from hunting licenses, Federal Duck Stamps and excise taxes on hunting-related equipment have funded wildlife research, management and habitat acquisition since the early 20th century.
For more information visit: https://www.fws.gov/birds/bird-enthusiasts/hunting.php.
https://www.fws.gov/news/ShowNews.cfm?ref=u.s.-fish-and-wildlife-service-finalizes-2019-2020--migratory-bird-h&_ID=36452

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State

Hyde-Smith introduces legislation that could overturn EPA veto
Vicksburg Post

WASHINGTON, D.C. — U.S. Sen. Cindy Hyde-Smith and U.S. Sen. Roger Wicker introduced Wednesday legislation that would overturn a 2008 decision that halted the final aspects of a long-awaited flood control project for the South Mississippi Delta, a region hit by disastrous flooding for most of this year.
Both Hyde-Smith and Wicker addressed the flooding disaster in the Yazoo Backwater Region in speeches from the Senate floor Wednesday and introduced the Flood Reduction, Wildlife Habitat, and Water Quality Improvement Act of 2019 as they continue to press the Environmental Protection Agency and U.S. Army Corps of Engineers to complete congressionally-authorized work on a critical pump project for the region.
"The people of Mississippi are beyond ready to see this crisis resolved. They are, frankly, extremely frustrated with the federal government. More than 17,000 people have signed a petition to remove an EPA 2008 regulatory veto preventing construction of the pumps," Hyde-Smith said. "It is time for the federal government to make good on its promises. It is time to construct the pumps. While we work toward that goal, this legislation proposes commonsense reforms to the laws governing the regulation of our nation's waters and permitting process."
Wicker, who praised Hyde-Smith for her efforts on crafting the legislation and pushing for changes to the veto process, said the completion of the project "cannot be delayed."
"The recent flooding in the Yazoo Backwater area has been devastating for Mississippians who have seen their property destroyed and livelihoods disrupted," Wicker said. "This tragedy could have been avoided had the Environmental Protection Agency not vetoed the Yazoo Backwater Area Pumps Project over a decade ago. This legislation would help to right these wrongs by ensuring that important flood control projects — especially those approved by Congress — cannot be delayed indefinitely by government bureaucracy."
The Flood Reduction, Wildlife Habitat, and Water Quality Improvement Act would reform section 404 of the Clean Water Act to prohibit EPA from vetoing a Corps of Engineers flood control project specifically authorized by Congress.
If enacted, the legislation would also immediately nullify any prior veto determinations made by the EPA that resulted in severe flooding and damage to life and property.
A 2008 EPA veto halted work by the Corp of Engineers to construct the Yazoo Backwater Pump Project, which Congress authorized in 1941. The project is the last remaining unconstructed feature of a 77-year flood control effort in the Lower Mississippi Valley.
While formal damage assessments are pending, the 2019 flood in the South Delta has caused severe damage to more than 600 households, displaced nearly 400 families, and caused agricultural losses expected to exceed $800 million. Infrastructure damage in the region is also extensive.
https://www.vicksburgpost.com/2019/07/31/hyde-smith-introduces-legislation-that-could-overturn-epa-veto/

SENATOR WICKER INTRODUCES FISHERY DISASTERS BILL
WXXV

One of our state's top lawmakers have introduced new measures to get fishermen more relief quickly in the wake of an unprecedented disaster.

The 'Fishery Failures: Urgently Needed Disaster Declarations Act,' or the 'Fishery FUNDD Act,' would reform NOAA's Resource Disaster Relief Program by allowing federal disaster funding to go directly into the fishing community.
In the past, it has taken years for communities to see any money requested for a fisheries disaster declaration. Now, the timeline for the secretary to evaluate a request will be no more than 120 days.
"Freshwater has devastated our seafood industry and spurred the growth of harmful algal blooms which shut down our beaches, hurting tourism. This legislation would expedite the process by which fishermen receive disaster relief."
https://www.wxxv25.com/2019/07/31/senator-wicker-introduces-fishery-disasters-bill/

HOW YOU CAN HELP SAVE THE SEA TURTLES
WXXV

The Institute for Marine Mammal Studies in Gulfport has saved the lives of thousands of sea turtles, but now they need your help.
Dr. Mystera Samuelson said, "So, he has been with us for about a year. He came in last summer. He was actually caught by fishermen. After examination from our veterinarian and an endoscope looking at his stomach lining, she was able to determine he had severe ulcerations in his stomach. We've seen things like that when dogs or other animals have eaten things like batteries. So, this animal ate something super corrosive."
Every day, volunteers and professionals work tirelessly at the IMMS to save the lives of endangered sea turtles. "Quite a few man hours, making sure he got the nutrition and medications he needed to survive."
Situations like this one are a common occurrence at the IMMS and rehabbing an endangered species is costly. "We've saved over a thousand turtles for sure over the years since IMMS started responding to turtles back after the oil spill."
Now, the IMMS is asking for your help to save the turtles. They need volunteers and donations. "When you donate to IMMS this is the kind of stuff you are helping with. You are helping us provide the best possible care that we can for these turtles. It helps us ultimately help them."
For more information about how to help visit imms.org.
https://www.wxxv25.com/2019/07/31/can-help-save-sea-turtles/

Chronic wasting disease and deer season 2019: What you need to know
Clarion Ledger

Deer season with archery equipment is only weeks away and there are a few things hunters should be aware of before they head into the woods this fall.
One of the biggest changes this year involves the bag limit. The bag limit for antlerless deer on private land will be five in all zones except the Southeast Zone where it remains one per day, two per season. On national forest land the limit is one antlerless deer per day, five per season except in the Southeast Zone where it is one per day, two per season.
The opportunity to harvest antlerless deer on national forest lands has also been increased. Hunters may harvest antlerless deer on those lands during archery season and primitive weapon season.
The limit for bucks remains at one per day, three per season in all zones. On private land, one of the bucks may be any antlered buck without antler restrictions.
Among national forests, Holly Springs National Forest is an exception. Hunters there may harvest antlerless deer during the entire season as well as one buck-of-choice.
Decreasing prevalence of CWD
In an earlier interview, Mississippi Department of Wildlife, Fisheries, and Parks Chief of Staff Wildlife Russ Walsh explained the bag limit and antler requirements were changed to help manage chronic wasting disease.
"In our public meetings we've laid out that when prevalence (of chronic wasting disease) reaches a certain point you start seeing a decline (in population)," Walsh said. "Annual survival rates can be cut in half."
Walsh said data shows that by decreasing populations, the prevalence of CWD can be reduced. He also said that yearling bucks tend to disperse and can be infected with CWD and carry it to new areas. So, the department allowed the one buck-of-choice in the bag limit on private lands and certain public lands.

The sampling effort for CWD will also be increased over last season. Hunters will have more choices of sites where they can leave deer heads for CWD testing.

More sites and sampling

"There will be more freezers available than last season," Walsh said. "At last count, I think we have 32 or 33 sites. We've relocated freezers and added freezers for better coverage."

Walsh said the locations of the freezers should be posted on the department's website in coming weeks.

The goal of samples for testing has also been increased. Last season the goal was 5,000. However, the department collected 8,121 samples and the bulk of them were provided by hunters. So far, 19 cases of CWD have been confirmed in Mississippi. This season, Walsh said the department has set the goal for samples at 10,000.

"The goal was increased based on the need for increased surveillance given additional positives and zone expansion," Walsh said.

The North Mississippi CWD Zone has been expanded since the end of last deer season. It now includes 19 entire counties.

Those counties are:

- Desoto
- Tate
- Marshall
- Benton
- Tippah
- Alcorn
- Prentiss
- Quitman
- Panola
- Lafayette
- Union
- Pontotoc
- Lee
- Tallahatchie
- Yalobusha
- Sunflower
- LeFlore
- Grenada
- Carroll

The Issaquena CWD Zone includes portions of Sharkey and Issaquena counties as well as all of Warren County. Those areas are south of Mississippi highways 14 and 16, all portions of Warren County and all areas east of the Mississippi River. Also areas west of the Yazoo River.

Supplemental feeding bans

Questions about lifting supplemental feeding bans have been surfacing on social media, but according to Walsh, supplemental feeding will remain banned in the CWD zones in the coming season as well as the foreseeable future.

"Per our CWD Response Plan, if it's a CWD zone then feeding is banned," Walsh said. "As long as it's a designated CWD zone, it won't be lifted. It would take a change of the zone."

An exception to the feeding ban was recently made for some areas of the Issaquena CWD Zone where wildlife has been heavily impacted by flooding. Feeding is allowed by permit in those areas and the permits are set to expire September 15.

"We're constantly evaluating it," Walsh said. "There may be some changes to it, but right now we're set on September 15."

https://www.clarionledger.com/story/sports/outdoors/2019/08/01/what-you-need-know-cwd-and-deer-season-mississippi-chronic-wasting-disease-hunting/1836554001/

Automated garbage trucks roll out this week

Itawamba County Times

Itawamba County's fancy new garbage trucks will roll out at the end of this week. One of them, at least.

Crows Truck Center in Memphis is set to deliver three automated side-loader trucks to the local solid waste department on Thursday. The company provided the final inspection of the trucks.
One of these trucks will run a route the following day. Two trucks will run routes the following week. The third truck will be added by mid-August.
According to Itawamba County Solid Waste Director Mark Stanford, the staggered implementation should help the solid waste department's drivers learn the ins and outs of the machines. He said the trucks aren't overly complicated, but they are very different than the read-loaders his employees are accustomed to.
"The guys have got to get used to them and have to get trained on them," Stanford said.
Unlike traditional rear-loader garbage trucks, which require at least one person to drive and a second to pick up trash, side-loaders can be driven and operated by a single person. The driver's seat is on the right-side of the vehicle, and the driver snags carts using a retractable 12-foot mechanical arm. Because they require fewer people to operate and don't need a worker regularly exiting and entering the vehicle, semi-automated loaders are believed to be both cheaper and safer than traditional rear-loaders in the long run.
Along with the new trucks, local garbage routes are expected to see some changes in the near future. Stanford said the routes will be reworked over the next three to four weeks so they accommodate the abilities of the new trucks.
Among the changes will be a more spread out commercial pickup schedule. Currently, commercial garbage is picked up on Monday. Standford said commercial trash will begin being picked up on Mondays, Wednesdays and Fridays in the near future.
The solid waste head said he wants to see how the trucks run and his drivers handle them before making big changes to the routes.
"We're not going to change the routes until the third truck has gone out," he said. "It's going to work out for the best, but it's going to take a while to get into a rhythm."
The Itawamba County Board of Supervisors purchased the trucks in October at a cost of $261,599 apiece. The trucks were purchased as part of a $1.22-million upgrade to the county's solid waste system, which began last year with the purchase and delivery of more than 7,500 trackable garbage carts. Supervisors purchased what would inevitably be an initial round of 96-gallon bins from North Carolina-based Schafer Systems International (SSI) for $388,500, or $51.80 per cart. The board spent an additional $2,500 to purchase the company's WISTAR asset management software, which will be used to monitor and track the carts. The county will be required to pay that fee annually.
Each of the carts is marked with a unique RDIF label, which allows workers to scan and track it. This collects data that can be used to see who's having trash picked up and who's not.
https://www.djournal.com/itawamba/automated-garbage-trucks-roll-out-this-week/article_c9342359-9263-5540-bfbe-2b70032ba3f1.html

Northeast Itawamba Water Association moratorium lifted
Itawamba County Times

The Mississippi Department of Health has lifted an eight-year moratorium preventing the Northeast Itawamba Water Association from adding new customers.
The office of Northern District Public Service Commissioner Brandon Presley announced the moratorium's lifting via a July 17 press release. MDH officially lifted the moratorium on Monday, July 15.
According to Presley's office, the local rural water district can now add up to 275 new homes.
The moratorium's lifting comes after the announcement that Presley's office would be launching an investigation into the rural water district following the 2019 report of system overcapacity from the Mississippi Department of Health that stated the water department's Salem system was operating at 104% capacity.
In the original docket, Presley gave Northeast Itawamba Water Association 45 days to submit a short-term solution for immediate action. In response, the district connected both its Ridge and Salem systems together, which brought the overloaded system down to an acceptable level.
The association now has 180 days to submit a long-term plan of action.
In a letter provided to the Times by Northeast Itawamba Water Association's attorney, Daniel Sparks, MDH Regional Engineering staff recalculated the water system's design capacity. Calculations now reveal the system is operating at 85% of its maximum design capacity of 1,865 maximum connections.
In his press release, Presley stated as a long-term solution, the PSC and the rural water association are looking for ways to increase capacity by connecting to water sources held by a nearby system in Alabama.

Presley specifically thanked Mississippi Rural Water Association for their assistance in working toward resolving the issues.
"While there are still issues remaining, I know they will continue to partner in helping the association and those in similar situations around the state," Presley said.
https://www.djournal.com/itawamba/northeast-itawamba-water-association-moratorium-lifted/article_8170eac3-7777-5eb7-bc03-68882751b241.html

State Government

Mississippi declares Hepatitis A outbreak, urges vaccination
AP

Mississippi health officials said the state, like others nationwide, is seeing an outbreak of contagious liver disease Hepatitis A and urging people to get vaccinated.
Twenty-three cases of the disease have been confirmed in Mississippi since April, State Epidemiologist Dr. Paul Byers said in a statement Wednesday. Over the nine previous years, Mississippi averaged about five cases a year.
Hepatitis A spreads through food or drink contaminated with feces of an infected person, personal and sexual contact with an infected person, and sharing objects with someone who is infected. Symptoms include nausea, diarrhea, and vomiting; yellowing of the skin and eyes; and stomach pain, low appetite and fever.
The state Health Department has investigated all cases to identify others who have been in contact and vaccinate them, Byers said.
People most at risk include recreational drug users, current or recent jail inmates, men who have sex with men, and people who are homeless, according to Byers.
Vaccines are available for people without insurance at county health departments. They're also available at medical offices and pharmacies. Spread of the disease can also be prevented by keeping clean, including thoroughly washing hands after using the bathroom.
Cases have been reported in 14 counties statewide, with 61% of those infected hospitalized.
https://www.sunherald.com/news/health/article233350157.html

USM to offer free tuition to Mississippi National Guardsmen
WDAM

HATTIESBURG, Miss. (WDAM) - The University of Southern Mississippi is partnering with the Mississippi National Guard to offer free tuition to the state's citizen soldiers and airmen.
USM President Dr. Rodney Bennett and Maj. Gen. Janson D. Boyles, the adjutant general of Mississippi, signed a memorandum of understanding Wednesday morning establishing the Golden Eagle Free Tuition Program.
President Dr. Rodney Bennett tells WDAM that the price for college has gone up.
"The ability to have some tuition assistance really makes coming back to school and finishing your education,something that you're able to do," said President Bennett.
Boyles said that the tuition bill will be split between the university and the National Guard.
"The national guard funds about half of their tuition. Okay, so this is the university partnering with us and funding the remaining half of their tuition," said Maj. Gen. Boyles.
With the agreement, USM becomes the fourth university in the state to offer free undergraduate tuition for Mississippi National Guardsmen. Mississippi State University, Jackson State University and the Mississippi University for Women offer similar programs.
https://www.wdam.com/2019/07/31/usm-offer-free-tuition-mississippi-national-guardsmen/

Regional

Did Hurricane Barry prevent a near-record 'dead zone'?
AP

Scientists are back from measuring the Gulf of Mexico "dead zone" where there's too little oxygen to sustain marine life in a large underwater area starting at the sea floor.
One big question is whether Hurricane Barry reduced the size from a predicted near-record 7,800 square miles (20,200 square kilometers).
That June forecast was based on the amount of fertilizer and other nutrients carried in Midwestern floodwaters to the Mississippi River. The nutrients feed algae, which die and then decompose on the sea floor, using up oxygen.
But tropical storms roil the water, mixing in oxygen. Hurricane Barry made landfall July 13 — 10 days before the measurement cruise began.
Scientists returned early Wednesday. There's a Thursday afternoon media teleconference to describe their findings.
https://www.sunherald.com/news/nation-world/article233379592.html

Baton Rouge-area groundwater commission to mull problems, solutions for aquifer demand
The Advocate

After a critical state audit, an ethics complaint and charges from environmentalists that the "foxes are guarding the hen house," the Capital Area groundwater commission will kick off a lengthy strategic planning process Thursday to answer its most critical question for the future.
How can Southern Hills aquifer support the Baton Rouge region's water use as new people and businesses increase their demand on the critical drinking water source?
The commission has contracted with the nonprofit Water Institute of the Gulf to lead the process that begins with a pair of two-hour meetings — one at 1:30 p.m. Thursday and the second at 8:30 a.m. Friday — at the U.S. Geological Survey offices in Baton Rouge.
Alyssa Dausman, a hydrologist and vice president for science at the Water Institute, told a state water resources panel Wednesday that though the 18-member Baton Rouge-area commission has a variety of interests represented, she has come to a realization.
She said her own one-on-one interviews of the members showed her they are on the "same page" as far as long-term goals.
"We need clean water. Alright, it's not like rocket science. In 50 years to 100 years, I would like to have clean water available for drinking or industry. We would like to have jobs. We would like for that growth to continue," she said the groundwater commissioners have told her.
But she said the means of getting to that final objective is "where a lot of the conflict occurs."
The commissioners are set to use a decision-making process led by a U.S. Geological Survey facilitator that will require members to step back and focus first on what the problem is and what objectives they want to achieve before anyone discusses alternatives to achieving those ends.
Only the first phase of the three-phase process has been funded — more meetings are planned in late August and mid-September — and the effort is expected to require additional scientific work once the commissioners decide the path they want to pursue.
In a preparatory meeting last week with groundwater commissioners, Water Institute researchers offered background on the sprawling Southern Hills aquifer, which lies under much the Florida parishes and is recharged across the northern tier of some of those parishes and in southern Mississippi.
The researchers showed the commissioners how continued groundwater pumping at least since 1953 had caused increasing drawdown, removing fresh water that had pressed down and held back creeping salt water deeper underground.
During that time, salt water has moved north through some of the several underground layers of sand that make up the aquifer and are now used for water supply.
Scott Hemmerling, a Water Institute geographer, told the Capital Area groundwater commissioners last week that a rough estimate shows the aquifer's groundwater levels between the Mississippi and Tangipahoa rivers appear to be in a state of annual deficit.
Estimated aquifer recharge isn't keeping up with estimated demand, falling about 5.5% short of the amount needed for the annual recharge; that figure, though, doesn't include the shutdown of a major portion of the Georgia-Pacific plant in Port Hudson earlier this year.
While some environmentalists and other critics of the commission have taken aim at industrial users and called on them to switch their use to the Mississippi River, the researchers' data showed the heaviest users depends on where one looks.

While 63% of the use in the Bayou Sara and Thompson watershed, which includes downtown Baton Rouge, is industrial, 80% of the use in the Amite River Basin is public supply. That category includes residential but also businesses and other uses.
"I mean that's where we see population affects water use outside the city, more so than industry inside the city," Hemmerling said.
Growth patterns, though — from people moving to high-rises downtown to new subdivisions farther out in the Amite River Basin — could affect how demand shifts and increases, Hemmerling added.
Under state law's so-called rule of capture, groundwater is generally available to whoever can drill deep enough to get it, but the Capital Area groundwater commission has powers to regulate and even prioritize the aquifer's use.
Speaking to the Louisiana Water Resources Commission on Wednesday, outgoing state Sen. Dan Claitor, R-Baton Rouge, reviewed two failed bills that he proposed this past session.
One would have provided up to $10 million in tax credits per plant, for all tax years, for equipment to reduce water use or to switch from drinking water aquifers to surface water or non-drinking water sources.
Another bill would have offered cash incentives to consumers to conserve water by buying things like high-efficiency toilets and washing machines.
Though Claitor said the broader public often isn't interested in issues like groundwater conservation until "the barbarians are at the gate," he asked the state panel to press for similar kinds of legislation in the future.
"We have to take these things on and think about it, and sometimes one guy can't do it by himself," said Claitor, who has tried to raise awareness of his district's groundwater concerns.
https://www.theadvocate.com/baton_rouge/news/article_069216b4-b3cb-11e9-99c0-cbc2683c567e.html

Kentucky is using 'shocking' boats to show just how bad its Asian carp problem is
CNN

Asian carp are a serious problem, and Kentucky is getting creative in dealing with the invasive species.
To show how bad the issue is, the Kentucky Department of Fish and Wildlife Resources used "shocking" boats to stun the carp so they'd float to the surface and could be collected and measured. Video shows countless fish leaping after the boat sent an electrical current through the water at Barkley Dam on Tuesday.
Stunning fish with electricity is a common practice when it comes to counting the population or tagging them, the department explained. The stunning does not kill the fish, only temporarily shocks them so they can be counted or caught.
"It's just to give folks an idea of how many fish we're dealing with below the dam. We collect and try to distribute to them to buyers," said Ron Brooks, the department's fisheries division director.
These carp were stunned, harvested and sold to buyers who make fertilizer, fish bait and even food products for humans.
How Asian carp took over Don't feel too bad. Asian carp are an invasive fish that were introduced to the United States by catfish farmers in the '70s.
They've inundated waterways along the Mississippi watershed and the Illinois and Missouri rivers. Carp populations grow at a rapid rate, and all their eating reduces the amount of food for other fish in the ecosystem.
"They were allowed to bring Asian and silver carp in to take care of algal blooms, and they used the fish and sold them to the ethnic markets, like Chinese markets," Brooks said. The four species of carp hale from Asia, averaging 8 to 10 pounds, but they vary in size, he added.
"What they didn't realize is that these things would escape the ponds and get into the river system quickly. It took 30 years for them to get there," Brooks said. "They were brought here for a good reason, but the folks who brought them had no idea that it would cause such a terrible problem."
Carp are sensitive to noise, so when a boat motor disturbs the water, the fish leap out of the water. Silver carp can jump up to 10 feet high.
The big fish are famous for damaging fishing boats, breaking equipment on board and even injuring boaters.
"They're the ones you hear about jumping up and hitting people and even breaking bones sometimes," Brooks said. "They spew blood and mucus as a stress response. If they land in your boat, they'll be flopping around, and they'll get slime around."
Kentucky's lake tourism is at risk Kentucky and Tennessee have been working together to get the commercial fishing industry to remove Asian carp. This latest project is aiming to save Kentucky and Barkley lakes, Brooks said.

"The two lakes themselves are very important for tourism for both recreational fishing and boating," Brooks said. "It's an industry of over a billion dollars a year for our two states. We're trying to figure out how to remove mass amounts of Asian carp."
The wildlife department is working on an experimental project to prevent carp from entering Lake Barkley.
A bio-acoustic fish fence will use bubbles, sound and light to try to redirect the noise-sensitive fish away from the lock chambers.
The barrier has been used in the Western United States and Europe to change the migration patterns of salmon, but it's never been used on carp, Brooks said.
If the fence works, Brooks expects a lot of other states to seek out their own as a way of controlling the carp.
The other part of the mission is to get commercial fishers to catch the carp and reduce the fish population.
"If we can get a barrier and combine that with the commercial fishing effort, then our ability to get the carp numbers down will be sufficiently enhanced," Brooks said. "This year, we expect 5 million pounds of Asian carp, at least, to be caught."
The idea is to entice fishers to the lakes to help support local tourism.
"We're trying to save the lakes with commercial fishing and use it as a tool to save the tourism industry," he said.
https://www.cnn.com/2019/07/31/us/asian-carp-kentucky-scn-trnd/index.html

Explosion, fire injures 37 at Exxon Mobil refinery in Texas
AP

HOUSTON – An explosion and fire at an Exxon Mobil oil refinery in Texas on Wednesday left 37 people with minor injuries, in the latest of a series of petrochemical industry blazes this year in the Houston area.
The fire began after an explosion at approximately 11:07 a.m. at an Exxon Mobil plant in Baytown, about 25 miles east of Houston. The facility processes light hydrocarbons including propane and propylene, materials used to make plastic and industrial products.
Jason Duncan, the plant manager, said many of those hurt suffered minor burns and all were being treated at a local clinic. Earlier, Exxon Mobil had said in a statement that six people were injured. All employees at the plant had been accounted for, officials said.
Right after the explosion, the fire sent large plumes of black smoke into the sky. By Wednesday afternoon, the smoke had lessened. Duncan said the fire had been isolated and contained but had not yet been extinguished.
“It is our number one priority to protect the people in the community and the people that work for us,” Duncan said.
The city of Baytown issued a shelter in place for residents living west of the plant shortly after the fire. It remained in place for about three hours before being lifted Wednesday afternoon.
The cause of the explosion and fire was still being investigated, Duncan said.
Exxon Mobil, as well as officials with Baytown and Harris County, had conducted air quality monitoring of the plant and surrounding area but had not found anything to raise any health concerns.
Wednesday’s fire is the latest at a Houston-area petrochemical facility this year, including one at another facility on the Exxon Mobil Baytown complex.
On March 16, a fire erupted at a refinery at the complex. The fire was extinguished hours later, but Harris County officials say it continued to release toxic pollutants for eight more days. The county has sued Exxon Mobil, accusing the company of violating the federal Clean Air Act.
Also in March, a fire burned for days at a petrochemical storage facility owned by Intercontinental Terminals Company in nearby Deer Park and caused chemicals to flow into a nearby waterway. After the fire, the Harris County District Attorney’s Office filed water pollution charges against ITC.
In April, one worker died after a tank holding a flammable chemical caught fire at a plant operated by KMCO LLC in nearby Crosby.
Prior to Wednesday’s fire, Harris County had conducted an analysis of how local officials and agencies respond to such incidents in the wake of the petrochemical complex fires from earlier this year, said Harris County Judge Lina Hidalgo.
Some of the steps the county is taking as a result of this analysis include asking for more air monitors, improving how the public is informed about such incidents and improving communication between agencies that respond to such incidents. Hidalgo said the county fire marshal’s office is also working to increase its inspections of area petrochemical facilities.

"It's not right for us to live next to a petrochemical complex and live in fear sometimes. So we have to improve on the situation and we are doing so," said Hidalgo, who is the top administrator in Harris County, where Houston is located.
The plant in Wednesday's explosion and fire is part of the company's 3,400-acre refinery complex in Baytown. According to records kept by the Environmental Protection Agency, the plant had 68 tons of ethylene on site in 2017. It also had large quantities of other potentially hazardous chemicals, including ammonia, benzene, and propylene.
The facility is one of eight plants that Exxon agreed to retrofit with anti-pollution technology in a settlement with the U.S. government. The company also agreed to pay $2.5 million in fines to federal and state authorities after being accused of violating the Clean Air Act with industrial flares from its factories.
https://www.usatoday.com/story/news/nation/2019/07/31/exxon-mobil-explosion-fire-texas-refinery-injures-37/1883778001/

National

The World's Most Littered Item Comes Under Fire
Smokers' habit of tossing cigarette butts on the ground sparks concerns about single-use plastic
WSJ

Cigarette butts, the most littered items in the world, are posing an intractable trash problem for regulators and tobacco companies: Throwing them on the ground is a firmly entrenched habit for many smokers.
Regulators are taking a tougher stance on cigarette filter pollution amid concerns about the environmental impact of single-use plastic. Butts for decades have been made from cellulose acetate, a form of plastic, which takes years to break down. Studies show that butts—which often wash from sidewalks into drains and then waterways—can be toxic to fish.
Source:
British American Tobacco
About 65% of cigarettes smoked in the U.S. are littered, according to Keep America Beautiful, a nonprofit whose cigarette litter prevention program is funded by the tobacco industry.
"That whole habit is so ingrained it becomes part of the ritual of taking the cigarette out of the pack, lighting it, smoking it, putting it on the ground," said Christopher Proctor, chief scientific officer at British American Tobacco PLC, whose cigarette brands include Kent, Newport and Camel. "Changing ingrained behavior is a really difficult thing to do."
The European Union in May adopted new rules under which members must pass laws within two years requiring tobacco companies to fund the cleanup of filter litter as part of a broader crackdown on single-use plastics. A bill proposing banning filters has made its way through the California Senate and will be heard by the lower house next year.
In response, BAT and Japan Tobacco Inc. are testing biodegradable filters, while Philip Morris International Inc. is assessing the appetite for portable ashtrays. Companies also are tapping behavioral psychologists to understand what propels smokers to litter, hoping to forestall stricter regulation.
"It has become the issue of the decade, I think, plastics and their fates in the environment," Mr. Proctor said. "I don't think the pressure's going to go away so [BAT's] research program has got to deliver something."
Previous efforts to make eco-friendly filters have fallen flat. In 2013, BAT tested filters made from natural fibers like abaca and hemp but found toxin levels were too high. That same year rival Imperial Brands PLC launched a paper filter for its Gauloises brand in France but scrapped it after consumers complained about the taste.
The World Health Organization says that when filters do break down they leach out some of the 7,000 chemicals contained in cigarettes, many of which are environmentally toxic.
Now BAT is trying again. It is testing the toxicity of biodegradable filters made by San Diego startup Greenbutts LLC and examining how quickly they break down to see if they meet third-party certification standards.
Critics say cigarette makers have moved too slowly on the issue, instead focusing resources on developing e-cigarettes and tobacco-heating products as traditional cigarette volumes decline. They complain companies haven't put labels on packs telling smokers filters contain plastic or explaining the toxicity of waste. Industry executives say they haven't previously invested much in eco-friendly filters because existing ones effectively decrease tar levels.

Cellulose acetate filters were first added to cigarettes in the 1950s after studies linked smoking to lung cancer. By 1960, filtered cigarettes made up 51% of the U.S. market, according to BAT. Today, almost all cigarettes contain such filters.
Studies have questioned their health benefits, saying they don't block all chemicals. The U.S. Surgeon General says filters may have increased lung-cancer risks by enabling smokers to inhale more vigorously, while WHO has said marketing claims that filtered cigarettes are healthier are "fraudulent." Companies say filters collect tar particles and carcinogens and are necessary to meet regulations.
Tobacco makers have turned to psychologists to understand why smokers litter and whether their behavior can be changed.
Wesley Schultz—a psychology professor at California State University San Marcos who is working with Keep America Beautiful—said the number and placement of bins matter, as does an area's cleanliness. His 2013 research showed that for every additional ash receptacle, the littering rate for butts dropped by 9 percentage points, using a base littering rate of 65%.
Companies say the small size of filters means littering seems of little consequence to smokers and that they often stamp out butts to cut fire risks. A 2012 study in the International Journal of Environmental Research and Public Health showed 14% of smokers don't consider butts as litter.
"When I was a kid, people used to say make sure you throw the cigarette butt on the ground and step on it, so it's become a normal thing," said Jens Rupp, head of environmental sustainability at Philip Morris.
The WHO says filters are the biggest source of litter world-wide, while Keep America Beautiful says the trend holds true for the U.S.
In Memphis, Tenn., and Columbus, Ohio, Keep America Beautiful next month will use billboards and other outdoor advertising to tell residents "cigarette butts don't go up in smoke," and "cigarette litter doesn't go away on its own." Prof. Schultz is helping the nonprofit test whether advertising, and the placement of ads in relation to cigarette urns, influences behavior.
"Our hypothesis is that a combination of access and advertising should dramatically improve littering," said Noah Ullman, the nonprofit's marketing head.
In the U.K., Philip Morris is running focus groups with nonprofit Clean Up Britain to test the public's appetite for portable ashtrays, which have been sold for decades without gaining traction. Participants have opined on 10 ashtray models, taking one home for a few weeks.
So far, testers have expressed concerns about the smell or loose ash escaping, said John Read, head of Clean Up Britain. Design has also emerged as a consideration. Mr. Read thinks more smokers would use portable ashtrays if they became fashionable.
https://www.wsj.com/articles/the-worlds-most-littered-item-comes-under-fire-11564580324?mod=e2tw

Pennsylvania power plant to stop coal ash pollution, pay $1 million fine
Bay Journal

In a consent decree with four environmental groups, a large central Pennsylvania power plant has agreed to stop tainted water in its coal ash disposal sites from leaking into the Susquehanna River.
The Brunner Island Generating Station, located on the Susquehanna just south of Harrisburg, has agreed to close and excavate one of its active but leaking coal ash landfills and address leaks at seven other sites.
The plant also will be fined $1 million by the state Department of Environmental Protection, according to the consent decree to be filed today in U.S. District Court in Harrisburg. The fine is the largest ever involving coal ash disposal in Pennsylvania.
The consent decree involves Brunner Island owner Talen Energy and the environmental groups Environmental Integrity Project, the Lower Susquehanna Riverkeeper Association, PennEnvironment and the Waterkeeper Alliance.
A consent decree is a legal agreement that solves a dispute between two parties without the accused party admitting guilt.
For 58 years, Brunner Island has burned coal to generate enough electricity to continuously power 1 million homes. Beginning in 2016, the plant began producing some power with natural gas. As part of another lawsuit and consent decree in 2018 with The Sierra Club, which had alleged air and water pollution, the plant is to phase out coal power by the end of 2028.
The legacy of toxic coal ash stored around the plant is the basis for the latest litigation. Coal ash includes fly ash and bottom ash left over from burning coal, boiler slag and flue gas materials.

The environmental groups contend that 367 acres of coal ash storage sites have leaked arsenic, boron, lithium, chlorine, phosphorus and suspended solids into the Susquehanna and two of its tributaries for at least the last five years — a problem they say threatens fish and aquatic species and puts kayakers, anglers, birdwatchers and local businessowners at risk. The landfills cited as problems include six closed but unlined pits, one active unlined pit and one active lined pit.
The landfills are often saturated with water, and toxic material escapes through springs and seeps and overflows, according to the groups' lawsuit, which was filed simultaneously with the consent decree.
The groups criticized the state Department of Environmental Protection and the U.S. Environmental Protection Agency for not prosecuting Brunner Island and correcting the leaks, which they say violate the federal Clean Water Act and Pennsylvania's Clean Streams Law. The DEP renewed Brunner Island's discharge permit in 2018.
"We are pleased to have reached agreement and appreciate the hard work and collaborative efforts [of the various groups] to resolve this matter," Talen said in a statement.
"Talen is committed to complying with all environmental regulations and will continue to focus on the safe, efficient and reliable operation of our plants," said Talen spokesperson Debra Raggio.
Talen noted that it inherited the coal ash issues when it purchased the plant.
"The projects funded by this settlement will help ensure we are leaving the Lower Susquehanna River in better shape for future generations," said Ted Evgeniadis, the Lower Susquehanna Riverkeeper. "And those of us who enjoy the Lower Susquehanna River can rest easier tonight knowing that concrete measures and timelines are in place to reduce toxic pollution in the river."
Mary Greene of the Environmental Integrity Project said Talen Energy deserves credit "for stepping up to the plate and agreeing to measures that should significantly reduce pollution."
The Brunner Island plant has been long-criticized for generating air pollution, fined for fish kills and lambasted for closing fishing areas once open to the public.
https://www.bayjournal.com/article/pennsylvania_power_plant_to_stop_coal_ash_pollution_pay_1_million_fine

Illinois Becomes Latest State to Crack Down on Coal Ash Pollution
WTTW

Gov. J.B. Pritzker on Tuesday signed into law a bill making Illinois the most recent state to adopt stricter requirements on power plants that produce coal ash waste, a toxic byproduct of coal burning that can leak into sources of drinking water.
A recent report found "widespread pollution" in groundwater near 22 of the state's 24 coal ash dump sites, with Illinois identified as one of the worst states in the country for pollution from coal ash pits.
Another recent analysis found that coal ash deposited by energy company Dynegy Inc. has contaminated parts of the Vermilion River in east central Illinois, the state's only designated National Scenic River.
The new law prohibits discharge of coal ash into the environment and establishes a regulatory framework to ensure that polluting companies finance the cleanup of coal ash waste, according to the Illinois Environmental Council, an advocacy group that supported the bill.
The law will also help fund cleanup programs through permit fees and by requiring companies to set aside money to close and clean up coal ash ponds.
"This is the most significant step to protect clean water and public health that has made it into law in years," said Joyce Blumenshine, a board member with the Peoria chapter of the Illinois Sierra Club, in a statement.
Coal ash contains toxic metals that can cause cancer, heart damage, lung and kidney disease and birth defects, and can even lead to premature death, according to the advocacy group Physicians for Social Responsibility. A risk assessment by the U.S. Environmental Protection Agency found that people living within 1 mile of unlined coal ash ponds have an elevated risk of cancer.
However, last year, the Trump-led EPA proposed to roll back regulations overseeing the disposal of coal ash, a move that prompted outcry from environmental groups and elected officials. This week, the agency put forth another proposal to lift restrictions on coal ash waste.
Both proposals are expected to face pushback in court.
"Coal ash is a public health issue and a pollution issue, and the state of Illinois is taking action to keep communities safe," Pritzker said in a statement. "This new law will protect our precious groundwater and rivers from toxic chemicals that can harm our residents. With the Trump administration loosening standards on coal ash, Illinois is raising the bar to protect our environment and the health of people across our state."

Virginia and North Carolina have in recent years passed similar legislation bolstering rules overseeing coal ash waste.
Illinois' new law was sponsored by state Sen. Scott Bennett and state Rep. Carol Ammons, both Democrats from Champaign.
The law directs the Illinois EPA to write the state's new coal ash rules within eight months. The Illinois Pollution Control Board will then finalize the proposed rules. Both agencies are required to accept public comment before the rules are finalized.
https://news.wttw.com/2019/07/31/illinois-becomes-latest-state-crack-down-coal-ash-pollution

Press Releases

HYDE-SMITH, WICKER INTRODUCE BILL TO REIN IN CLEAN WATER ACT VETO AUTHORITY
Bill Would Immediately Nullify Yazoo Backwater Veto as Senators Continue to Push Federal Agencies to Help Alleviate Perpetual Flooding in South Mississippi Delta

WASHINGTON, D.C. – U.S. Senators Cindy Hyde-Smith (R-Miss.) and Roger Wicker (R-Miss.) today introduced legislation that would overturn a 2008 decision that halted the final aspects of a long-awaited flood control project for the South Mississippi Delta, a region hit by disastrous flooding for most of this year.
The Mississippi Senators addressed the flooding disaster in the Yazoo Backwater Region in speeches to the Senate Wednesday and introduced the Flood Reduction, Wildlife Habitat, and Water Quality Improvement Act of 2019 as they continue to press the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers to complete congressionally-authorized work on a critical pump project for the region.
"The people of Mississippi are beyond ready to see this crisis resolved. They are, frankly, extremely frustrated with the federal government. More than 17,000 people have signed a petition to remove an EPA 2008 regulatory veto preventing construction of the pumps," Hyde-Smith said. "It is time for the federal government to make good on its promises. It is time to construct the pumps. While we work toward that goal, this legislation proposes commonsense reforms to the laws governing the regulation of our nation's waters and permitting process."
"The recent flooding in the Yazoo Backwater area has been devastating for Mississippians who have seen their property destroyed and livelihoods disrupted," Wicker said. "This tragedy could have been avoided had the Environmental Protection Agency not vetoed the Yazoo Backwater Area Pumps Project over a decade ago. This legislation would help to right these wrongs by ensuring that important flood control projects – especially those approved by Congress – cannot be delayed indefinitely by government bureaucracy."
The Flood Reduction, Wildlife Habitat, and Water Quality Improvement Act would reform section 404 of the Clean Water Act to prohibit EPA from vetoing a Corps of Engineers flood control project specifically authorized by Congress. If enacted, the legislation would also immediately nullify any prior veto determinations made by EPA that resulted in severe flooding and damage to life and property.
The legislation conforms with the directives outlined in Executive Order 13807 issued by President Trump on August 24, 2017, and would establish greater discipline and accountability in the environmental review and permitting process for infrastructure projects.
A 2008 EPA veto halted work by the Corp of Engineers to construct the Yazoo Backwater Pump Project, which Congress authorized in 1941. The project is the last remaining unconstructed feature of a 77-year flood control effort in the Lower Mississippi Valley.
Hyde-Smith and Wicker will continue to work with the Trump Administration, EPA and the Corps of Engineers to overturn or amend the 2008 veto and allow work to proceed on the pump project.
While formal damage assessments are pending, the 2019 flood in the South Delta has caused severe damage to more than 600 households, displaced nearly 400 families, and caused agricultural losses expected to exceed $800 million. Infrastructure damage in the region is also extensive.
The text of Hyde-Smith's prepared remarks is available here.
https://www.hydesmith.senate.gov/hyde-smith-wicker-introduce-bill-rein-clean-water-act-veto-authority

Wicker Introduces Fishery Disasters Bill

WASHINGTON – U.S. Senator Roger Wicker, R-Miss., chairman of the Senate Committee on Commerce, Science, and Transportation, introduced the "Fishery Failures: Urgently Needed Disaster Declarations (Fishery

FUNDD) Act." This legislation would reform the National Oceanic and Atmospheric Administration's (NOAA)'s Fishery Resource Disaster Relief program of the National Marine Fisheries Service, making improvements to provide fishermen with disaster relief more quickly.

"I have met with local officials and seen firsthand how extensive flooding in Mississippi has created an economic and environmental emergency for my state and its coastal fisheries," said Wicker. "Freshwater has devastated our seafood industry and spurred the growth of Harmful Algal Blooms, which shut down our beaches, hurting tourism. This legislation would expedite the process by which fishermen receive disaster relief. I hope my colleagues will move quickly to pass this bill and help our fishermen."

In the past, it has been years between the request for a disaster declaration and when communities see any money, and it has been difficult to get that money directly to the people who need it.

Wicker's Fishery FUNDD Act would streamline the fisheries disaster declaration process by holding the federal government accountable to deadlines to get funding out the door faster. It would also allow for disaster funding to go directly to members of the fishing community. Among other provisions, the bill would:

- Maintain the authority of the Secretary of Commerce to determine the existence of a fishery disaster after which the Secretary would make funds available to be used by state or regional groups to assess the impacts of the disaster and conduct other activities that support fishing activity;
- Assign a 120 day timeline for the Secretary to evaluate a request, either upon receipt or immediately after the close of the fishery season; and
- List the eligible uses of fishery disaster relief funds, including direct payments to affected members of the fishing community, habitat restoration and conservation, management improvements, job training, public information campaigns, and preventative measures for future disasters. It would prioritize hiring fishermen displaced by the fishery disaster for these tasks.

Last month, Chairman Wicker sent a letter with Rep. Steven Palazzo, R-Miss., to U.S. Secretary of Commerce Wilbur Ross in support of Governor Phil Bryant's request for a federal fisheries disaster declaration.

To read the full bill, click here.

https://www.wicker.senate.gov/public/index.cfm/2019/7/wicker-introduces-fishery-disasters-bill

NRCS Announces Emergency EQIP Sign-Up

Jackson, Miss, July 30, 2019 –The USDA Natural Resources Conservation Service (NRCS) has funds available for landowners in flooded and disaster impacted areas in Mississippi. The funding is provided through the Environmental Quality Incentives Program (EQIP), a financial assistance program included in the Farm Bill. EQIP allows NRCS to work with landowners to implement conservation practices and to provide an incentive payment to landowners. The deadline for applying for assistance with the EQIP Emergency Sign-up is August 9, 2019.

The key eligible conservation practices addressed in the EQIP Emergency Sign-Up are as follows:

Practice Code	Practice Name
410	Grade Stabilization Structure
587	Structure for Water Control
600	Terraces
362	Diversion
342	Critical Area Planting

All counties in Mississippi will be eligible to participate in this program. Priority will first be given to the Presidentially declared counties as outlined in the FEMA disaster report. Second priority will be given to the Secretary of Agriculture's declared counties identified on the Farm Service Agency (FSA) disaster list. All applicants will need to meet all EQIP eligibility requirements.

Because this initiative is a result from an emergency, Kurt Readus, NRCS state conservationist for Mississippi is issuing a two-week sign-up period for all landowners affected by recent disasters. With this emergency assistance, NRCS will target early fall practice implementation. Landowners must implement all scheduled practices according to NRCS standards, and specifications in a timely manner due to the emergency circumstances.

"NRCS is dedicated to assisting landowners during hardship," said Kurt Readus, state conservationist. "This funding will help Mississippians in the wettest areas of the state to ease the impacts of flooding on Mississippi agricultural lands.

The deadline for applying for assistance with the EQIP Emergency Sign-up is August 9, 2019. Additional information may be obtained by visiting your local NRCS office.

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https://content.govdelivery.com/accounts/USDANRCS/bulletins/254ef27

EPA Celebrates 20 Years of Superfund Redevelopment
07/31/2019

Today, the U.S. Environmental Protection Agency (EPA) commemorates the 20th anniversary of the Superfund Redevelopment Initiative (SRI), launched in 1999 with the goal of returning formerly contaminated lands to long-term sustainable and productive reuse for communities across the country. Returning Superfund sites back to productive use has resulted in dramatic changes in communities by improving the quality of life, raising property values, and providing needed services to communities.

"Over the past 20 years, the Superfund Redevelopment Initiative has proven that incorporating reuse early in the process removes barriers to redevelopment and ensures that cleanup plans promote future economic and recreational opportunities," said EPA Administrator Andrew Wheeler. "Thanks to SRI, hundreds of formerly contaminated sites have been transformed into hubs of economic, recreational, or residential activity. Promoting redevelopment and community revitalization is a top priority of this Administration and one of the key goals of the Agency's Superfund Task Force."

Before the agency's Redevelopment Initiative, sites were cleaned up but not necessarily put back into productive use. By considering reuse early in the site cleanup process, the Redevelopment Initiative helps ensure that desired future uses are compatible with site cleanup remedies and removes barriers that could keep areas vacant or underused.

Depending on site conditions and community preferences, sites can be reused for a multitude of purposes, including commercial, recreational, ecological and residential uses. The Redevelopment Initiative has helped communities turn former lumberyards into parks, landfills into solar farms, former smelters into health clinics and gravel pits into baseball fields. EPA provides communities with points of contact, as well as case studies and best practices to help bring these projects to fruition.

Overall, approximately 1,000 Superfund sites are in reuse today--more than half the number of sites on Superfund's National Priorities List. EPA has data on over 8,600 businesses at 529 of these sites. In fiscal year 2018 alone, these businesses generated $52.4 billion in sales, which is more than four times the amount EPA has spent at these sites. These businesses employed more than 195,000 people who earned a combined income of $13 billion. Over the last 7 years, these businesses generated at least $263 billion in sales.

Examples of how Superfund redevelopment has transformed communities include:

- Smelterville, Idaho: The Bunker Hill Mining & Metallurgical Complex in Smelterville, Idaho, is in one of the world's largest historical mining districts. When the Bunker Hill lead smelter and several associated mines closed in the 1980s, the local economy nearly collapsed. EPA's cleanup work has included removal of lead-contaminated soil and containment of mine tailings. This work paved the way for extensive reuse that includes a resort, residential and commercial development, a golf course, a ski area, and trails.
- Collinsville, Oklahoma: Following cleanup of the Tulsa Fuel and Manufacturing site, a former zinc smelter in Collinsville, Oklahoma, a honey production company has expanded its operations onto part of the site. The area is now home to six honeybee hives, with 16 hives planned for the near future. Clover planted during site restoration makes an ideal habitat for bees. Cleanup resulted in the transformation of this once-contaminated smelter property into restored ecological habitat, one well-suited to supporting the protection of bees and production of high-quality honey.
- Midvale City, Utah: In Midvale City, Utah, lead and copper smelters contaminated soil and groundwater with heavy metals. EPA worked with stakeholders to link the Midvale Slag site's cleanup with redevelopment goals. Cleanup is now complete, and the site is home to a thriving mixed-use development that supports thousands of jobs. Businesses on site include an international engineering company, a healthcare services

company, an e-commerce company and many retail businesses. The site is also home to more than 1,000 residences, a light rail station, a river walk and a park.

· Woburn, Massachusetts: Poor industrial practices led to the contamination of soil and groundwater at the Wells G&H site in Woburn, Massachusetts. Cleanup included removing and treating contaminated debris, soil and groundwater. Through a planning process funded through the Superfund program, the community worked with EPA to explore options for the site and develop a comprehensive reuse plan. Today, the site hosts an ice-skating rink, retail businesses, restaurants, hotels, and a natural area with hiking trails and recreation amenities.

Superfund redevelopment can also lead to energy independence. Today, 59 Superfund sites are home to alternative energy facilities. As of September 2018, these facilities provided enough energy to power about 95,000 homes. Wind, solar and landfill gas facilities make up about 92 percent of these projects. For example, a 7-megawatt solar farm at the Brick Township Landfill site in New Jersey powers all municipal buildings and community park facilities in the township. A solar array at the Continental Steel site in Kokomo, Indiana, provides enough energy to power 1,000 homes.

Over the last few years, as part of the Superfund Task Force work, EPA developed a nationwide list of Superfund National Priorities List sites with the greatest expected redevelopment potential. The list helps promote a renewed focus on accelerating work and progress at all Superfund sites while working to successfully return sites to productive use after cleanup is completed.

Today's commemoration kicks off a series of events throughout the next 12 months recognizing Superfund's achievements in revitalizing communities and protecting human health and the environment.

As part of the commemoration, EPA is releasing SRI's 20th Anniversary Report https://www.epa.gov/superfund-redevelopment-initiative/epa-celebrates-20-years-superfund-redevelopment.

For more information about EPA's Superfund Task Force, please visit https://www.epa.gov/superfund/superfund-task-force.

For more information about Superfund redevelopment, please visit the https://www.epa.gov/superfund-redevelopment-initiative.

For more information on regional redevelopment benefits, see the 2018 Redevelopment Beneficial Effects reports for each of our regional offices at https://www.epa.gov/superfund-redevelopment-initiative/redevelopment-economics-superfund-sites#regional.

https://www.epa.gov/newsreleases/epa-celebrates-20-years-superfund-redevelopment

Mississippi Manufacturers Association Names John McKay President and CEO

July 30, 2019

The Executive Committee of the Mississippi Manufacturers Association (MMA) is pleased to announce that they have selected John H. McKay as the new President and CEO of the MMA. John will act as the interim President and CEO until October, at which time he will be confirmed as the full-time President and CEO by the MMA Board of Directors.

"We are excited about John assuming the position of President and CEO," said Andrew Mallinson, this year's MMA Chairman, and CEO of Multicraft in Pelahatchie. "John has helped to pass several legislative initiatives that have improved the operating conditions of our members. He has solid administrative skills and will do a fine job as our new President and CEO."

John has worked for the MMA for 11 years as the Executive Vice President and the Deputy Director of Government Affairs. John has helped to evaluate, prepare and support legislation that impacts taxes, workforce development, environmental regulations and transportation. In addition, he has had daily supervisory responsibility for the membership, government affairs and communication activities of the association. Before he joined the MMA, John was the ICMA Management Fellow with the Sarasota County Government in Sarasota, Florida, where he supported a variety of county initiatives including public works, budget preparation, communications and financial analytics.

John holds a bachelor of arts from the University of Mississippi with a concentration in Political Science and English, and he has a Master of Public Administration degree from the College of Charleston, in Charleston, South Carolina. John is also a graduate of the University of Oklahoma's Economic Development Institute located in Norman, Oklahoma.

John is married to the former Kasey Crumbley from Brandon. They have three daughters, Cella (11), Edie (9) and Holland (6).

Jay C. Moon, MMA's current President and CEO will assume a new position of Senior Policy Consultant with the MMA.
https://www.mma-web.org/MMA/News/Mississippi_Manufacturers_Association_Names_John_McKay_President_and_CEO.aspx

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Mississippi Department of Environmental Quality | 515 East Amite Street, Jackson, MS 39201

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Constant Contact

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Message

From: Pinkney, James [Pinkney.James@epa.gov]
Sent: 7/15/2019 3:32:11 PM
To: Marraccini, Davina [Marraccini.Davina@epa.gov]
CC: Wise, Allison [Wise.Allison@epa.gov]
Subject: RE: Responses to Vicksburg Post on Yazoo + current statement for citizen inquiries

This is very helpful. Thanks Davina.

From: Marraccini, Davina
Sent: Monday, July 15, 2019 11:31 AM
To: Pinkney, James <Pinkney.James@epa.gov>
Cc: Wise, Allison <Wise.Allison@epa.gov>
Subject: FW: Responses to Vicksburg Post on Yazoo + current statement for citizen inquiries

James,

Below is the updated desk statement on Yazoo together with the more detailed responses we sent to a recent reporter inquiry while I was acting for Allison:

Desk statement:

At the request of the U.S. Army Corps of Engineers (Corps) General Richard G. Kaiser, EPA Region 4 Administrator Mary S. Walker participated in a tour of the flooded Yazoo backwater area on March 19, 2019. Since the tour, the EPA and the Corps have met and continue to discuss options to address flooding and environmental sustainability in the area.

The EPA continues to support the goal of providing improved flood protection for the residents of the Mississippi Delta, and is prepared to work with the Corps, the local Levee Board and residents to advance this goal.

Responses to Vicksburg Post -

1. What was the official reason by the EPA to veto the project in 2008?

   Please refer to the veto at: https://www.epa.gov/sites/production/files/2015-05/documents/yazoo-final-determination_signed_8-31-08.pdf

2. Just want to confirm what the senator said in that there has not been a case where a veto by the EPA has been overruled, reversed, et.; and

3. If the veto were lifted, how quickly would the project be given clearance by the EPA?

   None of the Agency's previous 404c vetoes have been reversed. For EPA to make a reversal on a previous 404c veto, a substantial administrative record would be required to be built justifying the reversal.

4. Currently, where does the process of overturning the veto stand? Is that handled through the EPA, another agency, the administration?

The EPA strongly supports the goals of improved flood protection and wetland protection for the residents of the Mississippi Delta. The EPA will continue to work with the Corps and the local Levee Board to review updated data and other information as it relates to our regulatory programs and oversight.

5. What environmental concerns — if any — are the EPA currently tracking as a result of this five-month-plus flood in the backwater area? Biohazards, chemicals, etc.

EPA Region 4 stands ready to assist our state and local partners in Mississippi as they respond to flooding. For oil and hazmat incidents, EPA would respond through our normal processes. For other general assistance, EPA would need a FEMA mission assignment.

6. Has the EPA administrator taken a position on the pump project? If so, what is that position and when was it first made public?

Administrator Wheeler has stated that the Agency is reviewing the project and working with the Corps through the process.

Davina Marraccini
Government Liaison
U.S. Environmental Protection Agency - Region 4
404-562-8293 (office)
404-387-4368 (cell)
marraccini.davina@epa.gov

Message

From: Mississippi Department of Environmental Quality [rwilbur@mdeq.ms.gov]
Sent: 5/13/2019 12:54:54 PM
To: Marraccini, Davina [Marraccini.Davina@epa.gov]
Subject: News Clippings May 13, 2019

State

Gov. Bryant declares State of Emergency after heavy rains, river flooding
WLOX

MISSISSIPPI (WLOX) - Gov. Phil Bryant Sunday declared a State of Emergency for all affected areas in the state from r
declares-state-emergency-after-heavy-rains-river-flooding/

Highway 49 reopened after sections shut down due to flooding
WDAM

STONE COUNTY, MS (WLOX) - Officials with the Mississippi Highway Patrol closed part of Hwy 49 Sunday morning in l
closure comes due to flooding.
https://www.wdam.com/2019/05/12/parts-highway-shut-down-due-flooding/

Audubon Mississippi worries Yazoo pump project could harm threaten 250 bird species
Magnolia State Live

A non-profit aimed at protecting America's feathered friends believes as many as 250 species of birds could be threatene
Mississippi Delta.
https://www.magnoliastatelive.com/2019/05/10/audubon-mississippi-worries-yazoo-pump-project-could-harm-threaten-25

CLEANING UP DEER ISLAND: MISSISSIPPI POWER'S 'RENEW OUR RIVERS' PROGRAM
WXXV

Giving back is always in season and today a very large group of people did just that.
More than one hundred people flooded Deer Island on Friday with one shared mission: to pick up the trash.
https://www.wxxv25.com/2019/05/10/cleaning-deer-island-mississippi-powers-renew-rivers-program/

Quick action contains Collins tank fire
WDAM

OLLINS, MS (WDAM) - Quick action by Collins firefighters Friday afternoon helped prevent a storage tank fire from gettin
https://www.wdam.com/2019/05/12/quick-action-contains-collins-tank-fire/

Freight train derails in Mississippi, no injuries reported
AP

Floodwaters in southern Mississippi may have contributed to the derailment of a freight train near Lumberton.
https://www.sunherald.com/latest-news/article230304704.html

'What have I got myself into?' Mississippi alligator trappers tell tales of humor, horror
Clarion Ledger

The life of an alligator trapper isn't something most people think about, but it certainly isn't like spending days in an office

https://www.clarionledger.com/story/sports/outdoors/2019/05/13/alligator-trappers-tell-stories-humor-horror-mississippi/1

Students share their environmental efforts with Bay St. Louis Council
Sea Coast Echo

The city of Bay St. Louis -- long known as "A Place Apart" -- was A Place for Children on Tuesday when several students
Council about their efforts on Magnolia Bayou and the city's Martin Luther King Park.
https://www.seacoastecho.com/news/students-share-their-environmental-efforts-with-bay-st-louis-council/article_5f5afb8

State gives go-ahead for long-planned East Beach sidewalk project
Mississippi Press

OCEAN SPRINGS, Mississippi -- Earlier this week, the City of Ocean Springs received formal approval from the Mississi
pedestrian sidewalk along the length of East Beach.
https://www.gulflive.com/news/2019/05/state-gives-go-ahead-for-long-planned-east-beach-sidewalk-project.html

State Government

Analysis: Mississippi budget improving this election year
AP

Mississippi is enjoying more robust tax collections in the current budget year than in the last one, which is a reflection of
https://www.charlotteobserver.com/news/business/national-business/article230265714.html

Oil Spill

Santa Rosa seeks public input for multi-year plan
Santa Rosa Press Gazette

MILTON — At the April 11 commission regular meeting, the Santa Rosa County Board of County Commissioners propos
accepted by the U.S. Treasury in May 2017.
https://www.srpressgazette.com/news/20190511/santa-rosa-seeks-public-input-for-multi-year-plan

Regional

Bonnet Carre Spillway opened Friday as river continues to rise
WVUE

NEW ORLEANS (WVUE) - The U.S. Army Corps of Engineers opened the Bonnet Carre Spillway on Friday around 1 p.r
https://www.wlox.com/2019/05/10/bonnet-carre-spillway-expected-be-opened-friday-due-weather/

Group charged with shrinking Gulf dead zone to meet
Houma Courier

A task force charged with curbing the annual dead zone in the Gulf of Mexico will discuss its progress during a meeting T
https://www.houmatoday.com/news/20190512/group-charged-with-shrinking-gulf-dead-zone-to-meet

LSU works to help control invasive water weed in Puerto Rico
AP

Louisiana State University is working with a private citizen and a university in Puerto Rico to control an invasive South Ar
https://www.sunherald.com/news/state/mississippi/article230297714.html

National

Where's the PFAS? Michigan Leads in Detection of Contaminant
WDET

Environmentalists, health experts and public officials are growing more concerned about a group of chemicals found in d
https://wdet.org/posts/2019/05/13/88171-wheres-the-pfas-michigan-leads-in-detection-of-contaminant-map/

Dissent within Alaska agency over chemical classification
AP

JUNEAU, Alaska (AP) - A decision by the Alaska Department of Environmental Conservation to redefine levels of certai
the agency.
https://www.ktuu.com/content/news/Dissent-within-Alaska-agency-over-chemical-classification-509825441.html

VW's $2 billion penalty for diesel scam, Electrify America, builds electric charging network across US to boost E
CNBC

Almost a year to the day after opening its first charging station, Electrify America says it is rolling out the country's fastes
https://www.cnbc.com/2019/05/10/vws-2-billion-penalty-for-diesel-scam-builds-ev-charging-network-across-us.html

States fight Trump rollback of Obama lightbulb rules
The Hill

States are preparing to fight back as the Trump administration moves to erase Obama-era standards for lightbulbs.
https://thehill.com/policy/energy-environment/443221-states-fight-trump-rollback-of-obama-lightbulb-rules

Could Beer Brewed With Wind Power Help Save the Planet?
NYT

During the Super Bowl in February, a commercial showed a Budweiser beer wagon drawn by eight Clydesdale horses ra
farm. With Bob Dylan's 1960s anthem "Blowin' in the Wind" playing in the background, the message was hard to miss. Y
https://www.nytimes.com/2019/05/12/climate/renewable-wind-solar-
energy.html?rref=collection%2Fsectioncollection%2Fclimate&action=click&contentCollection=climate®ion=stream&modu

Over 180 countries -- not including the US -- agree to restrict global plastic waste trade
CNN

The governments of 187 countries have agreed to control the movement of plastic waste between national borders, in ar
among them.
https://www.cnn.com/2019/05/11/world/basel-convention-plastic-waste-trade-intl/index.html

Opinion

Polluting Power Plants Can't Escape the Eyes in the Sky
Satellites and AI will soon track carbon emissions by the world's largest energy producers, giving an edge to traders and
Bloomberg

This week, the technology nonprofit WattTime announced that, thanks to a $1.7 million grant from Google.org, it will use
in the world.
https://www.bloomberg.com/opinion/articles/2019-05-10/polluting-power-plants-can-t-escape-ai-and-satellite-technology

Press Releases

High Water Impacts Mississippi Reservoirs: Grenada Lake Flows Enter Spillway
USACE

VICKSBURG, Miss. -- The U.S. Army Corps of Engineers (USACE) Vicksburg District notified local authorities and eme
located near Interstate 55 in north Mississippi, were forecasted to enter the project's spillway within the week.
https://www.mvk.usace.army.mil/Media/News-Releases/Article/1845119/high-water-impacts-mississippi-reservoirs-grena

EPA to Hold Public Meeting on Revisions to Draft Framework on Endangered Species Act Process for Pesticide
Revisions respond to 2018 Farm Bill requirements to streamline and improve the process the agency follows to
05/10/2019

WASHINGTON -- Today, the U.S. Environmental Protection Agency (EPA) is seeking comment on draft revisions to the
species under the Federal Insecticide, Fungicide, and Rodenticide Act. The draft revisions would ensure this process is
https://www.epa.gov/newsreleases/epa-hold-public-meeting-revisions-draft-framework-endangered-species-act-process

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State

Proposed pump project in Mississippi has bipartisan support
AP

VALLEY PARK, Miss. (AP) — A Democratic congressman who represents the Mississippi Delta reiterated his support Friday for a flood control and drainage project that the Trump administration says it might revive more than a decade after another Republican administration killed it.
Rep. Bennie Thompson told The Associated Press that a massive pump project could be part of a long-term plan to help people in the rural flatlands, where floodwaters have been standing for weeks.
"I don't want to say the pump is the only solution," Thompson said before meeting with local and state officials who were touring flooded areas. "Even if we had the money for the pumps, it would take about four years to get installed."
Environmental Protection Agency Administrator Andrew Wheeler confirmed Wednesday that his agency is reconsidering a 2008 EPA decision to kill the pump project, which proposes to drain water from the confluence of the Yazoo and Mississippi Rivers in Mississippi.
The late Republican Sen. John McCain once called the pump proposal "one of the worst projects ever conceived by Congress."
The administration of President George W. Bush rejected the project amid concerns about its potential impact on wetlands and wildlife. Opponents say huge pumps could worsen flooding downstream.
Thompson said he wants to keep the air and water clean, and acknowledged the concerns about moving large amounts of water.
"If you are going to pump it, where is it going to go?" Thompson said. "We are going to have to work with the people downstream to assure them that if we're successful, we won't just be moving the problem 50, 60 miles down the river."
Mississippi Republican Gov. Phil Bryant surveyed flooded areas from a helicopter Wednesday. He said he was in Washington on Monday and Tuesday to ask the EPA to reconsider the 2008 decision. Bryant is an outspoken supporter of Republican President Donald Trump, who chose Wheeler as the current EPA administrator.
Thompson said Friday that the federal government should consider expanding programs to buy property that floods repeatedly and then ban people from living in those places. He also said some roads should be elevated in areas with a history of flooding.
Communities along the lower Mississippi River have been dealing with flooding for nearly two months. More than 500,000 acres (200,000 hectares) have been submerged in the region, including more than 200,000 acres (80,000 hectares) of farmland. Farmers say flooding is harming them financially.
The U.S. Army Corps of Engineers and local agencies are deploying a complex system of levees, dams, floodgates and floodways to try to contain high water and limit damage along the more than 2,000-mile (3,219-kilometer) river.
Outside the small town of Valley Park on Friday, brown floodwaters covered large sections of countryside, inundating houses and leaving a rural Baptist church cut off from roads.
Oscar Clark, a farmer in Sharkey County, Mississippi, has 1,000 acres (405 hectares) where he grows cotton and soybeans, but said Friday that about half of his land has been flooded for two months. He needs to plant crops before early May and said he worries he will lose money if the water doesn't recede.

One of Clark's friends has a farm farther south that remains under about 6 feet (1.8 meters) of water. Flooding has forced six of the friend's farm workers to temporarily move away.
Clark said levees and floodgates in the Mississippi Delta are partly to blame for the standing water.
"Regardless of your stance on any environmental or political issue, this ain't good for nothing because this is a manmade problem," Clark said.
https://apnews.com/7f5d4792055f46dcbd0d858d51177392

Push for backwater pumps gaining support
WJTV

A call for action today in the Delta as flood victims joined with U.S. and state lawmakers in a push for pumps to prevent catastrophic backwater flooding.
They want the EPA to reverse its veto of the pumps.
In the video, viewers can see the water behind WJTV 12's Katey Roh is nearly 6 feet deep. The water has been sitting there for two months and could be here for another two months.
Rita Childres was born and raised in Valley Park she knows first hand the problems backwater flooding can create, "You have to worry about it flooding your home, you have to worry about going in and out, it's just frustrating to know that you may have to move all your furniture out..."
Ann Dahl is a newcomer to the area...a year ago she didn't even know what backwater flooding was or the damage it can cause, "I bought my retirement home at eagle lake about a year and a half ago moved in last June this would of been my first summer on eagle lake, and it's not what I expected."
Dahl is a self-taught expert and she is joining the fight to get backwater pumps installed, "the history of this thing is really tragic, the steel bayou was designed to work 2 ways to keep the Mississippi River flooded out of the delta but also to be able to pump the Yazoo backwater into the Mississippi when it needed to and it is really tragic that that has not occurred."
Representative Bennie Thompson was among the crowd In Issaquena County all pushing for a resolution.
Representative Bennie Thompson says, "You're looking at probably around 50 million dollars, it'll take about four years to complete it even if we had to money so its a big effort but we have to make the case with other members of Congress...we have to convince people who live downstream from this district that were not moving the problem down to them, but our first thing is to get to the appropriators."
A spokesperson for Senator Cindy Hyde-Smith and Senator Roger Wicker were also at the meeting.
Rita Childres says, "It gives us hope and that's what we need is hope, and we've got it."
Environmental Protection Agency Administrator Andrew Wheeler and his agency are reconsidering the decision to kill the pumps.
https://www.wjtv.com/news/local-news/push-for-backwater-pumps-gaining-support/1903254950

Preparing for the worst: What Lauderdale County residents can do
Merdian Star

John Williamson, the director of the Lauderdale County Emergency Management Agency, bears the responsibility of managing the county's resources in the event of a disaster.
In light of the flooding across the country, including the Mississippi Delta, Williamson advocated for Lauderdale County residents to create their own emergency evacuation plans.
"It's the same as any other threat we face," Williamson said. "If you live in the vicinity of a high-hazard dam, then you need to have a plan for evacuation."
Of the 211 dams in Lauderdale County, 33 are classified as "high hazard," meaning "dam failure may cause loss of life, serious damage to homes, industrial or commercial buildings, important public utilities, main highways or railroads," according to the **Mississippi Department of Environmental Quality**.
MDEQ requires that high-hazard dams have an Emergency Action Plan. EAPs may include information about road closures, areas affected by a dam failure and contact information for residents who may be affected by flooding.
Of the 10 high-hazard dams in Lauderdale County that don't have EAPs, most are recreational dams a fraction of the size of Okatibbee Dam, the largest dam in the county. The largest high-hazard dam without an EAP is the Rainbow Lakes #4 Dam, measuring 600 feet in length and 31.81 feet in height, according to MDEQ.

When it comes to an EAP, Williamson said any plan would prioritize saving lives before protecting property.
"The first thing you would do in a dam breach would be an evacuation to get people out of harm's way," Williamson said.
Williamson said any social media push would be accompanied by a physical neighborhood sweep, knocking on doors and telling residents to evacuate. He said he was looking into getting a county-wide system that would send push notification to cellphones in affected zip codes for future natural disasters.
"In the construction of a new dam, you need to contact MDEQ and let them come out and look at the site," Williamson said. "About a year ago, we had a dam that was not built to spec because they hadn't notified DEQ. We had a breach and it affected a roadway but no structures."
Williamson said that the breach hadn't affected any life or property but, had someone been on the road at the time, their car could have been swept away by floodwaters.
"The amount of water involved would have carried away a vehicle," Williamson said.
Managing dams can put MDEQ between "a rock and a hard place," Williamson said, when a dissolved agency no longer takes responsibility of a dam.
"We've got a couple that nobody wants responsibility for because they need repairs but nobody wants to pay. In some instances, the subdivision when it was built had a homeowner's association that has now disbanded," Williamson said. "If it breaches, it may affect or damage a couple of houses... with it not being a threat to life or safety, DEQ is not going to come in and breach the dam because then the residents of the subdivision will be mad because you took their lake."
When it came to planning ahead, Williamson said he worked closely with meterologists at the National Weather Service and paid attention to where rain would fall. When flooding affected southern Lauderdale County last December, Williamson said that amount of rainfall elsewhere could have caused even more damage.
"They had a few roadways washed out but they didn't see nearly the damage we would have seen if it feel in the northern part of the county," Williamson said.
Rainfall from Kemper, Clarke and Newton can affect Lauderdale County's waterways, with rivers backing up or excess water flowing down.
"A lot of different factors play into what we see here," Williamson said.
Because of that, Williamson said emergency managers formed close relationships.
"We, as emergency managers, get on the phone and talk to each other," Williamson said. "If I see a lot of rain here, I can get on the phone and warn Eddie Ivy (the emergency manager of Clarke County) and say, 'In the next 24 hours you're going to have a lot more water coming for you. He can prepare."
Williamson said residents could find out about dams in their vicinity by visiting the county permit office, at the corner of 14th Street and 25th Avenue, or by calling the department at (601) 484-3992.
"Educate yourself and know if you're in the area of a high-hazard dam or in a flood plain," Williamson said. "Whether it's rain, snow or whatever, have a plan for your family and make sure everyone know what the plan is and what their role is if that plan is activated."
MDEQ also has an interactive map of dams, with their attached Emergency Action Plans, at mdeq.ms.gov/water/dam-safety. "Dam Safety Maps" are on the right-hand side of the page.
https://www.meridianstar.com/news/local_news/preparing-for-the-worst-what-lauderdale-county-residents-can-do/article_e7017caa-9a85-59f9-8ad0-12282ba6b995.html

Okatibbee plays major role in flood control
Meridian Star

Flooding along the Mississippi Delta has submerged hundreds of thousands of acres, leaving families and farmers stranded in the last two months.
Gov. Phil Bryant has asked President Donald Trump's administration to consider a flood control and drainage project for the region, coinciding with a prediction from the National Oceanic and Atmospheric Administration's forecast of major to moderate spring flooding across the Midwest. NOAA predicts minor flooding for most of East Mississippi and moderate flooding for Central Mississippi.
With 211 dams in Lauderdale County alone, according to the **Mississippi Department of Environmental Quality**, 33 dams are "high hazard," meaning "dam failure may cause loss of life, serious damage to homes, industrial or commercial buildings, important public utilities, main highways or railroads."

Flood control

The biggest dam in Lauderdale County, Okatibbee Dam, spans more than 6,500 feet and stands 61 feet above the surrounding creek bed. Managed by the U.S. Army Corps of Engineers, six people monitor the site.

"Our mission is flood control; that's the purpose of Okatibbee Lake," Scott Payne, a Supervisory Natural Resource Manager with the USACE, said. "Every day we do a pool read and check the elevation of the upper lake... Somebody puts their eyes on the dam every day."

Information from sensors and on-the-ground reports goes to Mobile, Alabama, where water management staff combine the data and monitor water levels from Slidell, Louisiana to Lake Seminole, Florida.

Once a month, hydraulic technicians Glenn Duval and Joe Stuart, both based in Mobile, tour USACE-monitored sites, replacing damaged sensors and checking data readings.

"Mobile District is one of the largest district that the corps has," Duval, a 41-year veteran of the Corps, said. "Our watershed is tremendous."

A box, about the size of a large dog crate, hovers over the Okatibbee River off of a bridge within the shadow of the dam. Duval and Stuart replaced a sensor damaged by lightning so the box would seamlessly transmit flow data to their Mobile office.

"All of this is pretty vital," Stuart said. "But a lot of people don't know what's in these boxes."

The 50-year-old dam, considered high hazard, is the northern tip of the Pascagoula River Basin, which flows in the Gulf of Mexico, and "reduces flood damage on 26,000 acres of residential, industrial and agricultural lands along Okatibbee Creek and upper Chickasawhay River at Meridian and Stonewall," according to an Okatibbee Dam pamphlet.

Monitoring includes checking piezometers, or tubes inserted into the dam, to measure water. With an earthen dam, water naturally seeps through but unusual numbers can indicate excess water infiltration or water pressure, Payne said.

"Mowing the grass isn't the only thing we're doing here – we're keeping an eye on everything else," Payne said.

More than recreation, the team at Okatibbee Dam also bears the responsibility of monitoring rainfall for the region and measuring the effect on outflow. Two downstream monitors, on Old Highway 80 and Arundel Road, send even more measurements back to the office on Okatibbee Lake.

"Everything's been historically plotted out within the water manual," Nick Angevine, a natural resource specialist, said. "We know what we can handle."

Having a plan

During the flooding in December, Payne and Angevine eyed the forecast, predicted seven-to-eight inches of rain, which would flood parts of the campground.

Instead, the majority of the storm hit the southern region, blocking many roadways and damaging bridges.

"We were concerned about the water level and rain at seven, eight inches but we didn't get the rain in our basin. We got about four inches," Payne said. "But, we were able to hold (our water level) in the lake until they had some relief (downstream)."

"We have to be cognizant of what's going on downstream before we do anything upstream," Angevine said.

MDEQ routinely inspects dams, such as Okatibbee, and releases their EAPs, or emergency action plans, online. Ten dams in Lauderdale County are high-hazard dams and don't have EAPs.

Okatibbee's EAP outlines the numbers of emergency personnel to call and lists various homeowners who may be affected.

"The plan is very important to notify emergency personnel and the residents. If we notice a problem, we get on the horn," Payne said. "You don't want to ask 'What are we going to do?' You want to know."

Payne said his team held exercises last year to prepare for continuous rain over a period of time or a sudden deluge, both instances where water may suddenly rise at the lake.

"The one we fear the most is dam failure," Payne said.

An inundation map from the dam's EAP outlines the impact of a major dam failure, where the dam breached and water flowed at 100 times the normal level, Payne said, reviewing the plan.

Water flow of that magnitude would stretch south along the Okatibbee and Chickasawhay Rivers, flooding homes and businesses along Highway 19, Key Field and down into Enterprise.

"It normally takes 24 hours to release and (hit) our river gauges downstream (at Arundel Road)," Payne said. "According to this, it would take approximately six hours to reach Key Field."
Payne noted that several developments had blossomed since the last map update. But, he said, even in times of minor water increase from the spillway, they contacted residents.
"Before we release our alarm, we contact farmers who might have cows in pasture," Payne said.
Payne said that the historical flooding of the Easter floods in 1979 was a record high for the dam, an event which submerged many buildings in Jackson.
"That was the highest it's ever been and it still didn't go over," Payne said.
Though fishermen flock to the shores of Okatibbee nearly every day, many might not realize the lake serves a greater purpose in flood control, constantly monitored to protect the lives and property of those in its watershed.
"Many people come here and don't have clue that this place is here," Angevine said. "We're the eyes and ears of Okatibbee."
https://www.meridianstar.com/news/local_news/okatibbee-plays-major-role-in-flood-control/article_79bc7a57-c31c-5376-8eeb-9ec1732a3d98.html

Pickwick Dam to be reinforced against earthquakes
AP

The Tennessee Valley Authority plans to begin reinforcing the Pickwick Dam against earthquakes this fall.
WAAY-TV reports that the reinforcement will cost about $150 million and require about one million tons of rock and sand. TVA's senior program manager at Pickwick Dam, Bernie Auld, says damage to the 1938 dam and its clay core could cause flooding similar to what Savannah, Tennessee, saw in 2013.
The dam has been equipped with an updated warning system, which added about 30 instruments to measure seismic activity. TVA says work is expected to finish in 2021.
The station says TVA's biggest concern is the dam's proximity to the New Madrid Fault Line. TVA and other groups plan to conduct a training exercise that simulates a large earthquake at fault line in June.
https://www.sunherald.com/news/state/mississippi/article228958014.html

Yalobusha River Alert
Grenada Star

(JACKSON, Miss.) – The Mississippi Department of Environmental Quality (MDEQ) issued a water contact advisory Thursday for a portion of the Yalobusha River in Grenada. The advisory is issued for a segment of the river from the confluence with Batupan Bogue downstream to the I-55 bridge. The advisory is being issued due to two ongoing sewer bypasses just south of the Yalobusha River.
MDEQ recommends that people avoid water contact such as swimming, wading, and fishing. People should also avoid eating fish or anything else taken from these waters until further notice.
MDEQ staff will collect samples and monitor the water quality in the river and will revise the advisory as needed.
https://www.grenadastar.com/2019/04/05/yalobusha-river-alert/

MDEQ issues water contact advisory for Yalobusha River
WTVA

GRENADA, Miss. (WTVA) - State environmental officials have issued a water contact advisory for a section of the Yalobusha River in Grenada.
The **Mississippi Department of Environmental Quality** issued the advisory on Thursday.
The affected section is from the confluence with Batupan Bogue downstream to the Interstate 55 bridge.
This is being issued due to two ongoing sewer bypasses just south of the Yalobusha River.
Grenada City Manager Trey Baker said two manholes need to be plugged.
MDEQ recommends people avoid water contact such as swimming, wading and fishing.
People should also not eat fish or anything else that is taken from the water until further notice.
Baker said the advisory is precautionary.

Officials will collect samples and monitor the water quality in the river and will revise the advisory as needed.
https://www.wtva.com/content/news/MDEQ-issues-water-contact-advisory-for-Yalobusha-River--508163571.html

When is Costco going to open? Ridgeland says soon, but lawyer says not so fast.
Clarion Ledger

The Costco store in Ridgeland is moving forward and should be open by mid-September, city officials say, even as neighbors continue to work through the court system to prevent the mega store from opening.
Alan Hart, Ridgeland's Community Development director, said last week that record rainfall has delayed an earlier opening.
"They've started clearing trees and are getting ready to do the asphalt. Much of the dirt work has been held up by this heavy rainfall we've been having, but the expectation is it'll be ready by mid-September," he said.
Will Costco really open this year?
Attorney Steve Maloney, who represents neighbors opposed to the development, urged caution on any celebrating. He said decisions on two central questions are still in limbo, such as the building of a separate fuel center from the main Costco warehouse.
Last year, the state Supreme Court reversed the decision of Madison County Circuit Judge John Emfinger after concluding the city of Ridgeland had engaged in illegal rezoning and illegal spot-zoning to accommodate a Costco gas station.
The High Court ruled the gas station could not be built on the same 45-acre tract as the warehouse, which would sit along the east side of Highland Colony Parkway, south of Old Agency Road.
Since then, the city and developers pitched another location for the station, this time across the street from the proposed development, which a judge approved. Maloney and the neighbors have again appealed the decision to the state Supreme Court. They await a response.
Maloney said there's another possible hurdle to the development, this time involving a permit from the **Mississippi Department of Environmental Quality**.
MDEQ granted developers a water quality permit and storm water certification because of the potential impact the development would have on the nearby Purple Creek and surrounding wetlands.
A Madison County judge ruled that the permits could be appealed through the MDEQ Permit Board. Opponents are expected to appear before the seven-member panel on May 14.
Ridgeland mayor silent on recent litigation
Hart on Thursday said he was unaware of the two cases Maloney mentioned and referred any questions to Ridgeland Mayor Gene McGee.
McGee, in turn, said he can't comment on recent litigation, but confirmed the mid-September time frame for the completion of construction.
Ridgeland Alderman-at-Large Dl Smith, meanwhile, said most residents he has talked to have one burning question on the development following its three-year holdup in the courts.
"When is it going to open? That's what I'm hearing. The average person that I run into is anxious to see it get done. They're sick of it being partially complete," he said.
He added the mega store, the first to open in Mississippi, would be a boon to revenue.
"This is a huge, huge deal for the state of Mississippi. Right now, today, the state doesn't collect sales tax on any purchases that are made in state. Once they have one, anybody that orders anything, the state will take a share," Smith said.
Maloney, speaking on behalf of the neighbors, agreed — at least in part.
"We need that development. We just don't need it in a neighborhood, just not right there. It's not like a local Walmart or a Kroger; people will come from all over the state," he said.
He said residents should remain unconvinced of the development until a contract between the city and developers is presented.
"I've been asking for a contract, an actual contract for several months, and I haven't seen one," he said.
https://www.clarionledger.com/story/news/local/2019/04/08/when-costco-ridgeland-ms-going-to-open/3363086002/

Ocean Springs gets nearly $1 million from state for water & sewer improvements; Gautier gets half a million
Mississippi Press

Thanks to the state legislature's recently-passes Transportation & Infrastructure bill, the City of Ocean Springs will receive some $900,000 in funding for upgrades to its aging water and sewer system.
Although Ocean Springs consistently receives top marks for water quality from the state, old water mains and lines keep the City's public works department scrambling to make repairs.
"We have aging, aging infrastructure, particularly water lines," said alderman Rob Blackman. "We have weekly or bi-weekly breaks that we have to repair and the repairs we're making are basically just band-aids.
"Until we replace the entire system -- particularly in the older part of town -- we're going to continue to be chasing problems."
Blackman estimated the City is facing some $6 million in work needed for the water & sewer system.
Both he and Mayor Shea Dobson said the City will likely use the state money as leverage to go after additional grant funding.
"That's the tentative plan and something I hope we can do," Dobson said. "The bill was just passed, so we're working on exploring our options right now."
Dobson also noted the City's consistently high marks for water quality, but noted that without upgrades to the system, those high marks become more difficult to maintain.
"That's something we take pride in, but this is an old city and we have a lot of infrastructure that needs to be replaced, as well as how to maintain it," Dobson said. "This work will allow us to maintain that high quality of water while looking to the future so as to avoid having a crisis on our hands."
Meanwhile, neighboring Gautier will be the recipient of $500,000 in funding, ostensibly for the City's planned "Town Green" project -- although Mayor Phil Torjusen said that money could be shifted to infrastructure work elsewhere in town.
"The state money will be used as needed as the project goes along," Torjusen said. "The City has a comprehensive 12-year plan for water and sewer upgrades, so it's possible we could shift the $500,000 over to that.
"We have a request in for some additional funding and we're waiting to see the final result of that, both state and federal funding."
The Town Green project is planned for 33 acres of City-owned property just north of the old Singing River Mall property. Torjusen said the project is planned over three phases.
Phase I includes construction of festival grounds, an outdoor amphitheater, a water feature -- possibly a lake -- and expanded parking to accommodate events such as Cruisin' the Coast.
"For the first phase, in addition to the state money, we have some Tidelands funds and money from City general obligation bonds," Torjusen said. "Obviously, some of the money is being spent to clear the grounds."
https://www.gulflive.com/news/2019/04/ocean-springs-gets-nearly-1-million-from-state-for-water-sewer-improvements-gautier-gets-half-a-million.html

Hazardous household waste collection to be held Saturday in Laurel
WDAM

Laurel and Jones County residents will have an opportunity Saturday to safely get rid of hazardous household waste for free. A one-day hazardous household waste collection will be held in the Laurel Fairgrounds parking lot from 8 a.m. to noon.
Items that will be accepted include paint, aerosols, cleaners, glass, anti-freeze, rodent poisons and furniture. Explosives, radioactive materials, medical waste and laboratory chemicals will not be accepted.
The event is being sponsored by the Jones County Board of Supervisors, Pine Belt Regional Solid Waste Authority, South Mississippi Fair Commission, Jones County Sheriff Department, Mississippi Power, Coca-Cola Bottling Company, Burroughs Companies, Laurel A-1 Tire Company, Southern Tire Center, The Print Press and B Clean LLC.
If you need more information about waste recycling or disposal, please call 1-800-689-5656 or 601-428-3138.

http://www.wdam.com/2019/04/05/hazardous-household-waste-collection-be-held-saturday-laurel/

'Keep Jackson Beautiful' urges you to get involved with the Great American Cleanup
WLBT

Groups across the Capital City will be doing their part to tidy up in the coming weeks for the Great American Cleanup.
Glass and plastic bottles, food containers and other trash scattered along Magnolia Road off Clinton Boulevard are what Keep Jackson Beautiful hopes will be tackled during the event.
Neighborhood associations, residents, churches, organizations and more come together during the nation's second largest community improvement program to rid the neighborhoods of unsightly litter and debris.
"Get out and help clean up Jackson because Keep Jackson Beautiful and the City of Jackson, they can't do it alone," said Keep Jackson Beautiful Executive Director Alicia Crudup. "We want all communities of Jackson to come out, pick dates that you're going to be cleaning up and get out there and clean up and Keep Jackson Beautiful will provide resources to assist with the cleaning."
Last year Great American Cleanup participants removed 2,000 bags of litter and debris in 13 communities.
Volunteers cleaned and renewed over 100 lots. More than 790 bags of items were collected for recycling and reuse.
"This is home, and it's not just home. It's the Capital City in the State of Mississippi," said Keep Jackson Beautiful Board of Directors President Henry Fuller. "So we entertain a lot of visitors here. We want to reiterate to the public that Jackson is beautiful. We are vibrant. We are still a safe place to eat, shop, play and work."
During Keep Jackson Beautiful's clean up kickoff Friday, officials also announced plans to address food insecurity in the city.
The Capitol Street Garden was renamed after late Mayor Chokwe Lumumba. Saturday an orchard will be planted there. Lowe's donated $20,000 and UPS donated $5,000 to plant 200 fruit trees throughout all seven wards.
If you would like to take part in the citywide cleanup call Keep Jackson Beautiful at 601-9953-1123 or log onto www.keepjacksonbeautiful.com.
http://www.wlbt.com/2019/04/05/keep-jackson-beautiful-urges-you-get-involved-with-great-american-cleanup/

Spring Cleaning for the City of Clinton
WLBT

The annual citywide cleanup for Clinton residents begins April 6 and will continue through April 13, except Sunday. This program is to provide a disposal service to residents who have items too large for regular disposal, as well as yard waste and other household debris free of charge.
Hours of operation will be from 7 am to 6 pm, with city workers present. An extra hour have been added this year to help residents utilize the service. "Public Works hopes that the additional hours of operation will enable additional residents to participate in the service," stated Dexter Shelby, Director of Public Works.
During the cleanup period, the City of Clinton will have dumpsters available for residents at the old Northside Elementary School location at 1111 Old Vicksburg Road. Those taking advantage of this opportunity must line up on Longwood Place in the Briars, and turn west on Old Vicksburg Road for disposal.
This service is limited to Clinton residents due to the expense of the program. Residents utilizing the service are asked to show proof of residency by way of a City of Clinton water/garbage bill, a driver's license, or state-issued ID card with a Clinton address.
The spring cleanup period does not include e-waste, such as old computers, printers or keyboards, which can often be partially recycled. A separate time for disposal of e-waste and hazardous materials, such as paint and pesticides, will be offered in the fall.
For more information, call 601-924-2239 or visit www.clintonms.org/garbage.
http://www.wlbt.com/2019/04/05/spring-cleaning-city-clinton/

Saltillo City Hall helping residents clean up
Daily Journal

The city of Saltillo is once again offering its residents a little help with their spring cleaning.
For the last 12 years throughout the month of April, the city has provided a trash bin behind City Hall for citizens to properly dispose of household garbage, lumber, old appliances and other debris.
"The Dumpster is behind the maintenance department on South Front Street, and it's available during normal business hours, 8 a.m. until 5 p.m., during the week," said Saltillo planning director Brian Grissom. "It will also be open two Saturdays, April 13 and April 27, from 8 a.m. until 1 p.m.
"They can bring anything except tires, chemicals and other hazardous materials."
Household hazardous waste – including chemicals, paint, oil and tires – can be dropped off April 13 in Verona at the Lee County Agri-Center from 8 a.m. until 3 p.m. during the annual Three Rivers Waste Collection Day.
In order to reduce the amount going to the landfill, Saltillo city workers sort through the items dropped off. Scrap metal is put in a separate pile to be recycled. Bricks and concrete will be used to fill in gullies and washed out areas.
Grissom said the city usually fills several Dumpsters that are hauled off to the landfill. In the past, there has been enough scrap metal collected to offset the cost of the Dumpsters, so there is no net cost to the taxpayers.
Residents are responsible for getting the items to the Dumpster, even large items like mattresses and appliances. If someone is elderly or needs help, they can call City Hall and employees will try to put them in touch with a church or civic group who can help them.
If anyone has a question about the program or what can be dropped off, contact Grissom at brian@saltilloms.org or by calling City Hall at 869-5431.
https://www.djournal.com/news/saltillo-city-hall-helping-residents-clean-up/article_c1da31ca-371e-58a8-af9b-cdfe67adc36a.html

LIMITED RESOURCES
Making do: State parks tackle infrastructure needs as spring approaches
Daily Journal

As the weather warms up, both trees and lawns turn more and more green, and minds turn to spending time in the great outdoors.
It's a great time to go out to one of the Mississippi's 25 state parks. They offer camping, fishing, skiing, disc golf and plenty of trails winding their way through the Mississippi countryside.
Even though the parks compete with electronic and technological advances for people's attention, visitation numbers have remained steady. Over the last five years, officials say around 1 million people have visited the state parks.
They are considered hidden gems, but cutbacks in both funding and staffing have put the parks in a bad situation. Without the money and manpower to handle routine maintenance, buildings and infrastructure are suffering.
"Our biggest need is infrastructure – waste water, water wells, sewer systems and electrical upgrades in RV camps," said Jennifer Head, the parks liaison to the state legislature. "We have numerous roofs in dire need of work. We have 600-plus structures in desperate need of repair or replacement. That includes bathhouses, cabins, lodges, pavilions and picnic areas."
Head and officials with the state Department of Wildlife, Fisheries and Parks were hopeful that the state legislature this year would reverse a trend that over the last decade has nearly cut the state park budget in half. In the last several years, the number of full-time state park employees has dropped from 193 to 110, a decrease of 43 percent.
While one funding bill did provide $4 million for dam repairs, officials were hoping an amendment by Sen. J.P. Wilemon, D-Belmont, would provide money for improvements to the state parks. The original amendment set aside $10 million for improvements at state-owned properties. By the time the politicking was over, the amount had dropped to just $397,000, and that was earmarked for the costs of the Capitol Police.

In the end, the legislature set aside $1 million for Buccaneer State Park in Waveland and another $500,000 for Tishomingo State Park to repair and renovate infrastructure and cabins and the suspension bridge.

The other parks will have to make do with what they have to deal with infrastructure problems and maintenance issues that keep getting pushed back by the lack of funds.

"We don't have the operating budget to do the deferred maintenance," Head said. "Our general fund keeps getting cut, so we don't have a capital fund for the maintenance either."

Park managers and their staff work hard to make sure the parks are safe and aesthetically appealing to all visitors. Officials know that in this age of social media and mass connectivity, one bad review could hurt a park.

"If someone goes to the park and has a bad experience, they can go to social media," said MDWFP public affairs director Warren Strain. "That can further damage the image of the park."

Here is a look at the needs of a few area state parks:

Tombigbee

Thanks to a five-year partnership with Toyota Mississippi, Tombigbee State Park outside of Tupelo has enjoyed a surge in popularity and publicity.

Toyota named it its signature park and donated roofs for the lodge, bathhouse and dining hall. Along with volunteer work days, the company helped install split rail fences and stain them. Toyota employees also helped replace roofs on smaller picnic structures.

"After a Toyota work day is shown on television and in the paper, we'll have folks come to the park and say, 'I've been living here 40 years and never knew this place was here,'" said park manager Jeff Rosamond. "We are a hidden gem.

"Other folks love us. We had a couple fall in love with Cabin #3. They measured everything and made detailed drawings. Now there is an exact copy of it in Missouri."

The park features a fishing lake, two disc golf courses and trails. But the bulk of the paying customers plan on spending the night in the quiet park hidden between Plantersville and Mooreville.

"Cabins and campgrounds are 80 percent of our revenues," Rosamond said.

The park has eight cabins. One is a cottage. Another cabin was recently renovated to include a modern kitchen, complete with granite countertops. But it is the other six that draw the most attention and are in need of the most work.

That half-dozen were built in the 1930s by the Civilian Conservation Corps, part of President Franklin Roosevelt's New Deal. Because they are on a national historic register, any work has to follow historical styles and federal guidelines – which adds to the costs.

"Maintaining them is tough," Rosamond said. "They fall under the historic archives, so it can be a challenge. When you do any repairs or updates, it has to be the same stuff that came off. The problem is we don't do things now the way they did back then.

"If we need to replace the (clapboard) siding, we have to not only find cypress but it has to be cut one-inch thick at a sawmill with a circular saw."

Most sawmills switched to band saws years ago. Since the cabin doors are handmade, repairs are tricky and custom jobs. The windows are wood, with cedar muntins separating the glass panes.

Even though a modern double-pane window would look similar and provide more insulation, they are not allowed.

"Just to replace one window, you are looking at around $800," Rosamond said.

Toyota adopted one of the cabins and donated $15,000, which barely scratched the surface of the repairs needed for Cabin #5.

"There is just not enough funding to go around," Rosamond said. "We fix what needs to be fixed as we can. It's a smaller park, so you can stay on top of things in the off-season. We get as much maintenance done as possible when things are slower."

Many of the cabin roofs need repairing or replacing. A park employee checks the cabins on a regular basis to make sure there are not any problems. While the exteriors might look a little rough, the routine checks and maintenance have resulted in limited problems on the interior of the structures.

Where feasible and permitted, Rosamond uses modern materials. For the picnic areas and smaller pavilions, they went with metal roofs that require less upkeep and have much longer lifespans than asphalt shingles.

"We face the same challenges as other parks. There are some concerns – the budget is the biggest. (State budget reductions) have cut our personnel back to a skeleton crew. Everything is revenue, revenue, revenue.
"Our numbers are up, but we are in the fifth year of a partnership with Toyota, that has been a big help."

Trace

Trace State Park manager Josh Massey knows all about infrastructure problems. The water level of the 565-acre lake was lowered in 2016 because of concerns with the levee. Additional landslides on the levee forced the main lake to be completely drained in 2017.
"We've got the biggest lake in the area for skiing, jet skiing and fishing," Massey said. "The lake is the heart of the park and right now, the heart is not beating.
"On a daily basis, we have folks asking where the lake is and when will it be back to normal."
Officials hope the repairs can be completed this summer to start the lengthy process of reopening the lake.
"That is one of our more profitable lakes, so we are anxious to get it back. It's a great fishing lake," Head said. "That is an ongoing project. We were not able to complete the project before the rainy season started. We have a contract and are just waiting for dry weather so they can get back out there. It should be finished by this summer."
The lack of fishing and skiing has taken its toll of the park's bottom line. Revenue has been slashed by about two-thirds. The number of employees has taken a similar hit in recent years.
In the meantime, visitors can still fish in the park's smaller 12.9-acre lake. The park has eight cabins and campsites that keeps folks coming while the lake is empty. In addition to camping, there is a disc golf course and plenty of trails. There are 35 miles of horse and motorcycle trails and another 14 miles of hiking trails.
Currently, a staff of three is tasked with keeping the park open year-round.
"As a manager, you wear many hats and do anything and everything," Massey said. "I fix the water, sewer, some electrical and run the office. (Even without the lake), there is still as much to do."
Even with its problems, the park still has loyal visitors.
"We have a family from Canada that goes to Texas every year," Massey said. "They make it a point to stop here because they love the park."

Tishomingo

In a relatively flat state, Tishomingo State Park is a welcome change of pace. With massive rock formations and boulders that beckon rock climbers, an iconic suspension bridge and a Native American presence dating back 9,000 years, it is a gem.
The park's lodge and the six cabins date back to the 1930s and the CCC, and any work on historic structures can quickly blow a budget. That's why park officials were thrilled to get additional funding from the state legislature this year.
"The priorities are repairs and improvements to the sewer treatment plant," Strain said. "The rest will go toward cabin roofs. We have already replaced several roofs, so we will try to finish the rest of them.
"Anything left over will be used for regular maintenance of the cabins."
https://www.djournal.com/news/making-do-state-parks-tackle-infrastructure-needs-as-spring-approaches/article_6951b960-b571-5b3c-9a1b-2acd5cc00dae.html

New shooting range set to open near Sardis

WMC

PANOLA COUNTY, MS (WMC) - A state of the art shooting facility is set to open in North Mississippi.
"I'm very excited to get this place open, its been a long time coming," said Scottie Jones, Mississippi Department of Wildlife Fisheries and Parks.
The McIvor Shooting Facility has been in the works for over six years.
The 300-acre facility sits in the remote Charles Ray Nix Wildlife Management Area. It features a shotgun sporting clay course, 300-yard rifle range, pistol ranges, archery and more.
"This facility is going to be the top one in the state. And one of the top in the Southeast. If you're a shooting sports enthusiast, this is the place you want to come," said Jones.
Everywhere you look you'll see the Winchester Ammo logo. That's because this $4 million facility was made possible thanks to a public-private partnership with Winchester who matched $1.4 million in public grant money to help fund the construction.

“The Mississippi Department of Wildlife, Fisheries and Parks could not do a facility of this caliber without help from private entities," said Jones.
The McIvor Shooting Facility is expected to bring in large youth tournaments and attract people from all over the Southeast.
“It’s going to be a big venue for North Mississippi. The business it will bring to the community of Sardis and Panola County is going to be huge for this community," said Jones.
Safety is the top priority.
“We man our ranges where there’s a range officer at each range, supervising to make sure the public is having an enjoyable and safe range to participate in," said Jones.
The facility will open to the public Saturday at 10 a.m. and will only charge a $15 range fee for use plus 30 cents per target if using the shotgun targets.
http://www.wmcactionnews5.com/2019/04/05/new-shooting-range-set-open-near-sardis/

Freedom for Fido on part of beach in Mississippi city
AP

One Mississippi Gulf Coast city is giving dogs the freedom to romp on part of its beach without a leash.
The Pascagoula City Council recently voted to allow dogs off leash on a multiblock stretch of its beach.
Owners must have direct supervision of their dogs at all times, and the city is increasing fines for failing to pick up dog waste.
Dogs must remain leashed on other areas of the beach, as well as on the boardwalk on the beach's northern edge.
The city already allowed dogs to roam off their leashes in areas of two other parks.
https://www.sunherald.com/news/state/mississippi/article228958064.html

State Government

Luckney’s appointment to Personnel Board confirmed
MBJ

The Mississippi Senate has confirmed Governor Phil Bryant’s reappointment of Alwyn Luckey to the Mississippi State Personnel Board for a five-year term beginning July 1. Luckey was originally appointed to the Board by Governor Bryant in 2012.
Luckey is currently the sole shareholder of The Law Firm of Alwyn H. Luckey, P.A. His law practice includes state and local government consulting, business law, construction defect/water intrusion, asbestos injury, real estate, and general practice. He has also served as judge for the City of Ocean Springs.
A long-time resident of the Mississippi Gulf Coast, Luckey earned both a bachelor’s degree and a juris doctorate from the University of Mississippi.
https://msbusiness.com/2019/04/luckneys-appointment-to-personnel-board-confirmed/

Senate confirms Moore appointment to Personnel Board
MBJ

The Mississippi Senate has confirmed Governor Phil Bryant’s appointment of Gregory A. Moore to the Mississippi State Personnel Board to fill an unexpired term through June 30, and for a five-year term beginning July 1.
Moore is the Chief Executive Officer for Community Bank of Mississippi. He oversees the daily operations of the bank and each of its subsidiary regions located in Mississippi, Tennessee, Alabama, and Florida. He also serves as Vice Chairman for the Community Bancshares Board of Directors and is a member of the Community Bank Risk Management Committee.
Moore is on the Hartfield Academy Board of Trustees and the legislative committee for the Mississippi Bankers Association. He is a past member and treasurer of the Metro YMCA Board of Directors. Moore is also a past member of the Board of Directors for the Mississippi Council on Economic Education and Sacred Heart League. He is the past President for the Madison County American Heart Association.

Moore is a graduate of Mississippi State University. He and his wife, Cheryl, live in Brandon and have two grown children. They are members of Crossgates Baptist Church.
https://msbusiness.com/2019/04/senate-confirms-moore-appointment-to-personnel-board/

Oil Spill

Chemical dispersants remain effective tool for cleaning up oil spills, study says
Times-Picayune

A new wide-ranging scientific report has concluded that the chemicals used to cleanup the massive 2010 Deepwater Horizon oil spill remain an effective response option for large spills -- a conclusion that runs counter to other studies that found dispersants to be ineffective and dangerous for the environment and human health.
In the new report, released Friday (April 5), the National Academies of Sciences stressed that dispersants can reduce spill responders' exposure to harmful compounds in oil and also minimize the spread of oil on the water's surface and along shorelines.
"The big takeaway is that dispersants are a tool that should remain in the toolbox," said David Valentine, a University of California-Santa Barbara biologist and a member of the committee that produced the report.
The NAS is a nonprofit institution that advises the government on science and technology issues.
The new report was sponsored by oil industry trade groups, the U.S. Environmental Protection Agency and other federal regulators. It was produced by a 17-member committee, including several university, government and oil industry scientists. The report acknowledged that one committee member, an ExxonMobil scientist, may have a "conflict of interest" and "financial interests (that) could be affected by the outcome of the study." Valentine said some oil industry scientists have expertise in dispersants that can't be found anywhere else.
While dispersants have not been widely deployed since the Deepwater Horizon spill, their use could be revived as the Trump Administration works to open nearly all of the country's coastal waters to offshore drilling, increasing the risk of spills and the need for a potent means of cleaning them up.
Dispersants are chemicals designed to break up oil into droplets, allowing spills to dissolve or degrade more quickly.
To combat the Deepwater Horizon spill, BP used two types of dispersant, Corexit 9500 and Corexit 9527, both manufactured by Nalco Environmental Solutions. Nearly 1 million gallons were dropped by air, and another 770,000 gallons were injected into the damaged wellhead about a mile under the water's surface. It was the first time dispersants had been used on a large scale and in proximity to large numbers of people.
Cleanup workers and coastal residents reported a range of symptoms, including memory loss, lung and skin irritation, heart problems and liver damage, after exposure to dispersants, according to research conducted by activist groups and the National Institutes of Health.
Last year, a federal study revealed that nearly 2,000 Coast Guard members who reported dispersant exposure suffered a range of illnesses -- respiratory problems, nausea, vomiting and diarrhea -- at higher rates than members who were not exposed to the chemicals or were exposed to oil alone.
The new NAS report questioned the value of this research, noting delays in collecting data and reliance on self-reporting, making it difficult to accurately assess exposure levels and whether other factors may have contributed to symptoms. Dispersant, the new report said, may actually minimize a spill's health impacts by shortening the cleanup period and the lengths of time workers are exposed to oil.
The report also took aim at studies that have indicated dispersant harms a range of marine life, including fish and crab. One study found that deep-sea coral in the Gulf of Mexico suffered more from a dispersant-oil mix than oil alone.
The new report said results of these other studies "are unclear," partly because many were conducted in laboratories rather than in the field, and suffered from "a lack of consistency in methodologies."
Valentine was critical of studies "done in a bottle" that may not factor in natural processes.
"In the real world, there's dilution and mixing (with sea water) and other factors," he said.
He disputed the findings of University of Georgia marine scientist Samantha Joye and other researchers who found that dispersants can kill or inhibit the growth of oil-eating bacteria. Valentine said there are

several other studies that indicate dispersant may do the opposite, and actually stimulate naturally-occurring bacteria that can help clean spills.
Joye defended her work.
"The the fact remains that the conditions we used matched those in the environment better than anyone else's," she said in an email. "I stand fully behind our paper and it's conclusions. Nothing I have read or seen presented at conferences has caused me to second guess or doubt what we did."
Critics of the new NAS report said the entity aims to polish up a tarnished method.
"A lot of alarm bells have been raised about dispersants," said Purba Mukerjee, an attorney with the University of California-Berkeley Environmental Law Clinic. "This (report) seems to try to bury that. By focusing on the limitations of some of the research, it distracts from the critical aspect – that dispersant is pretty toxic."
Mukerjee is representing environmental groups that are suing the EPA for failing to establish rules limiting dispersant use. Plaintiffs include a Plaquemines Parish commercial fisher and groups from Alaska, where dispersant was deployed on a limited basis during the 1989 Exxon Valdez oil spill.
Valentine said the NAS report may help guide more limited use of dispersants. He said the chemicals shouldn't be used after every spill.
"For instance, here in California, the oil is too waxy," he said. A recent spill in Australia was "too viscous" for dispersant.
In some cases, the new report acknowledged, dispersants can boost overall oil toxicity. If oil concentrations are below 100 milligrams per liter of water, the toxicity of dispersed oil is about the same as untreated oil.
"There's no single answer for responding to a spill," Valentine said. "It depends on the spill scenario – the type of oil, water depth, weather conditions. There should be a decision process (on whether to use dispersant) every time."
The report recommended less reliance on lab testing and more study of dispersants in the field and during future spills.
Oil companies and other response managers should also use an expanded and refined series of analysis tools to weigh the trade offs of dispersants against other cleanup options, according to the report. This analysis, the report suggests, should be shared with the public and local governments to build support whenever dispersant is used.
"These tools should be used to gain stakeholder input … expand awareness, and gain trust in the decision-making process," the report says.
https://www.nola.com/environment/2019/04/chemical-dispersants-remain-effective-tool-for-cleaning-up-oil-spills-study-says.html

Regional

3M nears settlement with north Alabama water system over chemical pollution
Al.com

The West Morgan East Lawrence Water and Sewer Authority and chemical giant 3M are finalizing a settlement in a lawsuit over who will pay for a new multi-million dollar filtration system to remove industrial contaminants from the drinking water of thousands of people in north Alabama.
The amount of the settlement has not been disclosed, but the water authority had previously said the new filter system could cost $30-50 million.
The water authority's suit asked 3M to pay for a new water filtration system to remove industrial chemicals that 3M manufactured and used for decades at its facility on the Tennessee River in Decatur.
The water authority provides service directly or through other utilities for about 20,000 metered customers in north Alabama from an intake on the Tennessee River downstream of the 3M facility.
3M spokesperson Fanna Haile-Selassie confirmed that the company was "working to finalize a resolution" to the litigation.
"We look forward to announcing the outcome of those negotiations in the near future," Haile-Selassie said.
Attorneys for the water authority did not immediately respond to requests for comment.

PFOA and PFOS are not found in nature but were widely used to make non-stick, waterproof or stain resistant coatings on consumer products like non-stick cookware, waterproof clothing or Scotchgard stain repellent. By nature, the chemicals are very slow to break down in the environment. They can last for decades after use and build up over time in human and animal tissue.
Though 3M stopped producing those chemicals in the early 2000s, they are now so widespread that nearly every person on earth has some level of them in their blood.
However, in 2016, the U.S. Environmental Protection Agency warned that those chemicals were associated with health problems, including cancer at concentrations as low as 70 parts per trillion.
After that health advisory, the WMEL general manager Don Sims issued a "do not drink" advisory until the water system could get concentrations of the chemicals below those health advisory thresholds. The water authority constructed a $4 million temporary activated carbon filter system to remove those chemicals from the water.
The water authority was preparing to vote on a rate increase to cover the costs of the new filter system, which may not be necessary with the settlement.
PFOA and PFOS are just two of a class of thousands of chemicals known as per- and poly-fluoroalkyl substances, or PFAS for short. After PFAS and PFOA fell out of favor, many product manufacturers turned to similar substitute chemicals that may also have health concerns.
The EPA has said it is "moving forward" to establish hard limits on certain PFAS chemicals in drinking water, including PFOA and PFOS. As of now, the health advisory limit is only a recommendation, not a regulation.
https://www.al.com/news/huntsville/2019/04/3m-nears-settlement-with-north-alabama-water-system-over-chemical-pollution.html

Miami gets $99.7 million federal loan for wastewater upgrade
AP

The U.S. Environmental Protection Agency is providing the Miami-Dade Water and Sewer Department with a $99.7 million federal loan to build 14 injection wells designed to stop wastewater from going into the Atlantic Ocean.
Agency Administrator Andrew Wheeler visited the wastewater plant on Friday to officially sign the agreement, which is part of the Water Infrastructure Finance and Innovation Act, commonly known as WIFIA.
Wheeler says Miami is the community to receive a WIFIA loan. He says projects funded by the loans have created 6,000 jobs nationwide.
The agency is offering a third round of loans totaling $6 billion to applicants across the country starting Friday. Wheeler says agencies have through July 5 to apply for the low-interest loans.
https://www.bradenton.com/news/business/article228881659.html

UF students create app to track, offset carbon footprint
Gainesville Sun

Two University of Florida students have created an app that allows users to better keep track of their carbon footprint.
UF junior Brian De Souza and sophomore Pablo Garces, who are both majoring in computer science within UF's Herbert Wertheim College of Engineering, have created LiveGreen, a mobile app that allows users to track daily carbon emissions and, through a subscription, help fund reforestation projects to offset their carbon footprint.
Data from the United States Environmental Protection Agency shows the U.S. emits more than 5 billion metric tons of carbon dioxide a year. The app was made to combat that.
After downloading the app, LiveGreen navigates users through a personalized carbon footprint survey and asks questions based on users' diets, utility bill, household occupancy, natural gas use, transportation method and miles driven per day. The user's answers allow the app to estimate their daily carbon dioxide emissions, which have been tied to climate charge.
The app then allows users to log daily food intake, transportation, purchases and utilities to track carbon emissions, similarly to how fitness apps let users log calorie intake and calories burned.

The app, through the use of Google Maps, will track how many miles the user has driven or flown based on the speed in which they are traveling.
To reduce greenhouse gas emissions, the app's carbon offsetting feature allows users to sign up for a subscription service that charges them at the beginning of the month based off their carbon footprint for the previous month. LiveGreen gets a cut of the subscription cost, and the remaining fees go to fund reforestation projects in Portugal, Ireland and Romania. The subscription is designed to fully or halfway offset the user's carbon footprint, depending on their subscription level.
A standard subscription costs about $15 to cover users' full carbon footprint, according to the app. Users can offset theirs and two others' carbon footprints by paying a $41 monthly fee.
The app incentivizes the user to live green by emphasizing that the smaller their carbon footprint, the fewer trees will have to be planted. And therefore, their subscription for that month would be cheaper. Users can also name the tree planted to offset their carbon footprint and retrieve its GPS coordinates so they can visit it while in Europe, Garces said.
"You can have a personal relationship with your tree," he said.
De Souza and Garces told The Sun they've always tried to live a sustainable lifestyle. But after watching many environmental documentaries, they became aware of how every action, including driving and the food one chooses to eat, has an impact on daily carbon emissions. So building the app and starting the company meant more to them than an entrepreneurial endeavor. It meant potentially helping reverse climate change and saving lives.
"We really wanted to make people start thinking about their carbon emissions," De Souza said.
The students will hit the road soon to get investors thinking about their app.
LiveGreen was selected as a finalist in the Schulze Entrepreneurship Challenge, the largest undergraduate-only venture pitch competition in North America in terms of cash prizes, with a top prize of $75,000 and $250,000 in total prizes awarded.
It is hosted by the Schulze School of Entrepreneurship at the University of St. Thomas in Minnesota. Twenty-five finalists were chosen from more than 100 entries representing 61 colleges and universities across America.
De Souza and Garces said they're entering the competition with confidence and feel they have a real chance to win one of the competition's two social impact awards.
Nola Miyasaki, executive director of the UF Warrington College of Business Entrepreneurship Program, said the students succeeded in pitching LiveGreen to get into the competition. But regardless of if they win, it's a win getting in front of potential investors. De Souza and Garces have been working with Miyasaki in UF's Gator Hatchery, a student incubator that offers student entrepreneurs workspace, mentors and resources necessary for a startup to grow.
"They're in a capital-raising mode," Miyasaki said. "They need to hit 50,000 users, and they can do that reasonably with $100,000. The top prize is $75,000, and that would go a long way toward their goal."
Miyasaki said De Souza and Garces' concept is a timely one and if they make the right business decisions, they will be successful.
"The main thing (with LiveGreen) is the idea is very timely. They need to get it into the market quickly and scale it up," Miyasaki said. "They both have a tremendous work ethic, and they're great at taking advice. (Going into the competition), they are a company that has revenue and it's in the market. That's a huge bonus."
LiveGreen as of Wednesday had about 600 users. It is free to download on the Apple Store.
https://www.gainesville.com/news/20190404/uf-students-create-app-to-track-offset-carbon-footprint

Study on state of Memphis drinking water to be discussed
WMC

The safety and quality of Memphis drinking water will be at the center of discussion at a public meeting Monday night.
Memphis has some of the best drinking water in the nation, coming from the aquifer that sits beneath the city.
Researchers have been studying threats to the aquifer. Last fall, University of Memphis' Center for Applied Earth Science and Engineering Research--also known as CAESAR--was given a $5 million contract to do extensive research on water quality issues in the Memphis aquifer.

Scientists said the aquifer is a clay layer that protects the drinking water from pollution. However, breaches have been found, potentially allowing pollution to seep into the aquifer.
The new research team has been trying to find out if any more of those breaches exist.
One percent of MLGW water bills fund this research--about 18 cents per monthly bill.
Researchers are holding a public meeting to share their findings at 6:30 at the Benjamin Hooks Library.
http://www.wmcactionnews5.com/2019/04/08/study-state-memphis-drinking-water-be-discussed/

The Gulf of Mexico's Hottest Diving Spots Are Decommissioned Oil Rigs
Smithsonian

On the surface, offshore oil rigs are a complete eyesore, but underwater they can be an aquatic paradise for sea creatures. Stretching hundreds of feet from the ocean floor and towering far above the surface—some reaching heights as tall as the Empire State Building—these metal platforms used for oil drilling have taken on a surprisingly different purpose over the years: serving as manmade reefs for coral, sponges, algae, red snapper, jacks, angel fish, barracuda and other marine species.
Around the world there are hundreds of oil rigs hovering above ocean waters, many still fully operational and drilling for oil, while others have been decommissioned. Thanks to the abundance of sea life utilizing them as habitats, they've become increasingly popular destinations among scuba divers and snorkelers—especially as more and more natural reefs are disappearing.
In the warm subtropical waters of the Gulf of Mexico, roughly 100 nautical miles off of Galveston, Texas, one platform has become a hotspot for divers and snorkelers. High Island A389 is no longer operational—all drilling for oil ceased in the early 1990s when the Flower Garden Banks National Marine Sanctuary, a site encompassing three underwater salt domes protected by the National Oceanic and Atmospheric Administration's Office of National Marine Sanctuaries, was designated a protected site. The rig was decommissioned since it was within the site's boundaries. In the time since, local diving tour operators have begun bringing divers to the area to experience what it's like to dive a manmade reef.
High Island A389 is part of a growing movement to create artificial reefs out of decommissioned oil rigs. However, decommissioning rigs isn't anything terribly new; in fact, the idea got its start in the mid-198os when Congress passed the National Fishing Enhancement Act of 1984, a law that was the result of an increased interest in developing artificial reefs for diving and fishing. This led to the creation of the National Artificial Reef Plan in 1985 that provides an outline of protocols and best practices by the Bureau of Safety and Environmental Enforcement (BSEE) for turning retired rigs into artificial reefs. The plan includes engineering and environmental standards that must be met in the decommissioning process.
In order to participate, a coastal state must have an approved, state-specific artificial reef plan and an artificial reef coordinator to oversee the plan and work directly with oil companies on the decommissiong process and securing permits from the U.S. Army of Corps of Engineers. (Currently, the Gulf states of Alabama, Florida, Louisiana, Mississippi, and Texas are all eligible.) Artificial reefs are especially important in the Gulf of Mexico, where the bottom of the gulf lacks a hard surface and is instead comprised predominantly of clay, mud and sand, making it less conducive to the formation of natural reef habitats. As of 2018, 532 platforms have been reefed in the Gulf of Mexico, but there are hundreds more around the country that could potentially become manmade reefs.
One non-profit, Blue Latitudes, is at the forefront of the movement to turn these unsightly oil rigs into reefs. Blue Latitudes got its start in 2015, several years after Emily Hazelwood, its co-founder, worked as a field tech during the Deep Water Horizon/BP MC252 oil spill in the Gulf of Mexico, considered to be one of the most devastating oil spills in recent history, releasing more than 4 million barrels of oil into the gulf.
"While I was there, a lot of the local fisherman were [helping out by] driving our boats around so that we could do sediment and water sampling," says Hazelwood. "All they could talk about was how incredible the fishing was off of these oil rig platforms. At the time it seemed beyond strange that we're out here trying to understand the impact of an oil spill resulting from one of those platforms, but also apparently that these places are hotspots for fishing. That's when I first heard about the Rigs to Reefs program."
The National Fishing Enhancement Act of 1984 served as a roadmap for Hazelwood, along with co-founder Amber Jackson, when they launched their non-profit organization based out of California with a mission to, first, educate oil companies on the financial and environmental benefits of repurposing retired platforms, and, then, actually assist them in transitioning decommissioned oil rigs into reefs.

For instance, turning a rig into a reef is significantly less expensive than scrapping it entirely—in most cases, about 50 percent cheaper, resulting in a savings of millions of dollars, according to Blue Latitudes. Monetary benefits aside, reefing a platform has also been found to be beneficial for the surrounding environment as well. According to a study by the Coastal Marine Institute, "a typical eight-leg structure provides a home for 12,000 to 14,000 fish." Another study by the University of California, Santa Barbara has found that such artificial reefs in the Gulf of Mexico and California are "useful as fisheries conservation tools" and that completely removing a platform "will destroy all sessile invertebrates, kill cryptic fish and most invertebrate species, and the majority of all fishes associated with the platform."

While some may question how a manmade oil rig could even qualify as a viable habitat for sea life, the answer is quite simple: just look below the surface. Hazelwood says that the average offshore platform measures between 800 and 1,200 feet in height, with most of the structure residing underwater.

"That's a lot of real estate for marine life to colonize on," she says. "These offshore platforms have become very successful and very productive marine reefs, and the reason really lies in the structure itself. They stretch from the seafloor all the way to above the surface and are made out of this hard substrate, which is often a rarity, especially in places like the Gulf of Mexico basin. So just the fact that it's so large and provides this hard [material] for different marine life species to attach to, [different species] will start to colonize on it and eventually start to produce it. [The oil rigs] are also very complex, with lots of beams and cross beams, which provide different nooks and crannies that attract marine life."

Hazelwood estimates that there are between 500 and 600 reefed rigs in the Gulf of Mexico alone, however many aren't open to divers because they're not suitable for diving for one reason or another. They might be located in an area with heavy shipping traffic, for example, or there may be high sedimentation in the area, such as at the mouth of a river, that makes for bad visibility. Interestingly, many active oil platforms do welcome divers. And once a rig is no longer a viable source for oil, Blue Latitudes is there to assist oil companies as they navigate the decommissioning process, which involves capping off the oil well to prevent any possible seepage and lopping off the upper portion of the platform so that all that remains is underwater.

"A lot of people think of oil platforms and they think of industry and oil spills, but seeing is believing," she says. "I'm always surprised by how much life exists on these platforms at all times. I would dive oil platforms any day compared to regular reefs. You just don't see that diving natural reefs."

https://www.smithsonianmag.com/travel/gulf-mexicos-hottest-diving-spots-are-decommissioned-oil-rigs-180971728/

National

States, military clash on cleanup of toxic chemicals

AP

he U.S. Department of Defense has quietly begun battling environmental regulators in several states, after the agencies attempted to force the military to clean toxic firefighting chemicals from polluted streams, marshes and aquifers. The efforts mark the opening acts of what could turn into a nationwide war on legal liabilities, which the Pentagon estimates could reach into billions of dollars as it investigates the presence of the chemicals at hundreds of bases across all 50 states.

Per- and poly-fluoroalkyl substances, or PFAS, have burst onto the national radar in recent years. Originally produced by companies 3M and DuPont, the chemicals are used in everything from Teflon pans to food packaging to water-resistant clothing. Scientists have linked some PFAS chemicals to health effects including ulcerative colitis, thyroid disease, reproductive issues and some cancers.

Few producers or users of PFAS face potential liabilities as great as the U.S. military, which has already spent more than $200 million over the past half-decade to start investigations of chemical family members perfluorooctane sulfonate, or PFOS, and perfluorooctanoic acid, or PFOA, at more than 400 military bases across the country. Both chemicals, particularly PFOS, were ingredients in firefighting foams used widely by the military during training and emergencies since the 1970s.

There are thousands of PFAS chemicals, but PFOS and PFOA are believed to be among the most harmful, and are the only two for which the Environmental Protection Agency has set an advisory limit for drinking water.

To date, the military has focused on filtering drinking water containing PFAS above the EPA's advised limit of 70 parts per trillion, after finding the chemicals in excess of that limit in more than 560 private and public drinking water supplies around 50 bases. But impacted communities worry continued environmental contamination is impacting wildlife, property values, municipal taxes and even human health.

"There's been very little focus to date on cleanup standards or cleanup guidelines," said Rob Bilott, an Ohio attorney who has litigated PFAS issues for decades. "Once you've stopped the ongoing exposure to people . what do you do with what's left? And that's a much, much bigger issue."

Because the EPA has yet to set any formal PFAS regulations, an increasing number of state environmental agencies are taking matters into their own hands, creating their own standards to compel polluters to begin cleaning up the chemicals within their borders. In Pennsylvania, where some of the nation's highest PFAS levels have been discovered in Bucks and Montgomery Counties, regulators recently announced they would create a state drinking water standard, and lawmakers are mulling legislative solutions. New Jersey is further ahead, with regulators preparing to implement the lowest PFOS and PFOA drinking water standards in the country.

But in several cases where states already acted, the military is resisting or even taking the issue to court.

Erik Olson, a senior director at the Natural Resources Defense Council, noted the efforts appear to double back on promises made by Maureen Sullivan, a deputy assistant secretary for the environment at the Department of Defense, during a 2018 congressional hearing. Sullivan testified that state standards would be "rolled in" to the military's cleanup considerations at bases.

"The Defense Department is going back on its word . and appears to be arrogantly refusing to comply with state laws," Olson said. "This is a very worrisome trend."

On March 14, this news organization emailed the Department of Defense a list of questions about its efforts. Department spokeswoman Heather Babb responded Monday with statements that did not address many of the specific questions.

"DOD, like any federal agency engaged in certain activities, such as owning or operating a public water system, must comply with all federal, state, interstate, and local safe drinking water requirements, in accordance with the Safe Drinking Water Act," Babb wrote. "DOD takes our cleanup responsibility seriously. We work with regulatory agencies and local communities to ensure we can share information in an open and transparent manner."

States of controversy

Nowhere is the issue more contentious than in New Mexico, where the state Environment Department and the U.S. Air Force are suing each other over widespread PFAS contamination near two bases.

Last July, the state's Water Quality Control Commission added PFOS and PFOA to a list of regulated substances, after which its environmental department issued violations to Cannon and Holloman Air Force bases.

The notice at Cannon said the Air Force failed to sample some nearby water supply wells, was too limited in which PFAS it tested for, and failed to submit a proposal for extended testing of aquifer contamination. At Holloman, the second violation notice added that 137 ppt of PFAS had been detected at the nearby Apache Mesa Golf Course, a violation of the standard, and asked that a contingency plan be submitted.

In January, the Air Force submitted a letter to New Mexico saying it could not comply.

"Legal constraints limit the Air Force's authority and ability to investigate and mitigate PFAS compounds under the New Mexico Water Quality Act," the Air Force wrote.

A week later, the Air Force filed a suit seeking relief in the U.S. District Court of New Mexico, calling the state standard "arbitrary, capricious, an abuse of discretion, and not supported by substantial evidence."

On March 5, New Mexico filed its own suit in the same court against the Air Force and United States, seeking a declaration the Air Force had violated its law, would have to comply, and would be held liable for applicable fines and penalties. The cases are ongoing.

There is similar contention in Michigan, where environmental regulators say the Air Force is violating state standards near the former Wurtsmith Air Force Base, as PFAS seeps into nearby waterways and marshes. To combat the issue, Michigan created a 12-ppt PFOS standard for groundwater where it enters surface water, and a 70-ppt standard for aquifers that are used for drinking water.

Citing the regulations in early 2018, Michigan's Department of Environmental Quality issued a notice of violation to the Air Force for failing to install a water treatment system. After some resistance, the Air Force agreed to construct the unit.

But a second violation issued in October received greater resistance. Again citing the water standards, the Michigan department told the Air Force to increase treatment of groundwater, expand the area needing treatment, conduct monthly sampling and stop pumping PFAS-laden water into a pit.

In December, the Air Force issued a letter stating it would not comply for various reasons, including that it had not waived sovereign immunity and that the chemicals do not appear on a list of hazardous substances under the federal Superfund law.

"That's their way of fighting back," Arnie Leriche, a veteran and retired environmental engineer with the EPA who lives near the base, said in a conference call with an environmental organization in March.

Scott Dean, a spokesman for the Michigan department, said the agency isn't backing down.

"The slow response by the Air Force to the Wurtsmith contamination is having an increasingly negative impact on the people, wildlife and environment," Dean said. "Although Michigan seeks to work cooperatively with the Air Force, slow response to PFAS contamination is not acceptable."

New York has faced similar issues. In 2016, the state Department of Environmental Conservation added several PFAS sites, including Stewart Air National Guard Base, to its list of state Superfund sites. It then spent approximately $50 million to provide clean drinking water to the city of Newburgh, located near the base.

The conservation department submitted a claim to the Department of Defense for reimbursement, but said it had not received a response as of late February. The state also filed a claim under the Federal Torts Claims Act, a precursor to potential legal action, and demanded the military enter into a robust cleanup program. The Air National Guard declined.

"In absence of needed federal action, New York is continuing to ensure aggressive actions are taken to protect the residents of Newburgh," conservation department spokesperson Jomo Miller said.

Alan Knauf, an attorney representing Newburgh in a lawsuit against the military, said residents want the Air National Guard to pay for connection to an aqueduct that carries pure water from the Catskill Mountains to New York City, as opposed to using PFAS-laden water from nearby Washington Lake.

"Try telling people on the East Side of Manhattan they have to drink toxic water that goes through a filter that might not catch everything," Knauf said. "I don't think so."

Issues also are coming to a head in Colorado, where the Department of Public Health and the Environment last year added PFOS and PFOA to a state listing of hazardous constituents. The state also created a 70-ppt groundwater standard for the aquifer underlying Peterson Air Force Base near Colorado Springs.

In a letter, the Air Force warned regulators the water standard "may not qualify as a cleanup standard" because it does not apply across the whole state, and said its legal immunities are only waived "when state regulation is non-discriminatory."

State regulators have not issued any violations or orders under the statutes, but said they expect the Air Force to comply when it does begin cleanup activities.

Waiting on the feds

Several states hit by PFAS contamination say they want the EPA to create nationwide standards for the chemicals, and environmental attorneys say such measures would boost legal efforts.

"Failure to address PFAS at a national level will really put public health at risk," said Lisa Daniels, director of the Pennsylvania Department of Environmental Protection's Bureau of Safe Drinking Water, at a public meeting last year. "EPA must take a leadership role."

In February, EPA administrator Andrew Wheeler visited Philadelphia to announce a PFAS Action Plan, which included an "intention" to set a federal drinking water standard for PFOS and PFOA. Wheeler also revealed a proposal to declare the chemicals hazardous substances under the federal Superfund law, and touted a scheduled release of groundwater cleanup recommendations.

But the plan received lukewarm reception from several states that felt it lacked hard commitments or deadlines. Immediately following the Feb. 14 announcement, Pennsylvania became the latest state to say it would set its own standards, with a spokesman declaring the state "cannot wait" for the EPA.

Several attorneys said listing PFAS as hazardous substances under Superfund, the nation's primary law governing areas of major chemical contamination, would help most in pursuing cleanup actions.

"We have sued under (Superfund). We believe it's a hazardous substance, but you don't see it on the list," Knauf said of his efforts in Newburgh. "If it were put on the federal list that would tremendously help us."
Babb, from the Department of Defense, said the department also supports federal regulation.
"DOD supports EPA establishing regulatory standards and a consistent cleanup approach for PFOS/PFOA based on (Superfund)," Babb wrote in an email. "We want a standard risk-based cleanup approach that is based on science and applies to everyone."
Some attorneys say they think the EPA already has authorities it could use more aggressively.
Tim Bergére, an environmental attorney with Philadelphia's Montgomery McCracken Walker & Rhoads, pointed out that the EPA previously used an "imminent and substantial" endangerment clause under the Safe Drinking Water Act to compel the military to act on PFAS at the Naval Air Warfare Center Warminster and Horsham Air Guard Station. The EPA has issued eight such orders for PFAS nationwide.
Bergére added that many states have laws that are more stringent than federal standards and aren't limited by sovereign immunity, such as a Clean Steams Law in Pennsylvania that he says could be used to force the cleanup of PFAS around the bases in Bucks and Montgomery Counties.
"The Navy's sovereign immunity . does not extend to discharges once they move off the site," Bergére said.
Other attorneys said states can generally use powers delegated by the EPA to force actions by polluters, including through the issuing of water discharge permits under the federal Clean Water Act and the oversight of hazardous waste removal.
"Since the feds are not doing anything, the states have the authority, and we think, frankly, the obligation to step into the vacuum," the NRDC's Olson said.
But the Department of Defense's recent actions underscore the pitfalls of states taking the lead. In New Mexico, regulators sought to force the Air Force to take action based on a federally-delegated hazardous waste authority. The Air Force responded by arguing in court that the state incorrectly applied the law.
Adam Sowatzka, an attorney with the Atlanta-based firm King & Spalding and a former EPA lawyer, said federal regulations are needed to ensure a strong legal case. Without such standards, even the EPA has to go to great lengths to make an effective argument while using emergency powers, he said.
"If you look at what EPA has to do, and all the administrative hurdles, and the case it needs to develop to bring an imminent and substantial endangerment (order), it's a very, very difficult task," Sowatzka said.
The ability of states to compel action could be tested again soon, with the New Jersey Department of Environmental Protection on track to institute drinking water standards of 13 ppt for PFOS and 14 ppt for PFOA within a year. Those levels would be the strictest in the nation.
Under New Jersey law, the levels also would become groundwater standards, and spokesman Larry Hajna said his department believes the military would have to comply while cleaning up sites like the massive Joint Base McGuire-Dix-Lakehurst in the center of the state.
However, there are signs of potential issues. In 2018, the U.S. Air Force commented on a state department of environmental protection standard for a chemical cousin, perfluorononanoic acid, or PFNA, questioning its legitimacy.
"Standards based on poor scientific methodologies are often the subject of litigation because they are arbitrary," the Air Force wrote.
There is no evidence the Air Force acted on the warning, but PFOS and PFOA present much greater liabilities than PFNA, which was not a major ingredient in firefighting foams. New Jersey also recently implemented interim groundwater standards of 10 ppt for PFOS and PFOA, and a spokesman said the state expects the Air Force to comply. An Air Force spokeperson said the agency is still reviewing the standard.
Anthony Spaniola, a Michigan attorney who has tracked state PFAS issues, said he thinks states that are expecting automatic compliance with their laws are in for a surprise.
"They're wrong," Spaniola said. "Those states better get their head out of the sand."
The crawl of cleanup
Environmental attorneys said there is also room for legal jousting as the military decides to what extent, and how quickly, it will clean PFAS from the environment. That's because while EPA typically has broad authority to drive cleanup at contaminated sites, federal law puts the Department of Defense in the driver's seat at military bases.

"Fundamentally, EPA and DOD are part of the 'unitary executive,' meaning EPA can't take DOD to court and so doesn't have the same leverage as it would at a private site," Taly Jolish, a recently retired Superfund attorney for EPA in California, said.
In several cases where states have created their own environmental standards, the military has said it will consider the limits as "ARARs." Short for Applicable or Relevant and Appropriate Requirements, the acronym refers to a process under the federal Superfund law that determines to what level a polluter must clean up a chemical in water or soil.
Several attorneys agreed the EPA or state regulators typically have authority in selecting an ARAR level for an unregulated chemical at a contaminated site. While some experts said regulators still have to sign off on such decisions at military bases, those with experience in the area say disagreements get messy.
"It becomes basically a political knife-fight between DOD and EPA," Olson said.
Jolish also said such decisions are "very political determinations."
Tensions between the EPA and military apparently already exist. On March 13, U.S. Sen. Tom Carper, D-Delaware, authored a letter in which he cited sources saying the military and other federal agencies were pressuring the EPA to relax draft groundwater cleanup recommendations from 70 ppt to 400 ppt. The numbers have not yet been released publicly, and Carper urged the EPA to resist the alleged pressure.
"Such levels would, among other consequences, subject fewer sites that were contaminated through the military's use of PFOA/PFOS from having to be remediated in the first place," Carper wrote.
Further complicating matters is that the EPA has even less authority to control how long it takes the military to make cleanup decisions, experts said. The issue is playing out at bases across the country, where the military has spent years studying the extent of the PFAS contamination but has done far less to actually remove the chemicals. Officials have commonly cited the need to do more studies before they reach the point of selecting an ARAR.
"I suspect the cause of delay at the federal level is the concern that the Department of Defense is going to have to spend hundreds of millions, and maybe even billions of dollars responding to these PFOS sites," said David Engel, an environmental attorney litigating PFAS in New York.
The Defense Department's Sullivan suggested in an early March congressional hearing that the department is holding off on containing PFAS releases until it further studies the issue. She also gave a "back of the envelope" estimate of needing $2 billion for PFAS cleanup.
"Right now we're trying to determine the extent of the presence in the groundwater around our bases, how far it is, where it's flowing. So we can design the right system to contain it," Sullivan said.
Babb, the department spokeswoman, said "DOD has proactively addressed PFOS and PFOA and follows the federal cleanup law."
"DOD's priority is to quickly address PFOS and PFOA in drinking water from DOD activities," she added.
The military is also pushing about $60 million into research on methods to better detect, understand and filter PFAS chemicals, with many studies not due until 2021. Jennifer Field, an Oregon State University PFAS expert whose work has been funded by the military, says there are about 50 ongoing projects, many of them looking for novel and cost-effective ways of destroying PFAS.
"There are definitely some higher-energy processes that look promising, but the problem is practical aspects have to be worked out," Field said. "I haven't heard of the stunning breakthrough that's going to revolutionize (cleanup). Not yet."
But Engel thinks the military can already act more robustly with current technologies, citing its $700 billion annual budget.
"Let's say it's a $10 billion (liability). My response is, 'So what?'" Engel said. "If the purpose of the Department of Defense is to defend the United States and the people living in it, you would think that a good thing for them to do would be to defend the people who are drinking water contaminated by these facilities."
https://www.chicagotribune.com/sns-bc-pa--exchange-chemical-contamination-20190406-story.html

Lawmakers want VA to cover PFAS health concerns
WKRG

WASHINGTON (NEXSTAR) — A group of federal lawmakers from Michigan is pushing to require the U.S. Department of Veterans Affairs to cover health conditions linked to PFAS exposure.

The family of thousands of chemicals has been found in drinking and groundwater at more than 400 military bases across the country. The primary source of contamination is a type of foam used in fighting jet fuel fires.
The plan announced Thursday aims to help the men and women who were exposed to PFAS while living in military housing.
"Those families should have never been exposed to those harmful chemicals," Rep. Rashida Tlaib said at a press conference that included several of her fellow Michigan Democrats.
"We owe them an answer," Rep. Elissa Slotkin added.
"We're going to take care of you. We're going to make sure your health care is protected," Rep. Andy Levin promised.
Sen. Debbie Stabenow and Rep. Dan Kildee, both Democrats, are leading the charge, which they say has bipartisan support.
"This could be a really big problem," Kildee said.
PFAS has been linked to health problems like high cholesterol, fibroid disease, high blood pressure during pregnancy and certain types of cancer. That list of conditions could grow as more research is conducted on the chemicals' effects.
"The science is catching up with everybody and that includes the VA," Kildee said, adding that the agency has so far welcomed changes to better serve military members and their families.
He and Stabenow are still working on a plan to stop future exposure and health risks. They and other Democrats want the U.S. Environmental Protection Agency to adopt stricter standards for PFAS in drinking water and have demanded that the Department of Defense clean up contaminated areas.
"I think this is a huge issue and the quicker we get at it, the better we'll be in the long run," Kildee said.
He said he has set up a meeting with the director of the EPA to discuss water standards.
https://www.wkrg.com/news/washington-dc/lawmakers-want-va-to-cover-pfas-health-concerns/1900759797

Legal battle over California emission standards
KTVU

California filed a lawsuit Friday against two federal agencies, saying they are breaking the law, as they seek to weaken future vehicle emissions standards.
The lawsuit says the U.S. Environmental Protection Agency and the National Highway Traffic Safety Administration violated the Freedom Of Information Act by not complying with California's request to see the data and analysis behind the emissions decision.
California's Attorney General Xavier Becerra says the California Air Resources Board filed a Freedom of Information Act request in September for data on the proposed federal rollback of vehicle emissions standards under the Trump administration. That data was never handed over, according to Becerra's lawsuit.
The lawsuit also says proposals under the Trump administration to roll back restrictions on vehicle emissions could have a negative impact on the health of California children and communities.
Outside the Boys and Girls Club in West Oakland, Natasha Olivier is picking up her children. She says her concern for their health includes the air they breathe.
"I have three kids and they run around outside," said Olivier, "I do have one son who is an asthmatic and as you know, we have a ton of freeways here in Oakland."
Dan Farber is a law professor and director of the U.C. Berkeley Center on Law Energy, & Environment. He says since the 1970's California's vehicle emissions standards to prevent smog and unhealthy air have been tougher than many other states.
"They're trying to take away California's power to set standards to deal with conditions in California," said Farber, "The result of rolling back the fuel efficiency standards will be the smog will be worse."
"The car companies asked for some delay and flexibility but they never asked to have the rollback," said Farber.
Professor Farber says the difficulty with the federal agencies' decision, is that there is no way for economists or scientists to evaluate the agencies' reasoning for reversing the nation's course.
"Nobody knows how they got those numbers It's a model that's very different than what economists have seen before and with numbers that seem kind of out the normal range," said Farber.
In Oakland, clean air activists are worried.

"The health of communities like West Oakland are at stake," said Brian Beveridge, the co-director of The West Oakland Environmental Indicators Project, that's been fighting for two decades to improve air quality in West Oakland.
"Tens of thousands of cars coming and going, to and from San Francisco and around the region passing by every day and vehicle emissions are a primary source of pollution in this neighborhood," said Beveridge, "Now we have million dollar condos right up next to freeways and those folks need to be aware of this as well."
http://www.ktvu.com/news/legal-battle-over-california-emission-standards

Opinion

Wicker promotes ocean development, conservation
Vicksburg Post
U.S. Sen. Roger Wicker

Mississippians have inherited, harvested, and benefited from our oceans. That is why our state is a leader when it comes to the Blue Economy — the sustainable use of ocean resources for economic growth, improved livelihoods and jobs, and ocean ecosystem health.
Our leadership recently took center stage on Capitol Hill. Late last month, Governor Phil Bryant joined the Senate Committee on Commerce, Science, and Transportation, which I chair, and provided testimony at the committee hearing, "Our Blue Economy: Successes and Opportunities."
As Gov. Bryant said at the hearing, "On the Mississippi Gulf Coast, we have embraced the Blue Economy with all our energy and ingenuity."
The best seafood anywhere comes from the Gulf. Recreational and commercial fishermen up and down the coast contribute billions of dollars to our economy and support tens of thousands of jobs.
Looking out at our coastal ports, you can see 55 million tons of goods flow in and out annually. Those goods are often transported on ships made in Mississippi and destined for harbors around the world.
Theodore Roosevelt once said, "The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value."
Ocean conservation and development go hand in hand. In Mississippi, we take these lessons to heart.
Building on Past Successes
Congress made significant progress on the Blue Economy when my colleagues and I passed the Modern Fish Act and the Commercial Engagement through Ocean Technology Act, or CENOTE, at the end of 2018. Both of these bills attracted bipartisan, bicameral support and were signed by the President.
Since 1976, our nation's fisheries had been governed by the Magnuson Stevens Act, which focused on commercial fisheries. Over time, recreational fishing has grown dramatically, and many fisheries are now used by both recreational and commercial fishermen. The Magnuson Stevens Act did not anticipate this change. Saltwater recreational anglers felt like afterthoughts due to outdated regulations, and the 3-day red snapper season proposed in 2017 showed they were often right to feel that way.
The Modern Fish Act brings the law up to date and encourages regional fishery management councils to update their policies, use new technologies modeled on programs like the Mississippi Department of Marine Resource's "Tails n' Scales" program, and develop alternative management methods.
Conservation and economic development also require better data collection. Our oceans are woefully under observed. CENOTE encourages the National Oceanic and Atmospheric Association to improve its data collection efforts through the use of Unmanned Maritime Systems.
These systems collect data that is dangerous or difficult for human crews to obtain, like water temperatures below the surface in advance of hurricanes. Those temperatures are used to predict how quickly a hurricane will intensify, information which can save lives, a fact Mississippians know all too well.
An Ocean of Possibilities
Continuing our progress on the Blue Economy is one of my top priorities. The Commerce Committee is working to improve our nation's ocean management, data collection, safety, and infrastructure at our aging ports.

I am working with regulators, including Commerce Secretary Wilbur Ross, to ensure the laws that we have enacted are faithfully executed and that administrative agencies follow congressional intent.
Roger Wicker, a Republican, represents Mississippi in the U.S. Senate.
https://www.vicksburgpost.com/2019/04/05/wicker-promotes-ocean-development-conservation/

INSIGHT: EPA Enforcement Curbs Shouldn't Translate to Less Compliance, Unless ...
Bloomberg

A recent report and statements from the U. S. Environmental Protection Agency indicate that its enforcement actions, as reflected by the amount of assessed civil penalties, have dropped substantially during the first two years of the Trump administration. The number of EPA enforcement inspections has also dropped.
Generally, this seems consistent with the administration's emphasis on deregulation, but it raises the question: How significant is this likely to be to the enforcement of environmental regulations across the country?
The EPA asserts that these indicators are being misinterpreted and that the figures confirm the agency is following through with its stated promise to embrace and prioritize "cooperative federalism"—a concept that was essentially sidelined by the Obama administration. The EPA has even included cooperative federalism as one of three goals in its Strategic Plan for fiscal years 2018-2022, insisting that a more collaborative and efficient relationship between the federal government and the states will "create tangible environmental results for the American people."
Thus, according to the EPA, its recent approach to enforcement is appropriately recognizing the critical role of states in implementing and enforcing the federal environmental laws.
As for its own actions, the EPA maintains that it now emphasizes compliance assurance evaluations and self-audits over standard enforcement inspections. The purpose is to correct violations and encourage compliance through instructive assessment of regulated entities rather than through the imposition of fines and penalties.
Nonetheless, these enforcement trends have prompted investigations by the Government Accountability Office and the agency's own Office of Inspector General. Perhaps compounding the situation, the EPA's Office of Enforcement and Compliance Assurance has lost about 18 percent of its staff over the last two years.
State Primacy
What does it mean for those who must operate under environmental regulations based on federal law? Probably not as much as the regulated community might think (or hope). This is because the primary federal environmental laws—the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act—specifically recognize the cooperative federalism structure, authorizing and encouraging federal-state partnerships for the enforcement of the regulatory programs created by each of these statutes. As a result, state environmental agencies typically have primary jurisdiction over the implementation and enforcement of these programs, with EPA acting in a supervisory capacity.
Under cooperative federalism, states establish their own pollution control programs based on federal environmental law requirements, obtain authorization from EPA to administer those programs, and then manage their programs in consultation with EPA, but essentially in place of the corresponding federal program. This delegation of authority avoids duplication or the possibility that regulated entities in a delegated state will have to comply with separate sets of federal and state requirements. Also, the EPA "will generally defer to states" implementing federally delegated programs under state authorities. Thus, enforcement decisions by the agency such as a change in emphasis or methods do not necessarily dictate those of the state agencies. This means that the regulated community cannot operate as if curbed EPA enforcement means no enforcement at all, at least for the primary federal environmental programs. The reality is that the states already do most of the inspections and enforcement.
Even so, state regulatory programs cannot operate without funding, and in the cooperative federalism scheme, the EPA is tasked with distributing federal monies to the states that have received authorization or delegated authority.
These grants reflect the fact that those state programs save the EPA the considerable costs of having to provide sufficient staff and resources to do the work itself. Generally speaking, so long as funds continue

to be provided by the EPA for this state enforcement activity, the regulated community should expect these primary enforcement activities to continue at about the same levels as in the past.

Budget Cuts

This may or may not be the case, however, because it is presently unclear whether the agency's budget and its mechanisms to appropriate funding to states will remain steady. The White House's proposed budget for fiscal year 2020, released March 11, would reduce the agency's spending by nearly a third, or 31 percent—an amount the Trump administration suggests will promote operational efficiencies at the EPA and is in line with its core mission.

The proposed budget specifically requests cutting the current $4.2 billion state grant program by $1.4 billion. This would result in a reduction in both categorical grants (from $1 billion down to $580 million) and state revolving funds for water infrastructure work (from $2.8 billion down to $1.9 billion). EPA Administrator Andrew Wheeler has offered support for the proposal, but authorized states are not expected to follow suit, particularly with the concurrent push toward state-led regulatory efforts.

While the states have generally welcomed the emphasis on cooperative federalism, they condition this on the availability of consistent federal funding since it seems largely unlikely state lawmakers will replace all or most of any lost federal funds. Notably, Congress declined to pass similar steep budget cuts in fiscal years 2018 and 2019.

For the regulated community in most states, EPA's change in its enforcement approach probably will not significantly impact actual compliance monitoring and enforcement. Historic levels of enforcement by the states can be expected to continue unless the administration is also successful in making substantial cuts to state enforcement grants—changing things significantly.

This column does not necessarily reflect the opinion of The Bureau of National Affairs Inc. or its owners.

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https://news.bloombergenvironment.com/environment-and-energy/insight-epa-enforcement-curbs-shouldnt-translate-to-less-compliance-unless

Press releases

USDA Announces Sign-Up Period for Updated Conservation Stewardship Program

WASHINGTON, April 5, 2019 – The next deadline for Conservation Stewardship Program (CSP) applications to be considered for funding this year is May 10, 2019. USDA's Natural Resources Conservation Service (NRCS) plans to invest up to $700 million for new enrollments and contract extensions in fiscal year 2019. The 2018 Farm Bill made several changes to this critical conservation program, which helps agricultural producers take the conservation activities on their farm or ranch to the next level.

"CSP continues to be a very effective tool for private landowners working to achieve their conservation and management goals," NRCS Chief Matthew Lohr said. "It is the largest conservation program in the United States with more than 70 million acres of productive agricultural and forest land enrolled."

While applications are accepted throughout the year, interested producers should submit applications to their local NRCS office by May 10, 2019, to ensure their applications are considered for 2019 funding.

Changes to the Program

The 2018 Farm Bill authorizes NRCS to accept new CSP enrollments from now until 2023, and it makes some important improvements to the program. These updates include:

- NRCS now enrolls eligible, high ranking applications based on dollars rather than acres. For fiscal 2019, NRCS can spend up to $700 million in the program, which covers part of the cost for producers implementing new conservation activities and maintaining their existing activities.

· Higher payment rates are now available for certain conservation activities, including cover crops and resource conserving crop rotations.
· CSP now provides specific support for organic and for transitioning to organic production activities and a special grassland conservation initiative for certain producers who have maintained cropland base acres.

About the Program

CSP is offered in all 50 states and the Pacific and Caribbean areas through continuous sign-ups. The program provides many benefits including increased crop yields, decreased inputs, wildlife habitat improvements and increased resilience to weather extremes. CSP is for working lands including cropland, pastureland, rangeland, nonindustrial private forest land and agricultural land under the jurisdiction of an Indian tribe.

More Information

For additional information about CSP, contact your local USDA service center.
https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/newsroom/releases/?cid=NRCSEPRD1452817

$20 Million in Grants Will Support Recreational Boating Infrastructure Projects

Infrastructure provides opportunities for outdoor recreation, creates jobs, and supports the boating industry

4/5/2019

WASHINGTON – The U.S. Fish and Wildlife Service's Boating Infrastructure Grant (BIG) program continues its substantial contributions to recreational boaters and local communities and their economies through this year's award of $20.6 million in grants to states and U.S. territories. By providing funding to support dedicated boat tie-up facilities and associated amenities, the BIG program helps Americans enjoy the nation's waters and our cherished wildlife and natural and cultural resources.

The Service is providing $20.6 million in grants to states for projects to support recreational boating through the BIG program. More than $16 million will be awarded competitively for 20 projects in 11 states under the BIG Tier II subprogram. The Service will also release more than $4 million to fund 36 projects in 24 states, commonwealths and territories under the BIG Tier I subprogram. States and their partners will provide more than $15 million in non-federal matching funds toward these projects. These grants are awarded on an annual basis.

"These grants help strengthen community ties and stimulate local economies by enhancing tourism through access for boat owners and others to historic, cultural and natural resources," said Andrea Travnicek, Principal Deputy Assistant Secretary Exercising the Authority of the Assistant Secretary for Fish, Wildlife, and Parks. "They also bolster the Trump Administration's commitment to providing more recreation opportunities for families. Americans around the nation can enjoy more time on the water thanks to the Boating Infrastructure Grant program."

"Reliable access to our nation's waterways is paramount to the ability of Americans to get on the water and enjoy quality time with family and friends. It also supports an industry of over 35,000 marine businesses employing more than 500,000 American workers," said Thom Dammrich, President of the National Marine Manufacturers Association. "This year's Boating Infrastructure Grant program – which receives its funding from taxes paid by boaters and anglers – will provide critical investments in projects directly tied to getting more people on the water and give more than 140 million Americans who go boating each year more and better access. We appreciate the work of the U.S. Fish and Wildlife Service and the Boating Infrastructure Grant program."

More than $16 million will be awarded competitively to support 20 projects in 11 states under the BIG Tier II subprogram, from which states can receive up to $1.5 million in federal funding per project. The Service also will provide more than $4 million to 24 states, commonwealths and territories under the BIG Tier I subprogram, from which recipients can obtain up to $200,000 in federal funding. States and their partners will provide more than $15 million in additional non-federal matching funds toward BIG Tier I and Tier II projects.

Grantees use BIG funds to construct, renovate and maintain marinas and other facilities with features for transient boats (those staying 15 days or less), that are 26 feet or more in length, and are used for recreation. Grantees may also use funds to produce and distribute information and educational materials about the program and recreational boating.

Funding for the BIG program comes from the Sport Fish Restoration and Boating Trust Fund, which boaters and manufacturers support through excise and other taxes on certain fishing and boating equipment and gasoline. Since its inception in 2000, the BIG program has awarded $215 million to projects for large transient recreational boats, including funding the construction of more than 5,400 berths and other amenities for boaters across most states and U.S. territories.
Click here for a list of projects.
For more information about the Wildlife and Sport Fish Restoration program visit http://wsfrprograms.fws.gov/.
https://www.doi.gov/pressreleases/20-million-grants-will-support-recreational-boating-infrastructure-projects

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To: Marraccini, Davina [Marraccini.Davina@epa.gov]
Subject: News Clippings March 14, 2019 -- Full Stories

State

Money on the way for new tram between Jones Park and the Mississippi Aquarium
Sun Herald

A grant for $7 million for a tramway from Jones Park to the new Mississippi Aquarium is one of six projects being funded through GOMESA, Gov. Phil Bryant announced Wednesday.
▪ The $6,688,944 for the tramway will be added to local and federal funds already dedicated to the project, according to the press release.
The tram will be emissions-free and will help with the increased traffic expected from the aquariums, festivals and adjacent businesses, the press release said.
A total of $23 million in projects will be funded through Gulf of Mexico Energy Security Act. Mississippi and the four other Gulf oil and gas producing states get a share of the revenue sharing from off-shore operations.
The other projects are:
▪ $4.95 million for beach storm water outfalls on the beach in Harrison County. The first phase will replace or remove 7 outfall pipes.
▪ $7 million for the Ocean Enterprise Project at the Port of Gulfport to solve problems in the area of national and homeland defense, infrastructure security, environmental monitoring and disaster response, offshore aquaculture and natural resource and habitat characterization.
▪ $3 million for an oyster plant in the Mississippi Sound. It will put 60 million oysters on shell or crushed concrete into the sound to provide stock and future increased spat.
▪ $1 million for an oyster clutch in the Western Mississippi Sound, Eastern Mississippi Sound and Biloxi Bay areas to repair the diminishing oyster population.
▪ $760,000 for MDMR Marine Fisheries Dry Laboratory. The water quality analysis lab will allow in-house testing and other studies.
GOMESA is administered by the Mississippi Department of Marine Resources.
"These funds will continue our efforts of years past to protect and enhance our beautiful Mississippi Gulf Coast," Bryant said.
https://www.sunherald.com/news/politics-government/article227630714.html

Gov. Bryant announces millions in funding for projects impacting Gulf Coast
WLOX

Gov. Phil Bryant announced six projects set to benefit the Mississippi Gulf Coast have been funded through the Gulf of Mexico Energy Security Act.
"These funds will continue our efforts of years past to protect and enhance our beautiful Mississippi Gulf Coast," Bryant said. "This latest disbursement of revenue generated by offshore energy exploration, as part of the Gulf of Mexico Energy Security Act, will initiate projects that continue to grow our blue economy."
The six projects total more than $23 million and will be administered by the Mississippi Department of Marine Resources.
"The Department of Marine Resources looks forward to administering these projects for Governor Bryant," MDMR Executive Director Joe Spraggins said. "The projects will enhance

education, research, oyster restoration, water runoff and testing for the Gulf Coast of Mississippi."
The projects include oyster cultches and plants, storm water outfalls on the Harrison County sand beach and transit services from Jones Park to the Mississippi Aquarium. The list of projects and brief descriptions can be found at the MDMR website.
The Gulf of Mexico Energy Security Act of 2006 created a revenue-sharing model for oil- and gas-producing gulf states. Under the act, Alabama, Louisiana, Mississippi, and Texas receive a portion of the revenue generated from oil and gas production offshore in the Gulf of Mexico.
http://www.wlox.com/2019/03/13/gov-bryant-announces-millions-funding-projects-impacting-gulf-coast/

How will Mississippi spend $23 million in Gulf oil and gas money?
Clarion Ledger

Mississippi will spend more than $23 million in Gulf of Mexico Energy Security Act money on six projects, Gov. Phil Bryant announced on Wednesday.
In 2006, Congress passed GOMESA, to share federal Gulf oil and gas production revenue with Mississippi, Alabama, Louisiana, Texas and local coastal governments.
Bryant said the latest disbursement and projects will help "protect and enhance our beautiful Mississippi Gulf Coast."
The projects, which will be administered by the Mississippi Department of Marine Resources, are:
· Beach storm water outfalls in Harrison County ($4.95 million): Design, engineering, environmental, permits, survey and construction of the first phase to be built to replace or remove seven outfall pipes along the sand beach to help reduce the number of these pipes in Harrison County.
· MDMR Marine Fisheries Dry Laboratory ($760,000): Will provide enhanced marine management opportunities by providing for the potential of a new water quality analysis lab, the ability to conduct HAB ELISA analysis in-house rather than contracting outside the agency and the ability to conduct genetic analysis of fish samples. Additional uses will include the capacity to conduct marine fish stomach content analysis, which will allow for more accurate marine management and to establish a new taxonomic fish comparative collection.
· Oyster cultch ($1 million): Provide additional cultch to repair the diminishing oyster population. Areas to receive the cultch plant include the Western Mississippi Sound, Eastern Mississippi Sound and Biloxi Bay areas.
· Oyster plant ($3 million): Put over 60 million oysters on shell or crushed concrete into the Mississippi Sound to provide stock and future increased spat. These oysters will be placed across the Mississippi Sound to enhance future growth of oysters in different areas.
· Tramway ($6,688,944): Funds for the tramway will compliment local and federal funds already dedicated to the project. By tying Jones Park to the Mississippi Aquarium Campus, new educational and recreational opportunities will result. This construction will provide quality emissions-free transit services to meet an expected demand created by traffic associated with the Mississippi Aquarium, festivals and adjacent businesses.
· Ocean Enterprise Project ($7 million): Ocean Enterprise at the Port of Gulfport will bring together state, federal and industry partners to solve challenging problems in the area of national and homeland defense, infrastructure security, environmental monitoring and disaster response, offshore aquaculture and natural resource and habitat characterization.
https://www.clarionledger.com/story/news/politics/2019/03/14/mississippi-using-gulf-oil-and-gas-money-six-projects/3155568002/

Good news for Pelahatchie Bay residents on fight against giant salvinia
WLBT

Good news for residents in the Pelahatchie Bay area. Officials say the giant salvinia is 90 percent eradicated, but the work isn't over.

The invasive plant can create a mat across the surface of the water, and kill off fish and other aquatic species.
General manager, John Sigman and officials with the Pearl River Valley Water Supply District say they want to turn the heat up on the invasive plant plaguing the Pelahatchie Bay.
Officials with the Department of Wildlife and Fisheries recently began spraying herbicide on the remaining 10 percent of the giant salvinia.
They're also burning the invasive weed with fire. But rain and cold temperatures hindered the work.
"I think we're past the cold weather. So we got to start looking at heavy application of herbicide again. And hopefully we'll be able to eradicate this thing and move on with the summer of boating and fishing," said Sigman.
Giant salvinia grows aggressively, doubling its biomass in 36 hours in warm, still waters.
Ryan Jones, a biologist with Wildlife and Fisheries says the top layer was treated with herbicide and killed off. But after further inspection officials say they found salvinia deeper in the mud.
"All of the vegetation needs to be burned along this entire shoreline of the range. So that sunlight can penetrate and wind could pull moisture off out of the soil. And dry it out, and then we can also maybe put one final dose of herbicide on there that has a little bit of soil activity," said Jones.
The evil weed is often spread by boaters. The district says a cleaning station will arrive next week. The district says they're aiming to be open by April 1st for boaters to use.
"So we have purchased and it'll be here next week, a cleaning station. Which has vacuums and wash waters, and pumps. And it's solar powered, it's self reporting, it's pretty nice. And we actually got two more coming through a grant from **DEQ**," said Sigman.
MDWFP says that boaters need to clean, drain and dry their boating equipment after each use to limit the spread of this species.
http://www.wlbt.com/2019/03/14/good-news-pelahatchie-bay-residents-fight-against-giant-salvinia/

Prospective aquaculture farm discussed for area
Natchez Democrat

NATCHEZ — A prospective aquaculture farm could generate a boost in jobs and economic growth in the Miss-Lou community by producing and distributing high-value ocean fish in Natchez.
Plans for a facility that would include an integrated fish hatchery, grow out and distribution site for seafood markets were recently discussed during an Economic Development Council meeting with Natchez Mayor Darryl Grennell and several business leaders in Natchez and Adams County.
Chandler Russ, the Executive Director of Natchez Inc., said he agreed to not disclose the owner's identity and location for the facility until an official announcement can be made.
"We're still in high-level discussions and negotiations with this client," Russ said, "and due to a non-disclosure agreement we cannot comment on an ongoing economic development prospect."
Wesley Harris, a consultant with an unnamed industrial client out of Dallas, Texas, said they were in search of an ideal starting location for one of 12 different facilities across the country, which would act as a "super site" for the industry.
The facility, which would produce 50 million pounds of high-value ocean fish is projected to have a capital investment well in excess of $100 million, Russ said. At full production it could mean several hundred jobs.
Both Russ and Harris said the outlook of the owner starting the project in Natchez is promising.
"As close as we are to the Gulf of Mexico, 95 percent of the fish we consume come from other sources outside of the United States," Harris said. "There's a huge market in this country for high-value ocean species. The gentleman I've been working with asked me four

years ago as his consultant to find an ideal place for this supercenter. I've been all over the country … and this is probably the number one location for that site.
"The opportunities in this field are almost unlimited," Harris said. "It pulls in the involvement of universities like Alcorn State, Southern Miss and Mississippi State because of the type technologies involved. It's biological in nature. There's a tremendous opportunity here. … Natchez has everything that we're looking for in a first site location for this super site."
https://www.natchezdemocrat.com/2019/03/14/prospective-aquaculture-farm-discussed-for-area/

City eyes up to $1 million for sewer repairs
Daily Times Leader

Sometime this year, West Point likely will have to borrow money to make an estimated $900,000 in repairs to one of its main sewer lines, city leaders agreed this week.
But while it sounds expensive, a simple analogy helps make the choice clear, according to Water and Light Manager Boodro Marsac.
"If you had a water leak in the basement of your house, would you repair the leak or would you keep getting bigger pumps and paying the electricity to run them every time it rains?" Marsac asked during a Board of Selectmen study session. "The smartest answer is to repair it and be done with it the first time."
The city has three outfall lines that carry sewage from homes and businesses across the city to the city's two lagoons and its treatment plant.
The east outflow line, which was installed in the late 1950s and early 1960s, is plagued by cracks, breaks and roots grown into the pipes.
When it rains, the pipe, which stretches more than three miles from near Royal Trucking on the north down the east side of the city and then west to a small five-acre lagoon near Section Line Road. That lagoon is connected to a larger lagoon at the city's treatment plant.
When it rains, the cracks and breaks allow excessive amounts of rainwater and runoff to fill the pipes, running into the small lagoon and ultimately the larger lagoon behind Love's Truck Stop. Several times since last fall, the lagoons have reached their capacity, almost overflowing. Overflows run the risk of breaching the levee that holds the water.
It also strains the city's treatment plant, which is licensed to treat 3.5-million gallons a day but at times has been handling four million or more gallons, Marsac said.
That could run the city afoul of state environmental regulations, which could lead to fines by the **Mississippi Department of Environmental Quality**.
The problem is even more significant because the new Peco partial-fry plant now under construction on West Church Hill Road will add 700,000 gallons a day to the system.
"On a dry day, we're cruising along at 1.8 million gallons with no problem. But when it's raining, it's a different story, we're struggling to keep our heads above water," Marsac told selectmen. "We can't run the risk of the levee on that small lagoon breaking, then we have a real problem.
"We've pretty much got to fix what we have and stop the water from coming in. If we do that, we'll be good. We'll reduce the wear and tear on our pumps, reduce the light bill because the pumps aren't running 12 to 18 hours a day, all those things," he continued.
Having a camera survey the 21,000 feet of the east side outfall line will cost about $100,000. Engineers have estimated it would cost $800,000 to $900,000 to replace some of the pipes and line the others. The pipes are three to four feet deep making them easily accessible except where they sometimes run through the back yards of homes.
"In some places we can replace them pretty easily, in others we can't, we'll have to line those areas. Being so shallow is a blessing in some ways and bad in others because that's what allows all the roots to grow in," Marsac explained, noting that removing the roots may cause further damage to the pipe."
The city already has set aside $500,000 to refurbish the water treatment plant this year. That won't require any borrowing. But correcting the sewer problem will.
"We'll have to borrow the other money. We hope to get some grant money to help offset some of the costs, but it's something we really probably need to try to do this year. I don't

think it's a good idea to risk it too much longer," Mayor Robbie Robinson said, reminding selectmen the project can be put into next year's budget which begins July 1.
"I'd rather get it done than pay a fine or deal with the other options," Marsac echoed.
https://dailytimesleader.com/content/city-eyes-1-million-sewer-repairs

PREACHER ASKS HELP WITH CITY SEWER PROBLEM
Simpson County News

The Mendenhall Mayor and Board of Aldermen held their regularly scheduled meeting on March 5.
Reverend George Owens with First Pentecostal Church appeared before the board asking for help. He described an issue with city sewer backing up into the church whenever heavy rain falls. Mayor Booth referenced the Community Development Block Grant that will be used to address sewer issues in the city. However, the project will not begin until this summer. Owens said, "I thank you all for what you do for the city. I'm not here to gripe, just make you all aware, and if you can help us, help us."

A representative of Roundtree & Associates appeared before the board to request a seismic permit. He explained that the company will be surveying for oil and gas and will be setting blasts close to the city lagoon. After some discussion Board Attorney Wesley Broadhead advised the board to grant the permit and add language making Roundtree & Associates responsible for any damages to city property. The board unanimously agreed to grant the seismic permit.
https://www.simpsoncounty.ms/news/preacher-asks-help-city-sewer-problem#sthash.cSkZjGIB.dpbs

Holly Bluff community meeting aired out frustration with flooding
WLBT

The First baptist church in Holly Bluff was loud and full of voices, like a Sunday sermon. But Tuesday afternoon, most of the voices weren't praising the powers at be, instead they were questioning their flood issues.
Representatives from Senator Roger Wicker, Cindy Hyde-Smith's office, and the Mississippi Levee Board held a community meeting and listened to homeowners in the community and what they currently have to go through.
Flooded fields, where crops would be are under water in some spots. Deer roam freely, and cause traffic, sometimes accidents. And now many of them are asking what the cost of damages could be after the flood waters subside.
The word "frustration" was used many times by the residents of Holly Bluff.
Peter Nimrod with the Mississippi Levee board gave a presentation that broke down why Yazoo County and many others are going through the rise in water levels. Nimrod says 4093 square miles which is miles 2.6 million acres of the Delta floods and it has no where to go when the the flood gates are closed.
"The people of Holly Bluff are under a lot of stress right now. They're seeing water they haven't seen since 1973. They're scared, they're worried, they're worried about their farmland, their homes," said Nimrod. "We close off the the Steel Bayou drainage structure and the water back up the Yazoo River. The Delta's water, the backwater we keep referring to, is really when we close off that drainage structure you basically have a bath tub and the stoppers in. So if it rains in Clarksdale or Greenville , MS all that water got to go somewhere. It goes to the bottom of the funnel. And it just stays there 'cause there's no where to pump the water over the levee."
The Yazoo Backwater Project was also another topic of the meeting. According to the Levee Board, in 1978, the project was completed as far as the levees and the gates, but the final part of the project's completion would have been the addition of pumps. They says pumps were never added, and that was because of backlash from environmental groups for decades.

Nimrod says that Mississippi has been behind on some things compared to other states, and one of them is "pumps."
"Every other state in the lower Mississippi Valley have pumps to pump water over levees during this kind of situation on the Mississippi River. The one that doesn't have one is the Mississippi South Delta. We're actually the largest basin, we have the most area. And we're the one with the most damage. It's been a long story. It was authorized back in 1941. We thought we were starting construction in 1986, then something got messed up. Then we a final report out and then the EPA vetoed the project. We had a lot of swing and misses," said Nimrod.
The levee board say as of right now they are at the mercy of the Mississippi River. The community now has to wait for the river level to go down and open the gates up so they can let water out of the delta. What they say, wont happen for a month. They currently are sitting behind a closed gate without a pump.
"If you had a pump you could control that," said Nimrod. "You could have elevations that you can keep water down to. People could know how to drive the highway to get to their house. They know their homes not going to get flooded, they know the farmland isn't going to get flooded to the point where they could put a crop in the ground and make some money."
He also says politically, the population is small in this area of the state which is why flooding and lot of the farmers, and community issues are being overlooked. Especially since a pump project installation would cost a "couple $100 million." That number faces opposition from senators from other states, says Nimrod. "Why would they want to spend that in Mississippi south delta."
The backwater is at 96.2 feet and Vicksburg gauge is at 51.5 feet. They fear that it might rise to 98 feet in the future.
People rose out their seats, after hearing how others from New York or L.A. thought the idea of the community not having that kind of money for pumps insulting.
Some people said they already moved because of the work and the hardship they've gone through in the past.
Jimmy Hudson was at the meeting and was the first out of his seat to address the men on stage. He lives on the banks of the Sunflower River, which borders one part of his property. He's in the middle of backwater flood. What he calls a "slow event," where the water can flow towards the Mississippi and has a ring levee around house.
He also has displaced animals from the wooded areas by his home because they have nowhere to go.
"It's real scary and makes you feel so small and so insignificant. There's absolutely nothing you can do to stop this event from happening," said Hudson.
He says out of 82 counties Sharkey County is the second least populated county and everyone there is Ag-related. They are all tied to the land in some way.
Hearing that a pump being in that county years ago might have fixed their water woes made him even more frustrated with the situation the community is currently in.
"So every flood that's occurred in this area since 1978 was preventable. And you're talking about over $350 million worth of damage has occurred because we hadn't put in this $100 million pump. It's very frustrating too, to lose your neighbors and your property. And all of those things are preventable. So it's real frustrating," said Hudson.
The water levels are high, but Mississippi Levee Board has Holly Bluff listed int the "protected area" of the levee. Nimrod says if they didn't have that levee, or the flood gates they could be at or over 100 feet at this point.
He says it's looking like an uphill battle. They will be looking at the EPA's veto of the pumps from 2008 lifted. If the Army Corps of Engineers have the "go ahead" they can get started on the project, they say, immediately. Congress will have to fund the project though. They had the money in place last year but the authorization language wasn't liked by Congress.
"This (flooding) can go on for another month nobody would ever know. These people are alone down here, looking for help and at the moment we can't give it to them because we do not have the pump," said Nimrod.
http://www.wlbt.com/2019/03/13/holly-bluff-community-meeting-aired-out-frustration-with-flooding/

New flood maps will be shown March 18
Panolian

The Federal Emergency Management Agency (FEMA) will make public its preliminary countywide Flood Insurance Rate Maps (FIRMs) at an opening meeting in Panola County March 18. The maps cover the Tallahatchie Watershed which includes Panola County.
The updated maps are far more detailed than anything every produced for FEMA's use, and could mean that the flood risk for people who live and do business in the county will change.
The informal open house is set for Monday, March 18, from 4 to 7 p.m. at the Panola County Extension Building on Hwy. 51 S. in Batesville.
Chad Meek, who heads the county's land development department, said he has only seen the new maps briefly and doesn't know the details, but expects some changes to the classification of several acres of land across the county.
Flood insurance requirements and rates are determined by these official maps and some landowners will benefit while others have negative repercussions from the new maps.
"I'm sure there will be some changes in the new maps because the technology is so much better now than when the current ones were produced," Meek said. "I'm anxious to see how this will affect Panola County landowners."
A news release said attendees at the open house can expect to see paper or digital versions of the preliminary flood maps. Information tables will be set up around the room where staff from FEMA, the State of Mississippi, and engineer contractors will answer questions about flood insurance, engineering, and development permit requirements.
After the open house in Panola County and another event the next day (March 19) in Charleston, there will be a 90-day appeal and comment period. Once those issues have been addressed, communities will have six months before the maps take effect.
Counties and municipalities will use this time period to adopt the new flood maps into their local ordinances.
Adoption of the new flood maps will make county properties eligible for federal disaster assistance to repair insurable buildings located within Special Flood Hazard Areas.
FEMA and state officials said reasons for attendance include:

- Finding out if your homes or business is affected by changes in designations of high-risk special flood hazard areas.
- Asking questions about how map changes will affect your flood insurance premiums,
- Learning about the engineering behind the new maps.
- Finding out how to properly file an appeal if necessary.

https://www.panolian.com/2019/03/11/new-flood-maps-will-be-shown-march-18/

Oxford amends sanitation bill for trash-only customers
Oxford Eagle

Last year's annexation of 10 square miles by the City of Oxford brought change for people who had not been living inside the city limits before. During last week's monthly Board of Aldermen meeting there was another change for the new Oxford residents.
Those who have been newly annexed and rent their homes and are only receiving trash collection from the city of Oxford will now need to have the sanitation bill put into the homeowner's name. The changes were made due to the homes now inside the city limits not receiving water or electrical services from Oxford but are now having their garbage collected by the city.
"There was no mechanism for turning off service which would force the customer to put the service in their name and pay for the bill regularly," Oxford Utilities general manager Rob Neelty said during the meeting.
Neely made the request, which the Board approved, to require all sanitation bills be put into the actual homeowner's/landlord's name if they do not receive other utility services by the city. A credit can be put on the customer's bill when a vacant property is proven. Neely also

noted it is illegal to stop collecting trash even if the bill has not been paid. Improper billing addresses were being provided, which was causing bills to be unpaid.
Any sanitation charges that go unpaid are sent to the Lafayette County Chancery Clerk and put on the property owner's taxes.
https://www.oxfordeagle.com/2019/03/12/oxford-amends-sanitation-bill-for-trash-only-customers/

County purchases 1,000 additional garbage carts
Itawamba County Times

An oversight in the number of homes serviced by the Itawamba County Solid Waste Department has forced county officials to purchase more than 1,000 additional 96-gallon garbage carts.
Last month, the Itawamba County Board of Supervisors voted to purchase 1,026 garbage carts from North Carolina-based Schafer Systems International at a cost of $48.55 per can. The total cost is $49,812.
Most of the carts will be delivered to households which did not receive a cart during the initial delivery in December. The rest will be used to resupply the county's cache of extra carts.
Approximately 400 of the new carts will be delivered to households in Mantachie.
According to Itawamba County Solid Waste Director Mark Stanford, Mantachie households didn't receive carts due to the way their billing is handled. Although the county solid waste department picks up trash in Mantachie, residents there are billed through town hall rather than Three Rivers Planning and Development District, which bills households throughout the rest of the county, save Fulton, which is handled by ASCO Sanitation. Stanford used Three Rivers' billing system when calculating the number of carts needed to cover Itawamba County.
"It never did dawn on me," he said, of the way Mantachie residents are billed.
The funds to purchase the carts will be pulled from the county solid waste department's budget. Stanford said the additional expense won't hurt their bottom line much.
Standford said a portion of the remaining carts the county purchased last month are being delivered to addresses that are either new or have "slipped through the cracks." County officials anticipated a need for extra carts – they initially ordered an additional 500 as spares or extras for residents with particularly high garbage needs. Those are nearly gone.
"They're coming in every day," Stanford said of requests for carts, some from residents who need more than one cart, and others from residents who didn't receive a cart during the initial delivery.
"These are all growing pains," he said. Overall, rollout of the new carts has gone smoothly, he said.
He estimated 7,500 carts have been delivered throughout the county since December.
The delivery of the carts represents the latest of a multi-stage upgrade that will eventually result in semi-automated garbage pickup throughout Itawamba County.
Supervisors purchased the initial round of bins from Schafer Systems International for $388,500, or $51.80 per cart. The board spent an additional $2,500 to purchase the company's WISTAR asset management software, which will be used to monitor and track the carts. The county will be required to pay that fee annually.
Each of the carts is marked with a unique RDIF label, which allows workers to scan and track it. This collects data that can be used to see who's having trash picked up and who's not.
Previously, every household in the county was being charged for garbage pickup, whether someone was living there or not.
Stanford said his department has picked up some new revenue from households that weren't being properly billed prior to the carts being delivered. County leaders believe collecting additional fines like these will offset some of the cost of the project.
The county purchased three automated side-loader garbage trucks in October at a cost of $261,599 apiece. Unlike traditional rear-loader garbage trucks, which require at least one person to drive and a second to pick up trash, side-loaders can be driven and operated by a

single person. The driver's seat is on the right-side of the vehicle, and the driver snags carts using a retractable 12-foot mechanical arm.
Because they require fewer people to operate and don't need a worker regularly exiting and entering the vehicle, semi-automated loaders are believed to be both cheaper and safer than traditional rear-loaders in the long run.
According to Stanford, the trucks are being currently being built and should be delivered to Itawamba County in late April or early May. The bulk of the construction has taken place in Birmingham. The trucks were scheduled to be delivered to Iowa in late January to have their beds installed. After that, they'll travel to Memphis for a final inspection before being delivered to Itawamba County.
https://www.djournal.com/itawamba/county-purchases-additional-garbage-carts/article_f6b2cdaa-56d0-5907-8819-915916aac581.html

Volunteers sought for March 23 cleanup effort
New Albany Gazette

The Historic North Side Garden Club and Main Street groups are calling on community members, civic organizations, churches and schools to come to the Union County Heritage Museum at 114 Cleveland Street at 9 a.m. on Saturday, March 23 for the 2019 Great American Clean Up.
Amy Livingston, Northside resident, Historic Garden Club member, and 1st Ward Alderwoman said, "We want to make the 2019 Great American Club the biggest and best cleanup effort in Mississippi and need volunteers and participants to pitch in and help."
This year's Great American Cleanup social theme, launched by Keep America Beautiful, is "#cleanYOURblock". The theme is meant to encourage volunteers and participants from all over Union County to take what they learn from experiencing a Great American Cleanup event and bring those lessons home to organize an event on their own block.
Myrtle First United Methodist Church Pastor Eugene Stockstill has already answered that challenge and is organizing a town-wide cleanup for Myrtle during the national cleanup day.
Main Street Director Billye Jean Stroud said that if anyone has an area that specially needs trash removal, he or she should call her office at 662-534-3438 and they will assign a group to that area.
They also are looking for individuals and youth and civic groups who want to participate as well.
Volunteers will be given gloves, trash bags, and cleanup assignments at the museum.
Following the cleanup, the Historic Northside Garden Club members will provide lunch. It will help in planning lunch for all volunteers to let Stroud's office know ahead of time.
For more information about the Great American Cleanup, please call Amy Livingston at (662) 523-4766, or Main Street Director, Billye Jean Stroud, at (662) 534-3438.
https://www.djournal.com/new-albany/volunteers-sought-for-march-cleanup-effort/article_774b8476-2e20-563f-b620-520da57260f4.html

Gipson discusses hemp farming in Mississippi
NewsMS

A bill that could allow hemp farming in Mississippi is making its way through the legislature. The bill has been amended to create a task force to study how hemp would be grown in Mississippi if it is legalized.
Mississippi Commissioner of Agriculture Andy Gipson stated that his department has been asked to take a look at it on an advisory basis in the coming year.
"That's probably not a bad idea considering the USDA issued a statement the week before last that they would not have industrial hemp cultivation rules in place until 2020," said Gipson. "So even if you had a crop here today, there's no federal rules under which you can do that and there's no market for it. I think that's something we need to consider too."
He added that while he does have some concerns, he's willing to explore the possibilities of hemp.

"We've had some farmers contact our office and express interest in it, and so, with this USDA review period as they're preparing rules, we can do the same and take a look at it and come back and make a recommendation next session," said Gipson.
He also said Mississippi would be a prime spot to grow hemp, but added that there are some legitimate concerns about the crop.
"I think the law enforcement community has some concerns and what people need to understand is that this is not a plant that's like marijuana," said Gipson. "It's the same genus and species. It's cannibis sativa and it's the same plant, it's just bred not to have THC content in it that would cause somebody to get high."
He said one of the main concerns is that they don't want someone planting this stuff on the outside rows and then cultivating marijuana on the inside and using it as a camoflauge for an illegal drug.
"I think law enforcement needs to be at the table while we look at this. Whether the legislation passes or not, under federal law, the state Department of Ag would take the lead in propagating rules for the cultivation and to address these kinds of concerns," said Gipson. "I just want folks to know we're very aware of this issue. We're working very closely with our farm groups and our law enforcement on it so that if the time comes where we need to have rules on it, we'll be prepared to move swiftly and in the meanwhile, we're doing our homework and learning from the mistakes of other states."
Gipson also added that he thinks everyone needs to take a deep breath and learn, and be prepared to move smart and swiftly on this if and when the time comes.
https://newsms.fm/gipson-discusses-hemp-farming-in-mississippi/

Vicksburg native Richard Rula honored as MSU National Alumnus of the Year
Vicksburg Post

For five decades, Richard Rula has bled maroon and white.
Now, the Vicksburg native holds the honor as Mississippi State University's National Alumnus of the Year.
Rula was recognized as the university's top alumnus during campus ceremonies in Starkville where he was honored during the MSU Alumni Awards banquet.
Rula and his wife Sherry, also a Vicksburg native, have a deep connection to the River City. The couple, who have been married for 47 years, are graduates of H.V. Cooper High School. Her father, former mayor John D. Holland, is credited for attracting the Miss Mississippi Pageant to Vicksburg in 1958 after first being elected in 1957. He remained mayor until 1968.
"I come back all the time," Sherry Rula said. "We still go back and Richard has jobs there."
She said her husband was very surprised about being chosen by MSU as the national alumnus of the year when he got the call in December.
"He didn't even believe it when they called him. Richard said 'What?' He couldn't believe and it took Richard the length of a phone call to understand what he was saying. He was very surprised, but I think he deserves the honor very much."
Rula, the son of the late Adam and Anna Rula, earned his bachelor of science in civil engineering from MSU in 1970. He has enjoyed success in the construction industry and received the Lifetime Achievement Award from the Associated General Contractors of America for his accomplishments. He holds a professional engineering license and is a member of the Society of Civil Engineers.
After receiving his degree, Rula worked for W.J. Runyon Construction Company and Lester Engineering before joining Florence-based Hemphill Construction Company Inc. in 1979. Following progressive roles, Rula became owner and president of the company in 1984. Since then, he has led the small, locally based construction company into a prosperous firm well-recognized throughout the southeastern United States. The multi-faceted contracting company is licensed to perform work throughout the region involving heavy and highway construction, utilities, and commercial and industrial site development.
Rula also is the proprietor of Suncoast Infrastructure Inc., a leading trenchless contractor, and Maintenance Systems Inc., which focuses on operations and management of water and wastewater treatment plants.

Rula earlier was recognized by Mississippi State as the James Worth Bagley College of Engineering Alumnus of the Year for 2017 and a Distinguished Engineering Fellow in 2006.

A love for MSU

An active volunteer at his alma mater, Rula serves on the Bulldog Club board, MSU Foundation board, and the Bagley College dean's advisory council. Beyond MSU, Rula has served on the boards of the Kidney Foundation, Madison County Association, and the Tennis Foundation of Mississippi.

At Mississippi State, Rula's cornerstone contribution is helping make possible a new 70,000-square-foot, state-of-the-art facility under construction to house the Department of Civil and Environmental Engineering; classrooms and offices; teaching, research and chemistry labs; and high bay areas for the Bagley College. In his honor, the facility will be known as the Richard A. Rula Engineering and Science Complex.

Within the college, Rula's support extends to the Richard A. Rula Professorship in Construction Engineering and Management for a distinguished faculty member, and the Richard A. Rula Doctoral Assistantship for a top-caliber graduate student.

In athletics, his philanthropy includes the Mize Pavilion's Rula-Dampier Courts for men's and women's basketball practice. A planned indoor facility for Bulldog tennis also will benefit from his support.

https://www.vicksburgpost.com/2019/03/13/vicksburg-native-richard-rula-honored-as-msu-national-alumnus-of-the-year/

State Government

House halts bill for state employee pay raise

WJTV

JACKSON, Miss (WJTV) - As we approach the deadline for the state House and Senate to vote on bills from opposite chambers one catching heat on the floor is a pay raise for state employees.

This proposal was broken down into three amendments and though it is drawing support from both sides, those employed by the state are going to have to wait to see more in their pay check.

The pay raise proposals were all tabled in the House, leaving some representatives outraged.

"To say no to about 22,000 people who earn less than $25,000 a year when a lot of people up here making these decisions are living high on the hog I think that's deplorable to be honest with you," Democrat Representative Omeria Scott of Jones County said.

Under the amendments purposed by Representative Scott, state employees making less than $25000 a year would receive a $2500 raise. Those making $25,000-$35,000 a year would get a $1500 raise and those making $35,000-$50,000 would see $1,000 more in their paycheck. While anyone making more than $50,000 a year would see a raise of $500.

"I felt like the house should have taken a position on what we thought should be the bottom line," Rep. Scott continued. "And there should be a bottom line for those employees that are on food stamps."

Republican Representative John Read of Jackson County however supported the vote to table the state employee pay raise amendments, believing legislators need more time to sort through state funds before a final vote.

"Trying to get raises to teachers, we're trying to get raises to state employees, we're trying to realign that, we're trying to get raises to community college and IHL employees and we have a number," Rep. Read told us. "Well the number that came on the amendment day we do not have the money."

Representative Scott disagrees pointing to hundreds of millions in the general fund while her pay raise amendments would only cost $16.5 Million

"We have over $400 million in the general fund, and we have $390 million in other funds, and then we'll get a 10 million installment from the BP settlement," Scott explained. "So we have the money, it's whether we have the will to give state employees a pay raise."

Representative Read also said spending money one time on a reoccurring expense could mean economic trouble down the road.
Future debates on the state employee pay raise will now be discussed with Senators and Representatives next week.
https://www.wjtv.com/news/local-news/house-halts-bill-for-state-employee-pay-raise/1847357715

Regional

Lake Pontchartrain filling up with fresh water from Mississippi River
WWL

NEW ORLEANS — Water from the swollen Mississippi River is rushing through the Bonnet Carre Spillway toward Lake Pontchartrain at a rate of about 1.5 million gallons per second.
The Army Corps of Engineers has opened 206 out of the 350 bays on the spillway structure to take the pressure off levees down river.
Brady Skaggs from the Lake Pontchartrain Basin Foundation says in two weeks time about 75 percent of the salty water in the lake has been displaced by fresh water from the river.
"You will see changes in a way that fish populations or crab populations are distributed across the basin," Skaggs said. "If you're interested in fishing for speckled trout, they've probably moved on to other areas."
Fisherman Pete Gerica now has to travel farther to reach the fish he normally catches. He says fish are migrating east out of the lake through Chef Pass toward Lake Borne.
"It's more time and time is money," Gerica said. "A lot more fuel. It's something that you've got to put up with."
Gerica admits he will likely take a major hit to his livelihood this year, but he knows opening the spillway is necessary.
"It's something that's got to happen," Gerica said. "We don't like seeing it because it moves us around and costs us money. But, you know it's for the benefit of the city."
The Louisiana Department of Wildlife and Fisheries is now reopening the oyster season in designated portions of the public oyster seed grounds for bedding purposes only.
This gives harvesters time to move their oysters to other areas before the expected influx of fresh water.
"You get silt and your oysters are filters and silt will smother them," Gerica said. "Some fresh water is good, but too much is bad."
This limited oyster season will begin at one half-hour after sunrise on Thursday, March 14 and will close at one half-hour after sunset on Saturday, March 16.
While each opening is different, the lake basin normally bounces back pretty quickly after the spillway closes.
"Since the 2008 opening, each opening has been about a 4 to 6 month period where there's been that rebound," Skaggs said. "It's pretty resilient in that way."
An Army Corps spokesman said the Mississippi River was expected to crest at 16.8 feet at the Carrollton Gauge either late Wednesday or Thursday.
That is slightly below flood stage in the New Orleans area.
https://www.wwltv.com/article/news/lake-pontchartrain-filling-up-with-fresh-water-from-mississippi-river/289-7956429f-019f-4794-9169-eb3ac482b69f

LDWF to reopen oyster season for bedding purposes
Daily Comet

The Louisiana Department of Wildlife and Fisheries will reopen the oyster season in designated portions of the Public Oyster Seed Grounds for bedding purposes only on Thursday and it will close on Saturday.
This will allow limited harvest prior to potential oyster mortality as a result of the opening of the Bonnet Carré Spillway and the high flow of the Atchafalaya River.

Harvestable quantities of oyster resources exist in these public oyster seed grounds, and with the influx of freshwater, a potential decrease in salinity levels may result in significant oyster mortalities.
The season will reopen for bedding purposes in the Public Oyster Seed Grounds in Lake Borgne (St. Bernard Parish), a portion of Mississippi Sound (St. Bernard Parish) and a portion of the Atchafalaya Bay (St. Mary Parish) Public Oyster Seed Grounds, within areas designated by the Louisiana Department of Health Areas 1, 2 and 25.
This opening is for bedding purposes only and will begin at one half-hour after sunrise on Thursday and will close at one half-hour after sunset on Saturday.
The following areas will open:

- The Public Oyster Seed Grounds west of longitudinal line 89 degrees 28 minutes 00.000 seconds W., within the areas of LDH Harvest Area 1 and 2 west of the longitudinal line.
- A portion of the Vermilion/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds, as described in LAC 76:VII.507 and LAC 76:VII.509 within Louisiana Department of Health (LDH) Area 25 currently open for harvest of oysters for market sales

The special bedding-only season described above will open with the following provisions:

- For the areas currently designated as “closed” by LDH, the following rules shall follow: The area is opening to allow for the permitted transplant or relay of live oysters for bedding purposes only.
- Oysters may only be transplanted from the area within the public oyster seed grounds described above which are currently closed by the Louisiana Department of Health (LDH).
- All individuals harvesting in this area must possess a valid LDH Oyster Transplant Permit.
- For the areas designated as “open” according to LDH: these areas are currently open for market size harvest and no permit is needed.

The following provisions apply to all harvesters during the special bedding season:

- A vessel is limited to either harvesting market oysters for direct sale (sacking) or harvesting seed oysters for bedding purposes on any one day and is specifically prohibited from doing both.
- If any person on a vessel takes or attempts to take oysters from the Public Oyster Seed Grounds described above, all oysters contained on that vessel shall be deemed to have been taken from said seed ground or reservation from the time harvest begins until all oysters are off-loaded dockside.
- The harvest of seed oysters from a Public Oyster Seed Ground or reservation shall be for the purpose of moving the live oyster resource.
- The removal of more than 15 percent of non-living reef material in bedding loads is prohibited.
- All vessels shall allow on-board inspection and sampling of seed oyster loads by LDWF biologists and/or agents.
- No oyster harvester who is actively harvesting oysters for bedding in the Public Oyster Seed Grounds described above shall have onboard his vessel any sacks or containers which may be used to hold oysters for transport to market.
- Harvesters shall be limited to either harvesting market oysters for direct sale (sacking) or harvesting seed oysters for bedding purposes on any one day and is specifically prohibited from doing both.

- No harvester shall sell, or transport with his vessel, oysters intended for market sales on the same day that he/she harvested seed oysters from the public seed grounds described above.
- Any individual actively harvesting oysters in the Public Oyster Seed Grounds designated as "closed" by LDH shall be properly permitted for such transplant by LDH in accordance with the state sanitary code.

The Commission authorized Louisiana Department of Wildlife and Fisheries' Secretary Jack Montoucet to take emergency action to close areas on an as-needed basis based on biological data or if enforcement problems are encountered.
The Secretary was also authorized to take emergency action to reopen areas previously closed if the threat to the resource has ended and to open areas if substantial oyster resources are located.
Public notice of any opening, delay or closure of a season will be provided at least 72 hours prior to such action, unless such closure is ordered by the Louisiana Department of Health for public health concerns.
For information, contact Carolina Bourque at (337) 735-8726 or via email at **cbourque@wlf.la.gov**.
Applications for transplant permits may be obtained between the hours of 8 a.m. and 4 p.m., Monday through Friday. For information, contact the Louisiana Department of Health, Molluscan Shellfish Program at (225) 342-7653.
https://www.dailycomet.com/sports/20190313/ldwf-to-reopen-oyster-season-for-bedding-purposes

Scientists are dropping dead alligators into the darkest depths of the Gulf to see what bites
Times-Picayune

What happens when you drop a dead alligator in the darkest depths of the Gulf of Mexico? It's not a question that has plagued many scientists, but it has plagued at least one – Craig McClain, a marine biologist and executive director of the Louisiana University Marine Consortium in Cocodrie.
McClain wanted to see what unfolded if he introduced a rare calorie-rich reptile to the abyssal seafloor, a dark and nearly lifeless place with little food for the few critters dwelling there.
So last month, McClain and a team of LUMCON researchers plopped three adult alligator carcasses, each seven to eight feet long, into the Gulf, where they sunk to depths of more than a mile. They then deployed a live-feed video camera to cover the action.
It didn't take long for one of the creepiest creatures of the deep to sniff out the gators. Giant isopods, each about a foot in length, swarmed in and began nibbling on what, to them, must have been a bountiful and exotic feast.
"We had assumed given the tough hide of the alligator it might take a while for deep-sea animals to access the soft tissue," McClain said in email during an outing on a LUMCON research vessel. "But the giant isopods seemed to find soft spots in the hide on the abdomen and in the armpits."
From the top, an isopod looks like a gargantuan version of the pill-bug, a land-dwelling cousin. Flip it over, and the pale, 14-legged crustacean resembles a 'facehugger' from the movie Aliens.
Giant isopods crawl around the mostly barren seafloor hoping some edible morsel falls from near the surface. Decaying bits of fish and other organic matter become a white fluff as they sink beyond the reach of sunlight. This 'marine snow' is a prime but not especially rich food source for isopods. Occasionally, a whale carcass drops to the seafloor, but such food bonanzas are relatively rare in the deep sea. Isopods must go without eating for months, even years. An isopod at an aquarium in Japan managed to live for five years without food.
So it was no surprise that several isopods would quite literally dive into their alligator dinner.
"Once a hole was opened we observed giant isopods actually going inside the alligator," McClain said.

McClain has long been fascinated with isopods. Last year, his lab live-tweeted an isopod dissection (a task that required bolt cutters). McClain once tried eating isopod, which he said tasted like "old fried chicken and cheap faux seafood."
But why serve an alligator, a resident of swamps and marshes, to sea critters that live more than a 100 miles offshore? McClain said alligator carcasses in the deep ocean are "not nearly as impossible as you might think." Dead alligators have washed ashore on the Gulf and Atlantic coasts. Live ones have popped up on the sandy beaches near Grand Isle.
Alligators are sometimes pushed out to sea by river flooding and storms. After Hurricane Katrina, an alligator was seen swimming near an oil rig about 40 miles offshore.
Recent research shows that alligators make regular meals of sharks and stingrays. Alligators, which lack the salt glands of their crocodile relatives, frequently snap up sharks and rays that stray into rivers and bayous. They also ride the river runoff that spreads across the top of saltwater after a hard rain, giving them a chance to sample a variety of seafood.
From the 19th century, when alligators were more abundant, there are several accounts of alligator vs. shark battles off the Florida and Gulf coasts. An 1877 magazine story recounts how a school of fish trapped in a south Florida inlet attracted rival gangs of gators and sharks. Witnesses said the beasts could be seen fighting in the crests of waves.
Large marine reptiles may have been a big part of the deep-sea food chain during the time of dinosaurs, McClain said. A variety of dolphin- and fish-shaped ichthyosaurs and immense mosasaurs thrived in the deep ocean. Fossil records indicate some deep-sea mollusks and limpets may have depended on sunken reptiles.
"When these prehistoric sea monsters died and fell to the seafloor, they may have served as the host for a whole community of deep-sea animals," McClain said. "Do modern alligator and crocodiles serve as the last remaining refuges for these faunas?"
McClain acquired the alligators from the state Department of Wildlife and Fisheries, which culls wild alligators to control their populations in ecologically-sensitive areas. He plans to return to the three alligators in a year or two to check for bone-eating worms and snails that are often drawn to whale carcasses.
The research is another flash of light into an area of the planet that has been "shrouded in mystery," McClain said. Much of the deep ocean is unexplored. We have a better understanding of Mars' topography than Earth's seafloor, of which only 20 percent has been mapped, according to the National Oceanic and Atmospheric Administration.
Recent advances in technology have sparked a boom in ocean research. Underwater robotics, video and sound recording gear and remote operated vehicles (ROVs), like the one McClain used to study the sunken alligators, are now widely accessible to scientists. Deep sea discoveries have become almost commonplace, McClain said.
"Every sample of life we bring from the abyss contains a cornucopia of species never seen by humans before and unknown to science," he said.
https://www.nola.com/environment/2019/03/scientists-are-dropping-dead-alligators-into-the-darkest-depths-of-the-gulf-to-see-what-bites.html

Congress Members Want Protection For Gulf Whales
WUSF

Members of Congress want the Gulf of Mexico Bryde's whale to be federally protected under the Endangered Species Act.
The unique whales are dark, sleek and can grow to over 40 feet long.
Year round, they live in an area called DeSoto Canyon-- about 25 miles south of Pensacola and 90 miles west of South Tampa. It's estimated there are fewer than 100, or maybe under 50 of them left.
"We're concerned about any kind of risk to them that might push them over the edge as it were because there are so few of them to begin with," said Laura Engleby, with the National Oceanic and Atmospheric Administration.
She said a few things threaten the whales, like human-caused noise underwater, vessel strikes and oil spills.

Back in 2016, the National Marine Fisheries Service said the whale was in danger of extinction and recommended it be protected under the Endangered Species Act.
But two years later, that's still under review.
U.S. Representatives of Florida Vern Buchanan and Kathy Castor sent a letter to NOAA recently, urging the agency to act on that recommendation.
Researchers are just now starting to learn more about Gulf of Mexico Bryde's whales, like how they interact, how they feed and what they eat.
Engleby said they're using settlement money from the 2010 BP Deep Water Horizon oil spill to study them.
"We know so little about them and this sort of heightened awareness about them is helping us study them more and there's some really interesting studies going on right now in the Gulf of Mexico," she said.
A "rare opportunity" came up in January when one of the whales stranded and died at Everglades National Park.
"The most recent stranding will become the type specimen for the Gulf of Mexico Bryde's whale and likely end up at the Smithsonian as the type specimen," said Engleby.
https://wusfnews.wusf.usf.edu/post/congress-members-want-protection-gulf-whales

3 small quakes shake coast near Alabama-Florida line
AP

FLOMATON, Ala. (AP) - A small earthquake has hit the Gulf Coast for the third time in a week.
The U.S. Geological Survey reports that a magnitude 2.3 earthquake occurred Tuesday night near Flomaton, Ala., near the state line with Florida. The town has about 1,400 residents.
No damage was reported from the weak quake, which the Geological Survey says was too weak for most people to even feel.
The agency says two other small earthquakes have occurred in the same area in the last week.
A magnitude 3.1 earthquake happened Monday afternoon, and a magnitude 2.6 quake happened near the state line around Century, Fla., last week. Those quakes didn't cause any damage, either.
https://www.wtok.com/content/news/3-small-quakes-shake-coast-near-Alabama-Florida-line-507094951.html

National

Where Will Your Plastic Trash Go Now That China Doesn't Want It?
NPR

Plastic garbage from Trader Joe's and an AARP card are peeking out of hillocks of plastic trash piling up in Indonesia.
It's a sign of a new global quandary: What should wealthy countries do with their plastic waste now that China no longer is buying it?
For years, America sold millions of tons of used yogurt cups, juice containers, shampoo bottles and other kinds of plastic trash to China to be recycled into new products.
And it wasn't just the U.S. Some 70 percent of the world's plastic waste went to China – about 7 million tons a year.
Numerous Chinese millionaires were minted as recycling businesses started and blossomed. Sure, they paid for the world's plastic and paper trash, but they made far more money from processing it and selling the resulting raw materials.
But last year the Chinese government dropped a bombshell on the world recycling business: It cut back almost all imports of trash. And now a lot of that plastic gets shipped to other countries that don't have the capacity to recycle it or dispose of it safely.

To understand the current situation, we have to go back in time a couple of decades.A billionaire is born

In 1995, Zhang Yin started a paper recycling company in China called Nine Dragons. She would become China's first female billionaire. China wanted scrap paper and plastic to recycle into more products, and Yin seized the market.

Martin Bourque runs one of the oldest recycling operations in the U.S. as part of theEcology Center in Berkeley, Calif. "There were brokers going around the globe buying up every scrap of plastic they could find and paying top dollar for it," he says.

And there was this brilliant tactic to increase profits: West Coast ports in the U.S. were full of empty Chinese shipping containers that had come to deliver goods to American consumers. "So it made a lot of sense to send [waste] out though the port in an empty ship that was going back anyway," Bourque says.

For American recyclers, it was too good a deal to pass up. Many types of plastic — bags, cups, plastic wrap, thin film — gum up sorting machines at materials recovery centers in the U.S. and is of almost no value to recyclers.

Waste expert Joe Dunlop at the Athens-Clarke County materials recovery facility near Athens, Ga., explained the problem. Conveyor belts deliver tons of trash every hour, with magnets diverting metal and paper going into bins for recycling. Some plastic is binned up, too, if it's recyclable — bottles, for example. But the rest, like a box covered in film plastic — thin flexible sheets of plastic — is not easy to recycle.

He pulls up a 2-foot-square piece of cardboard out of a 10-foot-pile of trash. "A cardboard box wrapped in our No. 1 contaminate, film plastic," he says. "That's just bad. What is so awful about a cardboard box that they had to go and do this to it?"

The cardboard/plastic combo originally held beverages, he says, "but have you ever had to unpackage containers? It's a pain in the butt."

Dunlop says a lot of that plastic is useless when it comes to recycling in the United States. It mostly ended up in landfills until China came along.

China had plenty of capacity to handle plastics and lots of cheap laborers to sort the recyclable materials from the nonrecyclable. By 2016, the U.S. was exporting almost 700,000 tons a year to China alone. Overall, China imported 7 million tons from around the world.

About five years ago, the Chinese government started to worry about all this trash coming in. A lot of the plastic was contaminated with stuff that made it difficult and expensive to recycle – paper, food waste, plastic wrap (which is not recyclable). And some of the plastic was hard to recycle and thus not profitable to import.

What's more, a lot of plastic sneaked in illegally, without permits. These fly-by-night recyclers dumped stuff they couldn't recycle, causing pollution on land and in waterways.

In fact, Bourque actually tracked some of the plastic scrap from his operation in Berkeley. In 2016, he buried a GPS transponder in one of his bales of paper and plastic waste from the Ecology Center. Waste brokers bought it. He followed the transponder's electronic signals to a town in China. Bourque then contacted local residents to document what happened to it. They reported to Bourque what they saw.

"And what we found confirms some of our worst nightmares: dumping in the local canyon of materials they couldn't recycle, plastic in the farmland incorporated into the soil of the cornfields nearby," he says.

China says no

So the Chinese government cracked down.

In 2017, the government started to cut way back on plastic trash imports. Then the big bombshell: In January 2018, it banned almost all imports. Last year, China took in less than 1 percent of its 2016 total.

That means a huge amount of plastic is looking for a place to go. Especially, says Bourque, in the Western U.S., where communities depended heavily on the Chinese trade.

"A lot of it is being stockpiled," he says. "You know, people who have warehouse space."

Many communities — like Eugene, Ore. — temporarily stopped collecting things like yogurt containers and shampoo bottles that used to go to China.

Keefe Harrison runs a nonprofit called the Recycling Partnership that works to improve recycling rates. She says more plastic in the U.S. is now ending up in landfills or getting

incinerated, which creates pollution. And she says the confusion is discouraging to consumers. "It's very hard to turn recycling on and off," she says. "You can't tell your citizens 'Today we're not recycling any more, but next week we'll start again.' "
Harrison says if recyclers in the U.S. are going to pick up the slack, they need help. For one thing, they need more good, valuable plastic — bottles and tubs like the ones detergent comes in, for example, that are easier to recycle into raw plastic they can resell in the U.S. "The truth is that only half of Americans can recycle at home as easily as throwing something away," she says. "So that's step one that we have to fix."
New destinations
Meanwhile, shipments of plastic waste to other Southeast Asian countries have skyrocketed. Exports from the U.S. to Thailand jumped almost 7,000 percent in one year. Malaysia's went up several hundred percent. Those numbers dropped in 2018 after those countries cut back on imports.
Stiv Wilson is an environmental activist and documentary filmmaker who works with a project on waste called The Story of Stuff. He has also been working with an environmental group called Ecoton in Indonesia, another big importing country. Wilson visited a town near a recycling plant in the city of Surabaya. The plant takes paper bales mixed with plastic.
"That plastic gets separated by the paper factory," he says. "It gets dumped in the neighboring community, and then the only way to get rid of it is to openly burn it. It is also used as fuel for boiling water to make tofu in small tofu factories all around. ... Air, water and land (are) all affected by this."
And he's the one who has documented uniquely American items that indicate where a lot of the trash comes from — "Like AARP cards with names on them. So obviously you know where that's come from."
These new dumping destinations aren't likely to last. Already, Vietnam and Malaysia are cutting back imports of scrap plastic because they are overwhelmed. They can't handle the huge diversion of plastic to their countries since China shut out imports.
Recycling experts say it's a time of reckoning for their industry and that wealthy countries need to stop exporting to countries that can't handle it.
https://www.npr.org/sections/goatsandsoda/2019/03/13/702501726/where-will-your-plastic-trash-go-now-that-china-doesnt-want-it

Coca-Cola promised to help fix recycling. Here's how it plans to deliver
CNN

Early last year, Coca-Cola set an ambitious goal for itself: Collect and recycle the equivalent of every bottle or can it sells by 2030.
The company has committed to making its bottles and cans out of at least 50% recycled material in the next 11 years. To do that, Coca-Cola (KO) needs to be able to capture recycled materials and use them to make new packaging
That's a big undertaking, especially considering the company produced over 3 million tons of plastic packaging in 2017, according to a new report compiled by the Ellen MacArthur Foundation, which works with companies to reduce waste.
Coca-Cola is one of many major companies that has made sweeping sustainability promises. Waste-reduction commitments are a way for brands to show customers, who are increasingly concerned about the environment, that they care, and to share that message with employees. Plus, recycling offers companies a way to take more control of their supply chains and avoid potentially volatile raw materials markets.
But recycling commitments are difficult to pull off. For Coca-Cola to fulfill its promises, the beverage company needs to make its packages fully recyclable, which it aims to do by 2025. It also has to persuade people to recycle correctly, and it would help if Coke customers live in places with sufficient recycling infrastructure.
If Coca-Cola wants to keep its promise, it needs to help fix recycling systems in the communities it serves.
Starting small

On Thursday, the Coca Cola Foundation announced that it is giving $5.4 million in grants to a number of environmental organizations, including the Green Blue Institute in Orlando, Keep Houston Beautiful and the Boston Parks and Recreation Foundation.

The bulk of the money, about $4.15 million, is going to the Recycling Partnership, a national nonprofit group that uses corporate funding to help develop recycling infrastructure. The Partnership is using those funds to help improve recycling in Atlanta.

The goal for the city is to decrease recycling contamination by more than 25% and increase the capture of recyclable materials by 20% across about 100,000 households over the next three years, Cody Marshall, chief community strategy officer for the Recycling Partnership, told CNN Business. It's a "heavy lift," he said. "But we feel really confident we can do it."

Coke, supported by the partnership, is embarking on a "feet on the street" campaign. The initiative deploys city employees and temporary workers to check curb-side household recycling bins for contaminating items like plastic bags, food, liquids or electronics, and leave a tag explaining what's wrong on the bins where those items are found.

Workers note the violation in an app to help keep track of changes in recycling habits over time. The recycling isn't collected until people fish out the offending items.

Atlanta citizens will also get mailers, and the city will educate the public on proper recycling through its social media channels. Money from the grant will help fund recycling programs for multi-family residences and college campuses in the city, as well.

The city and the Recycling Partnership tested out a similar program on nearly 5,000 households in 2017. That pilot program yielded a 57% decrease in recycling contamination and a 27% spike in the collection of recyclable materials.

The recycling problem

Recycling is complicated.

Cities have different rules for what can be recycled, and throwing something that is generally not recyclable — like a paper coffee cup — into a recycling bin causes trouble for recycling facilities. The cups, for example, tend to gum up recycling equipment because their plastic lining gets stuck in machine filters. To get rid of the contaminating, non-recyclable items, recyclers have to separate the garbage out themselves and ship it off to landfills at a cost.

For a while, the economics made sense for recyclers. They earned enough selling recycled content to offset the cost of disposing of trash. But China recently enacted its "national sword" policy, which placed restrictions on the types of recycling the country is willing to import. The recycling business model has changed since then.

When China shut its doors to certain materials, some US recyclers were left without a key buyer. The hardest-hit states are those that previously sent most of their recycling to China, including New York.

Municipalities in New York state, outside of New York city, "now face a collective cost of $42 million to pay for sorting and marketing recyclables, as the material value no longer covers sorting costs," explained Stephen Acquario, executive director of the New York State Association of Counties, in a message to the head of the National Association of Counties. He added that many municipalities "have seen a 1,000-plus-percent increase in their recycling costs since 2017 due to the paper market recession." In places like Atlanta, which never shipped that much of its recycling to China, the ban has had a smaller impact.

"We have a really strong recycling infrastructure for bottles, cans and textiles not only in Atlanta, but in Georgia," said Kanika Greenlee, environmental programs director for the Atlanta's department of public works and executive director of the Keep Atlanta Beautiful commission. "So for us it hasn't been as great of a challenge."

Coca-Cola's 11-year plan

The fragmented approach — doling out funds to different groups supporting individual cities — is the most effective way for Coca-Cola to help improve recycling, said Bruce Karas, vice president of environment and sustainability for Coca-Cola North America.

"If you take recycling and waste and say, well it's a national issue, you're never going to solve it," he said. "It's a local issue." The company will be able to learn from the Atlanta program and figure out how to apply what works to other locations.

For Coca-Cola, a shift away from China could be a good thing.

"We need to develop the end markets here," Karas said. "It doesn't help us if it's on the other side of the world."
Coca-Cola plans to refine its goals based on what it learns from programs like the one being deployed in Atlanta.
"Right now, we're building out our pilots," Karas said. "With each year, we'll be able to refine what would be our target," he said. Karas is confident that the company will be able to hit its targets by 2030.
Coca-Cola has also been working with the Recycling Partnership and other groups to help boost infrastructure throughout the world. Later this year, Coca-Cola will launch a marketing campaign and local events designed to show people what recycled materials can be turned into.
https://www.cnn.com/2019/03/14/business/coca-cola-recycling-grant/index.html

Fiat Chrysler recalls more than 860,000 cars
CBS

The Environmental Protection Agency announced that Fiat Chrysler is voluntarily recalling 862,520 cars after emissions investigations conducted by the agency and the company.
The investigations were designed to measure the effectiveness of emission control systems in cars.
The recalled models include the following:

- 2011-2016 Dodge Journey
- 2011-2014 Chrysler 200
- 2011-2014 Dodge Avenger
- 2011-2012 Dodge Caliber

https://www.wjtv.com/national/fiat-chrysler-recalls-more-than-860-000-cars/1848179291

North America's most endangered bird faces a new threat: feuding wildlife managers
Sun Herald

North America's most endangered bird, the grasshopper sparrow that inhabits Central Florida's shrinking prairie, is facing a new threat: a feud among wildlife managers and scientists.
In a letter to researchers last month, the U.S. Fish and Wildlife Service said it planned to shut down a Palm Beach County breeding program, the larger of only two in the nation, amid ongoing concerns over a newly identified parasite making the birds sick. Federal managers want to free some birds and move others to the second facility in North Florida. Researchers fear those actions could spread the parasite and endanger the last wild population.
The Fish and Wildlife Service also wants to end its partnership with the Rare Species Conservatory Foundation, saying disagreements with the director and a University of Georgia vet are "paralyzing" efforts and could hasten the extinction of the golf ball-sized bird.
But the researchers say the agency's abrupt decision could be far more hazardous, ignoring warnings to proceed cautiously and take more time to evaluate the parasite identified for the first time just last year.
"This is a classic example to us of shoot, ready, aim, decision-making," said Paul Reillo, president of the 30-acre conservatory and co-director of Florida International University's Tropical Conservation Institute. "There's just so many questions that it begs additional scrutiny."
In brief statements, federal and state wildlife officials said they were committed to saving the bird.
"The rationale behind our thinking, we think, is obviously the right way to go," said U.S. Fish and Wildlife Service spokesman Ken Warren.
With less than 80 left in the wild, grasshopper sparrows are considered North America's rarest bird, part of a family of Florida ground sparrows that have gradually vanished from the landscape. The state originally had eight different sparrows, living among tall grasses in dry prairies and swampy marshes from Central Florida to the Southern Everglades.

But by 1987, two had gone extinct, killed off by habitat loss and other factors. That included the dusky seaside sparrow after a failed attempt to crossbreed five remaining males. Two more sparrows, the grasshopper and Cape Sable sparrow, are now dangerously close to disappearing.

As part of a rescue effort for the grasshopper sparrow, federal wildlife managers enlisted Reillo's foundation in 2014 to begin a captive breeding effort. Reillo succeeded after two years, becoming the first ever to rear the fragile chicks. White Oak, a 700-acre North Florida sanctuary that also breeds rhinos and cheetahs, soon followed.

But last year, before any birds could be released, young Loxahatchee sparrows began to die mysteriously. Using DNA, Branson Ritchie, a University of Georgia vet and infectious disease expert, identified a novel parasite afflicting the birds. Because they live so close to the soil, the birds are vulnerable to parasites in soil as they forage for bugs.

But the parasite at the Loxahatchee facility had not previously been identified and so far has not been documented in the wild, Ritchie said. While it's likely the parasite came from wild birds brought to the facility, it's not clear if it affects captive birds the same as wild birds.

"Birds that came from the wild as youngsters died, but we can't find it in a wild living creature," Reillo said. "So is it killing them the same as it's killing the captive birds? We don't know. It all comes back to the same three words: We don't know."

Before releasing captive birds into the wild population, which would almost surely spread the parasite, Reillo and Ritchie want to understand more precisely how it spreads, what toll it takes on the birds and whether it's any more dangerous than other parasites. They also want to be sure the parasite is not the X factor driving the sparrows toward extinction or worse, be a new pathogen introduced to wild birds.

"The good news is we've developed, through support from the Service's interest, the methodologies to now find out how these pathogens may be impacting the population," Ritchie said. "It makes sense to us to now understand that before a mistake is made."

In emails and meeting minutes, federal and state officials acknowledged releasing the captive birds could threaten the wild population, and agreed there could be a risk of spreading the parasite, even to other species. But after convening other scientists in a disease risk analysis workshop in November, wildlife managers disagreed with Ritchie and Reillo's conclusion that the parasite represented a new risk. They also disagreed with warnings that birds at the North Florida breeding facility needed to be tested to determine if the same parasite was also killing them.

Not adding captive birds to a shrinking population of wild birds, wildlife managers concluded, posed a bigger risk.

"The consequence of taking no action is unacceptably high," Florida Fish and Wildlife Conservation Commission avian coordinator Craig Faulhaber emailed Ritchie on Feb. 12. "Staff from both trust agencies understand the risks and uncertainties associated with release of captive-reared Florida grasshopper sparrows, and we accept full responsibility for the outcome of the effort."

But Reillo worries decisions are being driven less by science and more by funding for the cash-strapped effort. So far, the Service has spent at least $1 million on various conservation efforts and last year, when funding was left out of the budget, helped wage a fundraising effort.

"Are we sacrificing these animals for expediency?" Reillo asked. "Would we rather not know what happened to these animals and how they died? That is not a tenable position for a scientist to be in."

Reillo said a hurried approach could put them in even more peril. He had suggested housing the birds in soft-sided cages on the prairie and waiting at least three weeks before releasing them to give them time to acclimate to a location 100 miles from the breeding facility. The government scientists believe two days is enough.

"We've never done this before and therefore our position is go slowly, go carefully, do a full assessment and make sure your optics are transparent because if this is a bona fide program, we should be able to share it with anyone," he said.

He's also puzzled by the Service's refusal to consider his suggestions, given its support for fundraising efforts that helped him get commitments from sponsors for $60,000 to cover a pilot release program.
"We were offering remedies. These weren't gauntlets. These were remedies to the situation. And none of those remedies were acceptable," he said. "Not only were they not acceptable, they said we're going to end this."
In a letter emailed to Riello Wednesday, after reporters began calling the Service, project leader Roxanna Hinzmann repeated the agency's concerns and criticized researchers for not giving their evaluation credit.
"The Service appreciates that Dr. Reillo and Dr. Ritchie have differing views regarding the data and information ... and that you do not agree with the agencies' decision to pursue releases in 2019 because you believe the potential risk from disease is too great. However, you have misrepresented the agencies' process and due diligence by asserting that we have 'elected to dismiss substantiated recommendations.' "
Warren, the Service's spokesman, said the disease analysis workshop that Reillo and Ritchie criticized is now undergoing a peer review that invites another round of scrutiny and debate over how to proceed. The findings will determine what the Service does next, he said.
But how do you peer review a workshop?
"That's a great question," Reillo said.
While scientists sometimes gather to compile research that can be peer-reviewed, he said the workshop held in November reached no conclusions and made no recommendations.
"This is the kind of case where we have to stand behind the science," he said. "I'm certainly more comfortable being found wrong because we are being overly cautious, than to find out we were right" about captive birds infecting wild sparrows.
https://www.sunherald.com/news/nation-world/national/article227458534.html

US moves to lift remaining gray wolf protections
AP
BILLINGS, MONT.

Gray wolves in the U.S. would be stripped of federal protection and subjected to hunting and trapping in more states under a proposal released Thursday that declares the predators recovered following a decades-long restoration effort.
The U.S. Fish and Wildlife Service wants to revoke the wolves' endangered and threatened species status and put them under authority of state wildlife agencies across the Lower 48 states. The Associated Press reported last week that the proposal was in the works.
"The facts are clear and indisputable — the gray wolf no longer meets the definition of a threatened or endangered species," acting Interior Secretary David Bernhardt said.
Wildlife advocates and some members of Congress say the move is premature because wolves occupy only a fraction of a historical range that once stretched across most of North America.
But state officials, livestock interests and hunters want the government to make it easier to kill wolves. The predators periodically prey on livestock such as cows and sheep and have been blamed for declining numbers of elk, moose and other big game in some areas.
Trapping, poisoning and hunting campaigns early last century exterminated wolves across most of the Lower 48 states by the 1930s. More than 6,000 of the animals now live in portions of nine states, officials say.
A final decision on lifting protections will follow a public comment period that begins Friday and runs through May 14.
Government officials said their goal was to protect wolves from extinction, not return them to everywhere they were once found.
The Endangered Species Act is not "a means to keep species from being hunted in perpetuity once they've met the threshold of recovery," said Gavin Shire, spokesman for the Fish and Wildlife Service.
Environmentalists and animal advocacy groups have pledged to challenge in court any action to ease or eliminate protections.

Putting gray wolves under state control would allow Minnesota, Michigan and Wisconsin to resume hunting and trapping blocked by a 2014 court ruling that returned them to the endangered list.
In other areas, such as the Pacific Northwest, wildlife officials say they have no immediate plans for hunting but could consider it in the future.
Aside from Alaska only three states — Montana, Idaho and Wyoming — currently allow the public to hunt wolves.
More than 600 were killed in the Northern Rockies states during the most recent hunting and trapping seasons.
Court rulings delayed hunting in the Northern Rockies for years after wolves reached the government's benchmark for recovery in the early 2000s. Members of the region's Congressional delegation ultimately inserted a rider into a budget bill that forced the animals off the endangered list.
Protections will be retained under Thursday's proposal for two small populations of related species — the Mexican gray wolf in New Mexico and Arizona and the red wolf in North Carolina
https://www.sunherald.com/news/nation-world/article227691919.html

Opinion

'A cultural gumbo.' How a grassroots effort to unify the Coast became a movement.
BY BILLY HEWES
Sun Herald

"*A rising tide lifts all boats.*"
It's hard to believe we are on the doorstep of 2020.
Six years ago, an informal grass roots ideal began, focusing on how we tell our story, how we interact with one another, and most importantly, assessing how we are viewed by the outside world.
The "One Coast" concept grew from an understanding that developers and visitors see us a region — not individual cities. And that, for our distinct municipal personalities across Mississippi's Gulf Coast, what impacts one of us, tends to impact all of us.
Intended to be unofficial, unstructured, and unencumbered, the original vision stated: "One Coast embraces the fact that our common interests far outweigh any differences, and acknowledges that there are some issues — political, cultural, tourism, beautification, sports, etc. — that can often be better served through a combined effort."
While this brand of teamwork does not work in all situations, the overriding approach is something every local gets!
Since that time, One Coast has become a movement, with individuals, organizations, and businesses emphasizing the positive, and melding our assets into a distinctive cultural gumbo.
For many, it has resulted in a jaw-dropping experience — particularly for first timers with preconceived notions of the Magnolia State. The phrase, *"I had no idea…* (how wonderful the people/food/climate/beaches/entertainment/commute times/recreation amenities are)*,"* can be heard on a daily basis.
In taking cues from cities that have successfully reinvented themselves into 21st Century tech centers and quality of life havens, one can learn from the observations of the creative economy urbanist Richard Florida, who wrote: "Successful places are intentional.
"They undertake efforts to leverage and build upon their own unique assets. They mobilize their anchor institutions, their own civic organizations, and their people. They build true public-private partnerships. And, large or small, they create a genuine quality of place that all can see and feel."
Sound familiar?

I believe we are on the cusp of solidifying a significant trajectory for our One Coast. Ensuring success is a daily effort, and our people are starting to believe in themselves like never before — understanding the unique and diverse place in which we are fortunate to live.
Millennials are said to focus on the experience, much more than the material: To do is more important than to have. With our natural resources, culture, cost of living, and entertainment options, Gulf Coast communities have an advantage.
How the story goes from here depends largely upon how we continue to distinguish ourselves through exemplary hospitality, regional collaboration, and aggressive innovation in competing with other markets in our region.
Change of this sort does not come easily, or often, but we are now beginning to see the results of a larger collective outlook where we have had a glimpse of what the next level could look like: better schools, more family entertainment and recreational offerings, and higher paying jobs — all resulting from recent investments in education, infrastructure, resources, and our people.
It is also the result of affirming our own identity — challenging norms and refusing to stand by when pundits try to cast us as a stereotypical backwoods land mass — knowing that the positives of this region eclipse any negatives.
This persistence is starting to yield dividends, as national publications and travel sites are routinely giving us high rankings in multiple quality of life categories!
What's next? Bookended by Stennis Space Center and Huntington Ingalls Shipbuilding, and centered with strong University of Southern Mississippi institutions (Center for Oceanographic Studies, Gulf Coast Research Lab, and USM Gulf Park Campus), we are well-poised, as a region, to become the next research and development corridor for oceanographic and aerospace exploration.
State-of-the-art air and water port facilities are fully on-line, capable of accommodating growing numbers of passengers and cargo. Restaurants, hotels, multi-use developments, and recreational complexes are springing up across the Coast to take advantage of this resurgence.
Award winning military bases are models of efficiency and community relations. The merging of our tourism forces into a regional Convention and Visitors Bureau is complete and under capable leadership. A new minor league baseball stadium, expanded youth Sportsplex facilities, well-maintained beaches, updated marinas, and the Mississippi Aquarium will add family fun to the established casino market.
Hospitals are investing in facilities improvements, and a new medical city is taking shape at Tradition through a public-private partnership with Mississippi Gulf Coast Community College, William Carey University, and The Cleveland Clinic. Cutting edge educational facilities and advanced curriculum offerings are setting new standards for workforce training and career readiness skills.
Be sure to stay tuned for an initiative involving county-wide trades training partnerships at the high school level that will build upon Gulfport High School's Academy-driven approach. If successfully implemented, this effort will further the mission of the Coast's high-performing school districts, providing additional options for early career curriculum and specialized instruction for chosen career fields.
We must think regionally if we are to compete globally. Even today, there are those who would fracture the Coast for their own personal, business, political, or industry benefit — to the exclusion of our larger well-being. We can no longer tolerate that.
History will judge whether or not South Mississippi is presently enjoying a renaissance, and despite natural and man-made challenges that would bring other communities to their knees, it is refreshing to see how our resilience has enhanced the amount of interest from outside developers in our area.
Much of this is due to the character and drive of our people, and possibly due to the realization encompassed in the One Coast approach — that what benefits one, ultimately benefits all.
https://www.sunherald.com/opinion/article227295799.html

Gov. Phil Bryant announces GOMESA projects

JACKSON – Gov. Phil Bryant announced today six projects totaling more than $23 million that will be funded through the Gulf of Mexico Energy Security Act (GOMESA). The federal passage in 2006 of GOMESA created revenue sharing provisions for the four Gulf oil and gas producing States of Alabama, Louisiana, Mississippi, Texas, and their coastal political subdivisions.

"These funds will continue our efforts of years past to protect and enhance our beautiful Mississippi Gulf Coast," Gov. Bryant said. "This latest disbursement of revenue generated by offshore energy exploration, as part of the Gulf of Mexico Energy Security Act, will initiate projects that continue to grow our blue economy. I appreciate our Mississippi congressional delegation for their hard work in securing this funding."

The projects will be administered by the Mississippi Department of Marine Resources (MDMR).

"The Department of Marine Resources looks forward to administering these projects for Governor Bryant," MDMR Executive Director Joe Spraggins said. "The projects will enhance education, research, oyster restoration, water runoff and testing for the Gulf Coast of Mississippi."

GOMESA projects:

1. Beach storm water outfalls in Harrison County ($4.95 million) – design, engineering, environmental, permits, survey and construction of the first phase to be built to replace or remove seven outfall pipes along the sand beach to help reduce the number of these pipes in Harrison County.
2. MDMR Marine Fisheries Dry Laboratory ($760,000) – will provide enhanced marine management opportunities by providing for the potential of a new water quality analysis lab, the ability to conduct HAB ELISA analysis in-house rather than contracting outside the agency and the ability to conduct genetic analysis of fish samples. Additional uses will include the capacity to conduct marine fish stomach content analysis, which will allow for more accurate marine management and to establish a new taxonomic fish comparative collection.
3. Oyster cultch ($1 million) – provide additional cultch to repair the diminishing oyster population. Areas to receive cultch plant include the Western Mississippi Sound, Eastern Mississippi Sound and Biloxi Bay areas.
4. Oyster plant ($3 million) – put over 60 million oysters on shell or crushed concrete into the Mississippi Sound to provide stock and future increased spat. These oysters will be placed across the Mississippi Sound to enhance future growth of oysters in different areas.
5. Tramway ($6,688,944) – funds for the tramway will compliment local and federal funds already dedicated to the project. By tying Jones Park to the Mississippi Aquarium Campus, new educational and recreational opportunities will result. This construction will provide quality emissions-free transit services to meet an expected demand created by traffic associated with the Mississippi Aquarium, festivals and adjacent businesses.
6. Ocean Enterprise Project ($7 million) – Ocean Enterprise at the Port of Gulfport will bring together state, federal and industry partners to solve challenging problems in the area of national and homeland defense, infrastructure security, environmental monitoring and disaster response, offshore aquaculture and natural resource and habitat characterization.

The Mississippi Department of Marine Resources is dedicated to enhancing, protecting and conserving marine interests of the state by managing all marine life, public trust wetlands, adjacent uplands and waterfront areas to provide for the optimal commercial, recreational, educational and economic uses of these resources consistent with environmental concerns and social changes.

http://www.dmr.state.ms.us/index.php/news-a-events/recent-news/1352-19-14-cws

EPA's Hazardous Waste e-Manifest System Receives One Millionth Manifest: Saving Industry and States Significant Time and Money

03/13/2019

WASHINGTON (March 13, 2019) — Today the U.S. Environmental Protection Agency (EPA) is announcing a significant achievement in modernizing the nation's cradle-to-grave hazardous waste tracking process, saving valuable time, resources and dollars for industry and states.

In June 2018, EPA transitioned from a paper-intensive tracking process to an electronic system, known as "e-Manifest." By the end of February, over 1 million electronic manifests have been submitted by industry and state users. EPA estimates that e-Manifest will ultimately reduce the burden associated with preparing shipping manifests by between 300,000 and 700,000 hours, saving state and industry users $75-$90 million annually, once electronic manifests are widely adopted.

"Reaching one million manifests is a tremendous milestone for EPA's e-Manifest system," said EPA Administrator Andrew Wheeler. "I encourage more state and industry users to adopt e-Manifest to track off-site shipment of waste and reap the benefits of cost savings and reductions in paperwork."

The agency's hazardous waste tracking system helps to ensure that all federally regulated hazardous waste is handled in a way that protects public health and the environment from the point where it is generated, through its transportation routes, to the place of final treatment, storage or disposal. Every year, over six million shipments of hazardous waste crisscross the United States – moving from manufacturing sites to the waste management companies that safely treat, store and dispose of the waste. For over 30 years, the process of tracking these shipments was done using a cumbersome six-copy paper form. Under the paper system, the amount of paper generated during one month of traffic would exceed the height of the Washington Monument. Because these manifests are now housed in EPA's e-Manifest system, regulated entities no longer need to store and distribute this paper.

The agency's e-Manifest system currently receives about 5,000 hazardous waste manifests a day and generates more than $1 million in fees each month to support the system. Additional benefits of the e-Manifest system include:

- accurate and more timely information on waste shipments;
- rapid notification of discrepancies or other problems related to a shipment;
- creation of a single hub for one-stop reporting of manifest data for use by EPA and states;
- increased effectiveness of compliance monitoring of waste shipments by regulators; and
- the potential for integrating manifest reporting with Resource Conservation and Recovery Act biennial reporting process and other federal and state information systems.

To learn more about e-Manifest, visit www.epa.gov/e-Manifest

https://www.epa.gov/newsreleases/epas-hazardous-waste-e-manifest-system-receives-one-millionth-manifest-saving-industry

EPA Announces 2018 ENERGY STAR ® Certified Manufacturing Plants

03/13/2019

WASHINGTON —The U.S. Environmental Protection Agency (EPA) announced today that 100 manufacturing plants earned ENERGY STAR certification for their superior energy performance in 2018. Together, these plants reduced their energy bills by more than $400 million, saved more than 70 trillion British thermal units (TBtu) of energy, and achieved broad emissions reductions, including 4.5 million metric tons of greenhouse gas emissions. The energy savings are enough to meet the annual energy needs of nearly 440,000 American households.

https://www.epa.gov/newsreleases/epa-announces-2018-energy-star-r-certified-manufacturing-plants

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State

Meridian moves forward on EPA consent decree
Meridian Star

Work required under the City of Meridian's $126 million, 20-year consent decree with the Environmental Protection Agency moves forward as cities across the state battle ballooning cost estimates in similar agreements.
Meridian revised its consent decree during an April council meeting in response to concerns about funding sewer system fixes in another Mississippi city, agreeing to certain infrastructure repairs to avoid sanitary sewer overflows (SSOs), or reported discharges of untreated storm water inadvertently discharged into Sowashee Creek.
In the months since the city signed the agreement in June, Hugh Smith, the director of Public Works, said the city had moved forward on its part by hiring a FOG (Fats, Oil and Greases) coordinator who acts as a liaison with local businesses to implement future ordinances.
"He's been busy meeting with local businesses and talking about grease traps at restaurants," Smith said. "He's helping them understand how the city is going to move forward with their procedures."
Smith said these recommendations, designed to stop FOG buildup in sewer systems, would someday be presented before the council in the form of an ordinance but said the coordinator would work with business managers to educate them before enforcement began.
"Many franchises are already aware and abreast of these changes because they've had to deal with them in other cities," Smith said. "Our goal was to get out in front of this and give them a heads up... I can't think of anyone who has refused to comply with the recommendations."
Smith said the real work moving forward would be implementing new ordinances and enforcing them, such as FOG ordinances. The EPA CMOM (Capacity, Management, Operation and Maintenance) guidelines recommend cities use CCTV systems to evaluate their sewer systems, which would require hiring additional personnel and purchasing equipment.
"The Highway 11/80 trunk line will be one of the first projects we'll undertake," Smith said.
Assessing Highway 11/80, the site of many reported SSOs, will take at least a year because it will need to be evaluated during each season as well as have its capacity assessed to see if the line needs to be resized, Smith said.
Smith said residents could expect the next city council agenda to include a request for advertising for engineering services related to some EPA projects.
Revisions came from across state
The City of Greenville, a few years into its own consent decree, asked the Attorney General's office last year for guidance on unexpected financial issues the city could encounter under their agreement.
"(This Opinion Request) addresses only how the City (of Greenville) may address internal financial issues that have arisen as the City has proceeded in satisfying its obligations under the Decree," Andrew N. Alexander III, the city's attorney, wrote. "As the sanitary sewer evaluations required by the Decree have proceeded, they have indicated that the remedial measure required by the Decree will be substantially more expensive than initially expected."
The unexpected repair costs and expenses under the agreement "will inevitably reach a level that will far exceed the City's "debt ceiling," the request said, meaning the city's administration could be in violation of state statutes.

State statute dictates that cities can have up to 20 percent of total debt in relation to the assessed value of all taxable property within the city.
Alexander also asked if whether, as a last resort, a municipality could seek relief in Federal Bankruptcy Court. The Attorney General's office advised that the city couldn't take on more than 20 percent of total debt and wouldn't currently be eligible to file for Chapter 9 bankruptcy protection but could seek authorization from the state legislature to file Chapter 9 bankruptcy.
Ronnie Walton, a city attorney for Meridian, presented the changes to the City Council in April, saying the city had agreed to revisions with the EPA after seeing the AG's opinion.
"This arises out of the city's alleged violations of the Clean Water Act that's a byproduct of the aging sewer system," Walton said.
Walton called the changes minor and non-substantive, saying the changes related to possible debt ceiling issues for Meridian for future modifications.
Kim Houston, the representative for Ward 4, reminded the public that costs for these repairs came from the city's water fund, not the general fund.
"Hopefully that will help our residents understand the need to raise water bills," Houston said in April. "Because our infrastructure plays a major role in us moving forward and trying to get things repaired."
https://www.meridianstar.com/news/local_news/meridian-moves-forward-on-epa-consent-decree/article_7c7209f3-fce5-5110-9bdc-607b346ca0c0.html

2019 south Delta flood 'should never have happened'
South Delta farmers wait on EPA to reverse veto of flood-relief pumps.
Delta Farm Press

As Holly Bluff, Miss., farmer Clay Adcock stares across one of his fields covered in water, he, more than many who call the south Delta their home, realizes the flood that continues to place undue hardships on him and his neighboring Mississippians should never have happened.
Across six counties, 512,000 acres of land are covered with floodwater. Over 200,000 of those acres should have young corn or soybean plants emerging through the nutrient-rich south Delta soils, providing a visual start of the 2019 farming season. Unfortunately, many residents, including hundreds of farmers, are more concerned with protecting what they have worked so hard to build over their lifetime — their homes, businesses, and their families.
Ring-levees built with sandbags and covered with polyethylene plastic are the new norm around many houses, churches and farm shops in Issaquena, Yazoo, Sharkey, Warren, Humphreys, and Washington counties in the Magnolia State. “I farm 4,000 acres in and around Holly Bluff and about 2,500 acres of that farmland has been under water since January,” says Adcock. “Seeing the devastation first-hand brings on a wide-range of emotions. People have gone from being shocked to being sad, to being mad, to just wondering why it happened. But I know exactly why it happened.”
A Little History
The Mississippi River flood of 1927 ranks as one of the worst natural disasters in U.S. history. Month after month of heavy rains raised the Mississippi River to record levels. After the first levee breached in Illinois on April 16, another breached in Mississippi five days later. Eventually, the entire levee system buckled and over 23,000 square miles of land were covered in water — some places as deep as 30 feet.
Our nation’s leaders in Washington recognized the critical need for a national flood control program, which began to be implemented in 1928 after the Mississippi River and Tributaries project was authorized by the 1928 Flood Control Act.
“After a plan to build a Eudora Floodway through Arkansas down to south Louisiana was abandoned in 1941, Congress offered the Mississippi Delta an alternate form of protection through a plan that would consist of a system of levees, flood gates and pumps,” says Adcock. “There are four backwater areas off of the Mississippi River: White River and St. Francis backwater areas in Arkansas; the Red River backwater area in Louisiana; and the Yazoo backwater area in Mississippi.”
By the 1960s, the Corps of Engineers started constructing the drainage structures and backwater levees. “I was born in the early 1960s, and I can remember seeing those levees as they were being built,” says Adcock. “The project lingered. The Vietnam War held the nation’s attention and finishing the project, I guess, wasn’t a priority.”
The Steele Bayou Structure and the Yazoo Backwater Levee were finally completed in 1978, and the only thing left to do was install the pumps. “The first item of construction for the pumps was awarded in March 1986, but the dirt wasn’t moved until May 5 of that year,” says Adcock.

The 1986 Water Resources Development Act (WRDA) was going to put "cost sharing" on all federal projects. The Senate's version of WRDA passed in March 1986 — with a date of enactment being the date of the conference. The House passed its version on May 15, with the same date of enactment.
The WRDA conference report was passed in October of the same year, but the date of enactment was grandfathered back to April 30 1986. "It was political wrangling. They knew when they set the date that it only impacted one project in the U.S., and that was the Yazoo Backwater Pump Project," says Adcock. "The Mississippi Levee Board could not afford the cost-share for a $100 million project."
Ten years later, Congress redefined the start of construction to the date of award in the 1996 WRDA, which restored the federal funding at 100 percent for the Yazoo Backwater Project. In 2008, the EPA vetoed installation of the pumps.
The wrath of Mother Nature's flooding power was seen again in May 2011. To avert the Mississippi River from flooding Cario, Ill., the Corps of Engineers blasted a 2-mile hole into the levee protecting the New Madrid Floodway. "Because the Mississippi River was higher than the protected side of the levee, the gates at Steele Bayou had to remain closed," says Adcock. "Everyone assumed we would get rain while those gates were closed, so we were all concerned about just how bad we would be flooded this time."
Adcock and the rest of the farmers were only kicking up dust during that time period in 2011 when the gates had to remain closed. Since no rains came, another backwater disaster was averted. "We knew that we just couldn't keep going to the well, so-to-speak," says Adcock.

The Rest of the Story

Unlike 2011, when the Mississippi Delta had below normal rainfall, this year has been one of the wettest on record. Although the water level of the Mississippi River was not as high this year as in years past, it was high enough for the Corps to close the gates of the Steele Bayou Control Structure from Feb. 15 to April 1. "There were already 200,000 acres of land under water when they closed the gates earlier this year, so the water has basically formed a huge lake."
On April 1, the gates were reopened, but there are 512,000 acres under water. "If the pumps had been in place and turned on when the water level was at 87 feet on our side of Steele Bayou, the highest water level to which we would have been exposed would have been 92.3 feet," says Adcock. "We got to 97.2 feet."
After federal funding was restored and myriad studies were conducted as a result of lawsuits from wildlife-centric NGOs over concerns for the supposedly endangered Pondberry bush, it was determined it was not endangered at all. "Then those groups implied the pumps would destroy the natural habitat for the black bears," says Adcock. "The black bear population has sure not been living in trees on that flooded state and federal land. They have been displaced like all of the other wildlife."
Adcock started contacting congressmen and senators. He started a petition locally, which has been expanded electronically and garnered over 5,000 online signatures. He invited media and every government official to a meeting in Valley Park and took them on a boat trip to see the flooded land. "Cindy Hyde-Smith gave a great speech in front of the Senate Appropriations Committee and EPA Administrator Andrew Wheeler was in attendance.
Hyde-Smith asked Wheeler to revisit the 2008 veto. "He publicly stated that the agency would reconsider their veto. There is possibility they could have been wrong," says Adcock. "Now we've got bipartisan support, and we're waiting on the EPA to act."
Fred Ballard of Leland, Miss., has been on the levee board for 31 years. When he started, his peers told him the pumps were needed but they probably would not live to see them installed. At the recent meeting Adcock organized, he told Ballard he would love for him to flip the switch the first time the pumps go operational. "The 80-year-old Ballard nodded his head and smiled with proud anticipation," concluded Adcock.
https://www.farmprogress.com/disaster/2019-south-delta-flood-should-never-have-happened

SUPERVISORS TIRED OF OLD TIRES

South Reporter

The Marshall County Board of Supervisors is putting used tire haulers on notice – no dumping in Marshall County. County administrator Larry Hall said those hauling used tires from businesses must carry a manifest and carry a license to haul them.
Most used tires dumped in Marshall County are coming from out-of-thecounty businesses, he said, even from out-of-state businesses.
"People are hauling them from surrounding counties and Tennessee and dumping them here," said District 5 Supervisor Ronnie Joe Bennett.

The topic came up when piles of used tires were found on the ground outside the county's roll-off dumpsters during spring cleanup. A waste tire grant pays the disposal of used tires but not for the county to load them up and haul them away, Hall said.
Commercial drivers of out-of-county vehicles frequent the county throwing out trailer loads of used tires, he said.
Old tires left on private lands from years back when country folk changed their own tires are recognizable as such, Hall said. But used tires collected at tire centers are easy to spot, he said.
Bennett was in favor of stopping the handling of used tires altogether.
Hall said the **Mississippi Department of Environmental Quality** pays the county for the disposal of used tires. And tire centers are required to collect $1 when they replace an old tire that goes to the fund to dispose of the rubber.
Supervisors were also irked that some people continue to dig through the roll-off dumpsters during spring cleanup mining for metal and other things.
Hall said locks were placed on the back doors of the roll-off containers but the company did not bring the locks back when they returned the containers to sites to be reused.
Two permanent roll-off dumpsters are planned in the county – one to go at the community center at Chulahoma, and the other at Bethlehem Fire Station.
Those dumpsters will be available for residents of the county to dispose of household junk and yard junk. The county dump at the West Holly Springs Exit accepts white goods, appliances, and household junk but not household garbage. Residents doing some carpentry repair work on their own homes and sheds are allowed to carry their construction waste to the dump which is open on Wednesdays and Saturdays.
Commercial construction waste is never accepted at the county dump or in the roll-off dumpsters.
Some citizens still do not know that it is illegal to carry old furniture, white goods, construction waste, and tires to roadside "dumps."
The board of supervisors provides the county landfill collection site where residents can take these items without charge but monitors illegal dumps.
County ordinances provide for the ticketing and fining of individuals who throw things out on the roadsides and in gullies.
https://www.southreporter.com/news/supervisors-tired-old-tires

Utility Faces Federal Investigation Over Failed Power Plant
AP

JACKSON, Miss. (AP) — A utility giant faces a federal investigation over a $7.5 billion coal-fueled power plant that Mississippi regulators pushed the electrical utility into partly cancelling.
The Southern Co. said Wednesday that the U.S. Justice Department told the Atlanta-based company on Monday that it has started a civil investigation into the plant that subsidiary Mississippi Power Co. was building in Kemper County.
Southern said in a quarterly stock market filing that Mississippi Power remains in negotiations with the U.S. Department of Energy to resolve and dispose of property at the Kemper County plant. The Department of Energy gave $387 million that was supposed to help build a first-of-its-kind plant turning soft coal into a gas and burning it to generate power, while removing climate-warming carbon dioxide and other pollutants. The cost of the plant ballooned and Mississippi Power struggled to make it run reliably. The company lost $6.4 billion when regulators ordered it to stop building the gasifier and cleanup units and instead operate the plant by burning conventional natural gas.
Southern said the investigation is connected to the Department of Energy talks and did not release further details. It said Mississippi Power could be required to pay the Department of Energy for the parts of the property the company wants to keep. Southern warned that the outcome of the talks and the investigation could have a significant impact on the company's finances.
The company also said it's considering what to do with a pipeline that was supposed to take carbon dioxide extracted at the plant and ship it to oil companies that would pump the gas underground to force up oil from old oil fields. Because the plant isn't extracting carbon dioxide, the pipeline isn't being used. The company said Mississippi Power would decide whether it wanted to dig up the pipeline later this year, and said that could also have a significant impact on Mississippi Power's finances.
Mississippi Power is the smallest of the three remaining electrical subsidiaries that Southern owns and has $577 million in long-term debt coming due in 2020 and 2021, according to company figures. The company expects to ask the Mississippi Public Service Commission to set new long-term electrical rates later this year. There will be

two new members on the three-member commission by the time regulators decide on rates after state elections. Paying for the company's debt will be a major part of the rate case, along with deciding what to do with excess generating capacity and deciding whether Mississippi Power should be required to join a regional electrical grid management group.
Additional expenses could complicate those decisions. Northern District Commissioner Brandon Presley, a Democrat, said Wednesday that he doesn't know anything about the investigation, but said he didn't want Mississippi Power's 188,000 customers paying for any more of Kemper than the $1.1 billion they're already covering.
"I think the commission has made clear two years ago that recovery from the Mississippi customer is closed for Kemper County," Presley said.
A U.S. Securities and Exchange Commission investigation into whether Southern misled investors about progress at Kemper County ended with no enforcement action in 2017.
https://www.usnews.com/news/best-states/mississippi/articles/2019-05-01/utility-faces-federal-investigation-over-failed-power-plant

Leaders to discuss Giant Salvinia at the Reservoir
WJTV

BRANDON, Miss. (WJTV) - The Pearl River Valley Water Supply District will host a news conference on Thursday, May 2.
Leaders will discuss an update on the Giant Salvinia in the Pelahatchie Bay area of the Ross Barnett Reservoir. Giant Salvinia is an invasive plant that can take over a body of water.
According to the PRVWSD, leaders will announce a change in boating policy related to the spread of the plant. The news conference will begin at 11:00 a.m. at the boat ramp facilities at Pelahatchie Shore Park on Northshore Parkway in Brandon.
https://www.wjtv.com/news/local-news/leaders-to-discuss-giant-salvinia-at-the-reservoir/1972825719

Rainfall events pose setback to waterway dredge completion date
Monroe Journal

ABERDEEN – Sen. Cindy Hyde-Smith saw remnants of the late February flooding event on the Tennessee-Tombigbee Waterway first-hand during an April 23 briefing at the Aberdeen Lock and Dam. One of the many takeaways was the estimated reopening of the waterway to barge traffic has been pushed back due to above average rainfalls.
Whereas dredge work to clear the 400,000-cubic-foot sandbar south of the Aberdeen Lock and Dam was anticipated to be complete May 1, U.S. Army Corps of Engineers Operations Site Manager Justin Murphree said recent large rainfall events have posed setbacks. He expects dredging of the sandbar to be complete by May 3.
“After that, they’ll move three or four miles downstream where we have a draft restriction of seven feet. It’s going to take them seven to 10 days to finish that, so complete, unobstructed channel…about the second week of May,” he said.
To get everything on the waterway completely restored to normal will take until November or December, according to estimates.
Emergency funding for the waterway is included in a $13 billion relief package being discussed in Congress.
“Part of my job is to get out and see what the disasters are right now and to make sure we have the funding there for the Corps of Engineers to address it to make sure it gets funneled in the right direction to make sure we solve the problem,” Hyde-Smith said. “Obviously, we want as much tonnage down the waterway as we possibly can get. Right now, we’re shut down, so I’m the one who has got to have the tenacity that we’ve got to get it done right now because things have stopped on the waterway.”
Congress went on a two-week recess in April before the relief package passed, which includes Hurricane Maria relief and funding for those affected by wildfires and flooding events from recent months.
“It’s making sure we have the correct information, the testimonies from me that I’ve been here. I see what’s happened and I have the facts, the figures and the information of what it’s doing to commerce right now,” she said. “We just want to make sure that government runs smoothly, effectively but make sure it’s done timely and correctly.”
Representatives from the U.S. Army Corps of Engineers, the Tennessee-Tombigbee Waterway Authority and local industry leaders illustrated the negative effect shoaling throughout the waterway has left.

"We have 20 areas of shoaling that are a result of the flooding with the total of 1.79 million cubic yards of material," Murphree said. "We've had three flood events since this time and every time we have a flood event, it changes this, and it washes some of this downstream. It's good that it's leaving here, but it's leaving it somewhere else."
Most of the shoaling is between Amory and Demopolis, Alabama.
The lack of barge traffic on the waterway has been felt by local industries.
"We bring in raw materials from South Africa and Australia where we own facilities. When this lock became blocked, our next stop is where our material goes to Watco. We've already incurred probably half a million just in transportation having to truck all that material to come by rail. The impact has been huge already just in a short amount of time," said Jason Minga, safety, health, environmental and quality manager at Tronox.
Monroe County Chamber of Commerce Executive Director Chelsea Baulch said Enviva has been able to use unoccupied barges to store finished goods until the waterway is reopened.
"It's been a big community, for lack of better words, to share and borrow to make sure everyone can stay in production, so we're very grateful that even though Tronox has had the expedited costs, they are still in production, the same for Enviva. I hope that will remain the case until it's opened back up," she said.
https://www.djournal.com/monroe/news/rainfall-events-pose-setback-to-waterway-dredge-completion-date/article_d527886d-3993-584f-8c3a-b673e79677ce.html

President Trump adds limited disaster aid for 13 Mississippi counties
AP

JACKSON, Miss. (AP) — President Donald Trump is expanding limited disaster aid to 13 more Mississippi counties following storms and flooding in February and March.
Governments and certain nonprofit groups are eligible to be repaid for infrastructure damage, debris removal and overtime pay to emergency workers.
Added Wednesday are Alcorn, Carroll, Itawamba, Lafayette, Lee, Montgomery, Panola, Prentiss, Quitman, Tallahatchie, Union, Webster and Yalobusha counties.
Seven north Mississippi counties were approved April 23.
The Federal Emergency Management Agency has denied a request for aid to individuals, but the Mississippi Emergency Management Agency is appealing.
MEMA Executive Director Greg Michel says more counties could become eligible later.
The state plans to seek separate disaster declarations for April 13-14 and April 18 tornado outbreaks.
Trump approved a February disaster declaration for December floods in 10 Mississippi counties.
https://www.wtva.com/content/news/more-disaster-counties--509334041.html

Oil Spill

Advisory board begins plan to select BP grant-funded projects
WLOX

GULFPORT, MS (WLOX) - The signing of the Gulf Coast Restoration Fund law was like a party.
Now, the tedious work begins to determine who in South Mississippi will get their hands on the millions of dollars in BP settlement money.
"We do have a time crunch," said advisory board chair Ashley Edwards. "Ultimately, we will have to make recommendations to the Mississippi Development Authority so they may make recommendations to the legislature before the next legislative session begins."
The advisory board for the Gulf Coast Restoration Fund met for the first time on the Coast Wednesday.
The new law created the fund that would receive annual increments of $30 million.
That money is administered by Mississippi Development Authority, acting on advice from the advisory board.
The final decision will be in the hands of the legislature.
The MDA will begin accepting applications from June 1 to July 31 through its website.
Recommendations are due Dec. 1.
"We certainly hope that the Legislature will hear the voice of the Coast," Edwards said. "We have every reason to believe they will."

The legislature has set up a number of requirements for each one of these projects. There are 15 criteria to meet. In general, the projects have to set the groundwork for sustainable economic development.
The law opens the doors to public, private and nonprofit entities.
"Quality of life, talent retention - all these things - infrastructure, it's all economic development," said Jamie Miller, MDA's deputy director for governmental affairs and chief innovation officer.
He added that this process is not the traditional economic development process.
"In the sense that this is a very public and transparent process as intended by the legislature, this is not the way a private entity would negotiate a deal based on incentives, job creation," he said.
Regardless, Pass Christian resident Tut Kinney doesn't want to see a repeat of past economic development failures.
"Hopefully, we'll not see any money, any of our tax dollars go to any private enterprise," he said. "Picking winners and losers and giving our government money to private businesses and individuals is just not in the best interest of the citizens of the Coast."
https://www.wlox.com/2019/05/01/advisory-board-begins-plan-select-bp-grant-funded-projects/

Millions in BP money is headed to South Mississippi. Who's in charge of it?
Sun Herald

A citizens advisory board prepared Wednesday to dig through South Mississippi applications for $57 million in BP economic damage funds the state will receive each year through 2033 because of the 2010 oil spill catastrophe.
Members of the Gulf Coast Restoration Advisory Board questioned how much authority they will really have in selecting projects to fund. Applications will be accepted from the public, nonprofit and private sectors. The Legislature pick projects to be funded based on two layers of advice: what GCRAB recommends to the Mississippi Development Authority, followed by MDA's recommendations to the Legislature.
MDA Deputy Director Jamie Miller agreed the board will receive applications at the same time they flow into MDA from a web portal. Miller also outlined a tentative time frame for the process:

- Begin accepting applications June 1.
- Application review begins Aug. 1.
- MDA completes scoring applications by Aug. 31.
- MDA, with input from the committee, finalizes its list of recommended projects by mid-November.
- MDA submits the list to the Legislature on Dec. 1.

https://www.sunherald.com/news/politics-government/article229898644.html

Regional

Tenn. trash fire creates massive billow of smoke, now contained
WVLT

KNOXVILLE, Tenn. (WVLT) -- A thick, black billow of smoke can be seen for miles around Knoxville as a fire erupted at a recycling center.
That fire is now contained and firefighters say they're comfortable it won't spread. Power to all homes was restored.
Fire Captain D.J. Corcoran said the smoke is black because it is rife with toxic chemicals from materials at Fort Loudon Waste and Recycling Center such as plastic and rubber that are burning.
Corcoran said it could take days to completely put out the blaze.
Firefighters said the plastic can melt, cool and then create a sort of hard crust while material underneath it continues to burn.
"It looked like the end of the world," said a child who described what she saw as she watched the fire.
Firefighters said anyone who can see or smell smoke near the recycling center needs to leave the area because of the toxic nature of the fire.
The health department issued a warning for several at-risk groups who may be especially sensitive: elderly, pregnant women, children and anyone with heart or lung disease.
Firefighters and police evacuated about 70 homes near the fire as a precaution. Public transit buses arrived to help transport people away from the scene.

What firefighters are calling a "big trash fire" covered a two-acre area. Crews brought in excavators to dig through the trash and reach the source of the fire.
It grew so large that WVLT meteorologists could see the smoke billow on radar.
The Knoxville Fire Department said a forklift backfired, shot a spark into a nearby pile of paper, and ignited the massive fire, according to an early investigation.
Several loud booms could be heard in the background of a Facebook live video as WVLT news crews gave updates from the scene. Fire crews said they believe the sound was propane tanks exploding.
Twenty five employees, who were working at the plant, were safely evacuated. No injuries have been reported so far.
Firefighters told WVLT that no homes were in danger of catching fire.
They did tell anyone stayed behind to stay inside and turn off their HVAC system. That way smoke does not circulate into their homes.
At one point, crews cut power to about 700 homes.
Officials said the call came in shortly after 1 p.m.
https://www.wtok.com/content/news/Tennessee-trash-fire-could-take-hours-even-days-to-be-put-out-firefighters-say-509329921.html

City of Memphis launches app to help customers keep up with trash collection
WMC

The city of Memphis has launched an app to help customers keep up with trash collection.
The "Memphis Curbside Collection" app will allow customers to create collection calendars, sign up for reminders, and receive service changes alerts.
City leader say the app is a way to make things easier for the public.
"This will be something that is very quick and easy to do. You don't have to worry about calling 311. It is right there at your phone any time of the day, 24/7," Recycling Manager Amanda Fryer says.
The free app will also allow customers to keep track of wen large debris can be put on the curb for pickup.
https://www.wmcactionnews5.com/2019/05/01/city-memphis-launches-app-help-customers-keep-up-with-trash-collection/

National

OSU lands $2M grant to study PFAS
Corvallis Gazette-Times

An Oregon State University research team has landed a $2 million grant from the U.S. Environmental Protection Agency to study the toxicity of a widely used class of chemicals called per- and polyfluoroalkyl substances, or PFAS for short.
Commonly used in stain repellents and coatings in a wide variety of products, these potentially harmful chemicals have caused concern because of their widespread use and persistence in the environment.
A group of OSU researchers led by Robert Tanguay will use zebrafish and mice to study the toxicity of a large collection of PFAS molecules and PFAS mixtures to help set priorities for risk management, the EPA announced in a news release.
A similar grant was awarded to the Colorado School of Mines to study the effects of PFAS in selected communities impacted by the chemicals.
https://www.gazettetimes.com/news/local/osu-lands-m-grant-to-study-pfas/article_a4a21c6f-b636-556c-be03-aeab75651f32.html

Oklahoma Becomes 30th State To Adopt Environmental 'Audit Privilege' Law
KGOU

Gov. Stitt signed a bill allowing companies to self-audit their compliance with environmental regulations and seal the records.
It's called an "audit privilege" law, and according to the EPA, 29 other states also have them. They became popular in the 1990s, after model legislation was introduced by the American Legislative Exchange Council, or ALEC.

The Oklahoma Environmental, Health and Safety Audit Privilege Act allows companies to report environmental problems, such as pollution, to the appropriate government agency and take corrective steps. Those reports then become exempt from open records laws, inadmissible in non-criminal legal proceedings and off-limits to regulators when they conduct inspections. The companies also gain immunity from penalties and prosecution. In theory, the information gleaned from these audits cannot be used against the company in a lawsuit, though there may be some discrepancy between state and federal law. The Environmental Protection Agency and Department of Justice retain the right to use self-audit reports to take legal action.

When the legislation was debated on the House Floor, Republican Rep. Mark McBride, who authored the bill, listed some exceptions to the privilege granted by the new law.

"There's no immunity for parties that repeatedly or continually commit significant violations that have not attempted to bring the facility into compliance," McBride said. "There's no immunity if violations result is substantial economic benefit, giving clear business advantage. No immunity if a violation was committed willfully, knowingly and recklessly and resulted in an injury."

Colorado was one of the first states to pass an audit-privilege law in 1993. It came after state regulators fined the Coors Brewing Company for smog-inducing air emissions at several plants. Coors was and still is one of ALEC's corporate members, and one of the company's executives at the time, Allan Auger, had previously served as ALEC's chairman.

McBride said Oklahoma's audit privilege law was modeled after Texas', which passed in 1995. He brought forth the bill at the request of Oklahoma Secretary of Energy and Environment Ken Wagner, who worked with Scott Pruitt at the EPA. Wagner says the law incentivizes good behavior, but local environmentalists argue there is no evidence to back up Wagner's claim.

https://www.kgou.org/post/oklahoma-becomes-30th-state-adopt-environmental-audit-privilege-law

Maine becomes first state to ban sale of Styrofoam

The Hill

Maine is the first state in the nation to ban Styrofoam food containers.

Maine Gov. Janet Mills (D) signed the bill on Tuesday night banning across-the-board all businesses including coffee shops and restaurants from processing, preparing, selling or offering food items in the single-use Styrofoam containers.

Anyone who violates the law could face up to $100 in fines. The law will take effect on January 1, 2021.

"Polystyrene cannot be recycled like a lot of other products, so while that cup of coffee may be finished, the Styrofoam cup it was in is not," Mills said in a statement to CNN affiliate WMTW. "In fact, it will be around for decades to come and eventually it will break down into particles, polluting our environment, hurting our wildlife, and even detrimentally impacting our economy."

The substance is made out of expanded polystyrene, one of the most widely-used plastics created with petroleum. Foam is not recyclable and does not naturally break down.

The new legislation also prohibits the use of plastic straws in state facilities.

Environmentalists cheered Maine's bill as an important step to rid the environment of plastic waste.

"Maine has proven itself an environmental leader once again, this time in eliminating disposable foam containers that have become a common, costly, and deadly form of plastic pollution," Sarah Lakeman, Sustainable Maine Director at the Natural Resources Council of Maine, said in a statement.

"With the threats posed by plastic pollution becoming more apparent, costly, and even deadly to wildlife, we need to be doing everything possible to limit our use and better manage our single-use plastics—starting with eliminating the use of unnecessary forms like plastic foam."

Mills's signature came the same day she introduced a state bill to establish a climate council.

"Today, we take another step in combating this threat, expanding our clean energy economy, and investing in our future by creating the Maine Climate Council and marshaling experts across the state to take urgent action," the governor said in a statement.

Maryland is teed up to pass a similar ban soon. The state's legislature approved a Styrofoam ban in mid-April and it is awaiting the signature of Gov. Larry Hogan (R), who has not indicated yet whether he will sign it.

Legislatures in Colorado, Oregon and New Jersey are also considering individual bills that could in some way ban Styrofoam.

With such bills those states would join Washington, D.C., which in 2016 initiated a city-wide ban on the sale of the substance.

Various other cities and municipalities have taken similar steps to address the environmental impact of single-use plastic products. New York and California have banned single-use plastic bags. The Sunshine State has also banned the sale of plastic straws in restaurants.
https://thehill.com/homenews/state-watch/441595-with-governors-signature-maine-becomes-first-state-to-ban-styrofoam

Press Releases

EPA Awards $3.9 Million to Research PFAS Challenges, Reducing Health Impacts
05/01/2019

WASHINGTON – Today, the U.S. Environmental Protection Agency (EPA) is awarding approximately $3.9 million through two grants for research that improves understanding of human and ecological exposure to per– and polyfluoroalkyl substances (PFAS) in the environment. This research is expected to help provide additional information about PFAS to federal, state, tribal, and local officials, as they work together to address these chemicals and protect public health. The research will also promote a greater awareness of how to restore water quality in PFAS-impacted communities.
"These grants will help fulfill a key goal in EPA's PFAS Action Plan: strengthening science and research in order to better understand the characteristics and impacts of PFAS," **said EPA Administrator Andrew Wheeler.** "This funding will also help researchers develop new strategies to further protect our communities and environment from harmful PFAS exposure."
PFAS are a large group of synthetic chemicals that have been in use since the 1940s. PFAS are found in a wide variety of consumer and industrial products. PFAS manufacturing and processing facilities, facilities using PFAS in production of other products, airports, and military installations are some of the potential contributors to PFAS releases into the air, soil and water. Due to its widespread use and persistence in the environment, most people in the United States have been exposed to PFAS. There is evidence that continued exposure above specific levels to certain PFAS may lead to adverse health effects.
The following universities are receiving grants:
· **Colorado School of Mines, Golden, Colorado,** to research the fate, transport, bioaccumulation, and exposure of a diverse suite of PFAS in nationally representative PFAS impacted communities.
· **Oregon State University, Corvallis, Oregon,** to study the toxicity of a large collection of PFAS and PFAS mixtures with the zebrafish assay and mice studies to identify toxic PFAS that require prioritization for risk management.
These grants support ongoing Agency efforts related to PFAS—most notably, EPA's PFAS Action Plan, which includes a long-term research approach to understanding and reducing the potential human health and environmental risks associated with PFAS.
Learn more on the grant funding at https://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/recipients.display/rfa_id/640/records_per_page/ALL
Learn more on PFAS at https://www.epa.gov/pfas.
https://www.epa.gov/newsreleases/epa-awards-39-million-research-pfas-challenges-reducing-health-impacts

HYDE-SMITH, WICKER PRAISE FINAL ANTIDUMPING DETERMINATION ON IMPORTED VIETNAMESE CATFISH FILLETS
Commerce Dept. Responds to Concerns Raised by Hyde-Smith, Wicker & Other Lawmakers

WASHINGTON, D.C. – U.S. Senators Cindy Hyde-Smith (R-Miss.) and Roger Wicker (R-Miss.) today praised a final determination on antidumping duties to be imposed on Vietnamese catfish exporters, a move that will help ensure U.S. catfish producers can compete on a more level playing field.
The International Trade Administration (ITA) this week issued its final determination on antidumping rates to impose on Vietnamese catfish exporters. The ITA action follows concerns raised by Hyde-Smith, Wicker and six other Senators last fall. In the end, the ITA found that Vietnam firms continue to violate U.S. antidumping laws and the agency imposed higher penalties on offending export companies—some penalties as high as $3.87 per kilogram on imported frozen catfish fillets.

"We are, at last, seeing the restoration of a level playing field for our catfish producers, who have had to fight unfair trade practices for years. The ITA determination is good news for our producers in Mississippi and other catfish-producing states," said Hyde-Smith. "I greatly appreciate Commerce Secretary Ross for his attention to this matter."

"This is a welcome decision for American consumers and our domestic catfish producers who raise high-quality fish for America's dinner tables," Wicker said. "I will continue working to ensure our nation's trade laws are enforced and that Mississippi's catfish farmers are not undercut by inferior and potentially dangerous foreign imports."

Last October, Hyde-Smith authored a letter that raised concerns regarding questionable ITA actions in assessing dumping activities by Vietnamese companies exporting frozen catfish fillets to the United States. A preliminary ITA determination issued in September recommended only nominal penalties on these companies. However, congressional interest in the matter prompted further investigation of dumping practices, resulting in higher penalties being assessed for violations.

The ITA determination, combined with ongoing U.S. Department of Agriculture Food Safety and Inspection Service (FSIS) catfish inspection requirements, are providing U.S. catfish producers with a fairer competitive market overall. Today, only 13 Vietnamese companies meet the U.S. food safety standards required to export catfish for consumption by Americans.

https://www.hydesmith.senate.gov/content/hyde-smith-wicker-praise-final-antidumping-determination-imported-vietnamese-catfish-fillets

State of Our Coast scheduled for May 6

BILOXI, Miss. – The Mississippi Department of Marine Resources (MDMR) will host its "State of Our Coast" meeting from 8 a.m. until 6 p.m. Monday, May 6, in Biloxi.

Speakers include Gov. Phil Bryant, U.S. Congressman Steven Palazzo (MS-4) and Ashley Edwards, president and CEO of the Gulf Coast Business Council.

"The goal for State of Our Coast is to discuss how Mississippi and its partners are progressing into the future," said Joe Spraggins, executive director of the MDMR. "State of Our Coast will focus on how we can meet our goals to enhance, protect and conserve our marine interests on our coast."

This year's theme is "Power of Partnerships," and topics include the Mississippi Coastal Map Revision Project, Embrace the Gulf 2020 and an update on Mississippi's oysters.

"State of Our Coast is a great opportunity to improve technical communication and find new opportunities for partnership in management and restoration of fisheries and other resources in the Northern Gulf of Mexico," said George Ramseur, director of the MDMR Office of Restoration and Resiliency.

The conference will also include two panel discussions – one about secure ports, Marine Patrol and Homeland Security and one about coastal partnerships for restoration.

The conference will be held at the IP Casino Resort Spa, 850 Bayview Ave. in Biloxi. For more information or to register, visit dmr.ms.gov.

http://www.dmr.state.ms.us/index.php/news-a-events/recent-news/1373-19-25-cws

Water Quality Initiative Targets Two Watersheds in Mississippi

April 29, 2019, Jackson, Miss. – The United States Department of Agriculture/Natural Resources Conservation Service (NRCS) will offer financial and technical assistance to farmers and ranchers in two impaired watersheds in Mississippi through the National Water Quality Initiative (NWQI). This voluntary program assists eligible producers in watersheds with impairments to enact conservation actions that help provide cleaner water for their neighbors and communities.

The two eligible watersheds are Porter Bayou, a tributary of the Big Sunflower River in Bolivar and Sunflower Counties and North Tippah Creek, a tributary of the Tippah River in Benton and Tippah Counties.

"Water is our greatest natural resource, and nothing can survive without it," stated Kurt Readus, NRCS State Conservationist for Mississippi. "The National Water Quality Initiative will further our partnership efforts to improve water quality and bolsters the positive results of conservation initiatives already underway."

Funding for the NWQI is provided from the Environmental Quality Incentives Program (EQIP). NRCS will provide producers with funding and technical assistance for the installation of conservation practices that include cover crops, filter strips, and terraces.

Producers can contact their local USDA Service Center to determine if they are located in one of these watersheds. There is no deadline for submission of applications for any USDA program. However, applications for the NWQI received by **May 17, 2019**, will be considered in the first ranking period.

For more information, visit the NRCS website: http://www.nrcs.usda.gov/wps/portal/nrcs/site/ms/home/
Applicants can sign up at their local NRCS office. To locate an office, please go to http://offices.sc.egov.usda.gov/locator/app.
https://content.govdelivery.com/accounts/USDANRCS/bulletins/241e268

EPA appoints Gregory Sopkin as Region 8 Administrator
05/01/2019

DENVER -- Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced the appointment of Gregory Sopkin of Colorado to become regional administrator for Region 8. Mr. Sopkin will oversee environmental protection efforts in the states of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming and in 27 Tribal Nations.
Gregory Sopkin has spent much of his career working in public service and private legal practice in Colorado. Mr. Sopkin will join the agency having worked for the last 12 years on energy, environment, and telecommunications matters. He most recently worked at Wilkinson Barker Knauer LLP.
"Greg's experience in public service and familiarity with the western region make him a great fit to lead the Region 8 office," said EPA Administrator Andrew Wheeler. "I look forward to working with Greg to advance the Agency's mission and protect human health and the environment for our mountain west residents."
Prior to entering private practice, Mr. Sopkin served as Chairman of the Colorado Public Utilities Commission from January 2003 to January 2007 where he was responsible for conducting quasi-judicial and quasi-legislative proceedings, drafting legal decisions, meeting with state legislators, and investigating service outages. He also served as Assistant Attorney General from September 1997 to August 2000 where he represented the Colorado Public Utilities Commission Staff electric, gas and telecommunications proceedings before the Commission, and the PUC in appeals to District Court, Colorado Supreme Court, and Federal Courts.
Widespread Praise for Sopkin's Appointment:
"Region Administrators play an important role in environmental regulations that greatly impact local communities," said U.S. Senator Kevin Cramer. "As a fellow former state utilities regulator, I am confident Greg will support policies and guidelines that meet the needs of North Dakota and the other states he oversees, rather than attempting to implement a one-size-fits all approach. I am thankful to Administrator Wheeler for appointing Greg, and I look forward to working with him on issues that affect our great state."
"I appreciate Gregory Sopkin's deep commitment to public service," said Colorado Attorney General Phil Weiser. "The protection of our land, air, and water depends on sound leadership at the EPA Region 8 office. Having a Coloradan with a background steeped in law and government administration will be valuable as we take on important issues in the future. I look forward to working with him."
"Greg brings a long and distinguished record of public service to this new responsibility, and I know he will serve our region well," said former Colorado Governor Bill Owens.
"I look forward to working with Greg to continue the productive working relationship that Montana and Region 8 EPA have developed over the years," said Montana Director of Environmental Quality Shaun McGrath. "While progress has been made in the past several years there is a lot work left to be done across the State. While I know that there is going to be a lot of demands on his time, I look forward to hosting him in Montana as soon as possible."
"We welcome Mr. Sopkin to his important new role and look forward to building on our constructive partnership with EPA Region 8 to protect the health of Utah's people and beautiful environment," said Utah Department of Environmental Quality Alan Matheson. "Because many environmental issues in Utah are tied to energy, his background as a practical problem-solver in this sector will be particularly valuable."
"Greg's experience and background make him an excellent choice for EPA Region 8 Administrator," said Wyoming Department of Environmental Quality Director Todd Parfitt. "With Greg's background in state

government he understands the important role that states play in preserving and protecting the environment. I look forward to continuing the collaborative relationship that has developed between Wyoming and EPA.""
"Given South Dakota's heavy reliance on agriculture for our economic base and energy to fuel our premier industries of agriculture and tourism I welcome Mr. Sopkin's leadership of Region 8," said South Dakota Public Utilities Commissioner Chris Nelson. "We look forward to his aggressive work to protect our water, air, and soil while engaging pragmatically with our affected industries."
"Greg has a rare combination of talents," said former Montana Public Service Commissioner Travis Kavulla. "He is a charismatic leader, but with a reputation for studiousness. He is unafraid to say when something that has long been done is no longer working, but he's not out to start new projects just for his or anyone else's ego. Greg is the type of person you would want in an EPA regional administrator, especially in a region that has so many major, ongoing projects, including in Montana."
https://www.epa.gov/newsreleases/epa-appoints-gregory-sopkin-region-8-administrator-0

National Fish and Wildlife Foundation Releases Assessments that Identify Target Areas for Coastal Resilience Conservation Projects

WASHINGTON, D.C. (May 1, 2019) – The National Fish and Wildlife Foundation (NFWF) today announced the release of Coastal Resilience Assessments and the creation of a new analytical tool that can identify specific coastal areas with the greatest potential to boost community resilience while also improving habitats for fish and wildlife.
"Protecting communities while benefiting wildlife is a huge win-win for coastal regions of the United States," said Jeff Trandahl, executive director and CEO of NFWF. "These assessments and this new tool will help conservation nonprofits, government agencies and local communities identify areas where they can maximize return on investment and achieve multiple community resilience and conservation outcomes."
The Regional Coastal Resilience Assessment and new Coastal Resilience Evaluation and Siting Tool (CREST) use nationwide, standardized datasets to analyze potential project sites throughout the U.S. Atlantic, Gulf of Mexico, and Pacific coastlines. The tool identifies "Resilience Hubs," areas of open space surrounding the densest population centers and immediate community infrastructure, where valuable natural resources and habitats can provide protection to human populations and critical infrastructure that face the greatest risk of flooding from coastal storms and changing sea levels. CREST is not intended to supplant but may serve as a useful complement to ongoing or completed state and community level coastal restoration and protection plans. NFWF worked with the University of North Carolina-Asheville's National Environmental Modeling and Analysis Center and partners at NOAA and NatureServe in conducting the assessments and creating CREST. The U.S. Army Corps of Engineers provided review and comment.
"Tracking down high-quality data is a challenge for local governments and organizations that are working to make their communities more resilient to the effects of climate change," said U.S. Sen. Sheldon Whitehouse. "This new tool developed by NFWF and NOAA provides a suite of resources to guide thoughtful, lasting conservation and resiliency projects in Rhode Island and coastal areas across the country. I'm pleased that this tool will also help inform grant selection through NFWF's National Coastal Resilience Fund, a program that I've championed."
Access to CREST, available online here, allows users to explore the assessments, underlying data, and to find potential restoration opportunities. In addition, users can analyze specific project sites for their benefits to fish and wildlife habitat and to community resilience. Complete data, including input datasets, are also available for download.
NFWF and its partners also completed more in-depth Targeted Watershed Assessmentsin a number of coastal areas, including:

- Portland and Midcoast Maine Watersheds (ME)
- Narragansett and Coastal Rhode Island Watersheds (RI)
- Delaware Bay and Coastal Watersheds (DE and NJ)
- Cape Fear Watershed (NC)
- Charleston Harbor Watershed (SC)
- Savannah River Watershed (GA)
- Jacksonville and Lower St. Johns River Watersheds (FL)
- San Francisco Bay and Outer Coast Watersheds (CA)

While using the same model as the Regional Assessment, these Targeted Watershed Assessments include highly detailed datasets identified through a stakeholder engagement process in each of these places. To support access and use of the products, stakeholder workshops in most of the locations will present results of the analysis and demonstrate how to use datasets in ArcGIS and the online web tool.
All assessments are available through NFWF's website here, along with final reports, maps and detailed methodology.
https://www.nfwf.org/whoweare/mediacenter/pr/Pages/nfwf-releases-assessments-that-identify-target-areas-for-coastal-resilience-conservation-projects-2019-0501.aspx

Welcome Chevron to the Gulf Star Program

Ocean Springs, MS – The Gulf of Mexico Alliance (Alliance) has welcomed Chevron USA, Inc. into their Gulf Star program. Chevron (NYSE:CVX) is one of the leading leaseholders in the Deepwater Gulf of Mexico. The company strives to build lasting relationships with communities in which it operates. Given the depth of expertise Chevron has with the region, they are an ideal partner to support the Alliance's benthic habitat mapping project as a Gulf Star partner.
Since 2009, the Interagency Working Group for Ocean and Coastal Mapping (IWG-OCM) has focused on identifying and prioritizing data layers that are significant for natural resource management. Benthic habitat maps were among a short list of crucial data layers as it is one of the most useful in coastal and continental shelf areas. Many state and federal agencies have hardbottom data sets from side-scan sonar, backscatter, lidar, and other data collection systems.
The goal of the new Gulf Star project is to have a comprehensive vision of the status and availability of benthic habitats in the Gulf of Mexico. Chevron's funding will allow the Alliance's Data and Monitoring Priority Issue Team to implement a benthic habitat mapping effort. The result of the project will be that all data sets are compiled into one comprehensive mapping platform, identifying temporal and spatial gaps in data.
"With Chevron's contribution, we can fulfill this long-standing critical need for our partners and the region. This project is the type of core programming we strive to achieve through Gulf Star," said Laura Bowie, Executive Director of the Gulf of Mexico Alliance.
Chevron joins a growing Gulf Star partnership that aims to provide funding for projects that are tied directly to Gulf economies such as sustainable seafood, loss of critical habitats, coastal resilience, water resources, living marine resources, and monitoring. The corporation participates in the Alliance's Business Advisory Council where they have established a regular role in the organization.
"At Chevron, our global vision is to be the global energy company most admired for its people, partnershipand performance," said Jaime Carbajal, Chevron's General Manager of Health, Environment and Safety in the Gulf of Mexico. "We're proud to partner with Gulf of Mexico Alliance in the Gulf Star program and this important mapping initiative. Chevron's also proud to support the Alliance's mission of enhancing the environmental and economic health of the Gulf through collaboration. Together we can bring real and lasting benefits to Gulf Coast communities."
Chevron joins recent partner Equinor along with existing Gulf Star members the Hess Corporation, Shell, Freeport-McMoRan, BHP, Anadarko, the National Oceanic and Atmospheric Administration, the Department of the Interior, and the states of Alabama, Florida, Louisiana, Mississippi, and Texas. Read more about the Gulf Star program.
https://gulfofmexicoalliance.org/2019/04/welcome-chevron-to-the-gulf-star-program/

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To: Marraccini, Davina [Marraccini.Davina@epa.gov]
Subject: News Clippings June 24, 2019

State

MDEQ warns residents about algae at Hancock County beaches
WLOX

HANCOCK COUNTY, Miss. (WLOX) - The Mississippi Department of Environmental Quality advised residents and visitors, as well as pets, to avoid contact with certain waterways that contain blue-green algae, including swimming.
https://www.wlox.com/2019/06/23/mdeq-warns-residents-about-algae-hancock-county-beaches/

ALGAE THAT CAN CAUSE RASHES, NAUSEA, DIARRHEA AND VOMITING CLOSE HANCOCK COUNTY BEACHES
WXXV

The Mississippi Department of Environmental Quality, through its Beach Monitoring Program, issued closures Saturday for the beaches in Hancock County due to a harmful algal bloom developing in the area.
https://www.wxxv25.com/2019/06/24/algae-can-cause-rashes-nausea-diarrhea-vomiting-close-hancock-county-beaches/

MISSISSIPPI LEADERS TO DISCUSS BONNET CARRE SPILLWAY WITH U.S. ARMY CORP OF ENGINEERS
WXXV

Mississippi leaders are preparing for an important meeting Monday that will play a key role in what happens next as trillions of gallons of freshwater spill into the Mississippi Sound killing marine life and business along our coast.
https://www.wxxv25.com/2019/06/24/mississippi-leaders-discuss-bonnet-carre-spillway-u-s-army-corp-engineers/

Delta backwater pumps: Lobbyists take plea to US president
WJTV

YAZOO COUNTY, Miss. (WJTV) - The Mississippi Commission on Wildlife, Fisheries and Parks supports the push for pumps in the Delta backwater.
https://www.wjtv.com/news/local-news/delta-backwater-pumps-lobbyists-take-plea-to-us-president/2093240398

Trump approves disaster aid for Warren County for April tornadoes
Vicksburg Post

Vicksburg and Warren County will be able to get some reimbursement for cleanup from the April tornadoes that hit the area.

https://www.vicksburgpost.com/2019/06/21/trump-approves-disaster-aid-for-warren-county-for-april-tornadoes/

JACKSON APPROVES CONTRACT FOR EUBANKS DESIGN WORK
Northside Sun

Jackson is poised to take another bite out of its consent decree requirements, following the recent approval of a contract to design work for the Eubanks Creek interceptor repair project. The interceptor is a major sewer main that serves residents and businesses in Fondren.
https://www.northsidesun.com/news-breaking-news/jackson-approves-contract-eubanks-design-work?fbclid=IwAR0DmtyhgjyvB8V4h7spHCTLm0A30KOas9yB-Wx4IguSnAkpGaSbixXUIJM#sthash.tbBCaThm.xPn8ruJG.dpbs

Hancock County Water and Sewer breaks ground on Lagan Street Phase II In BSL
Sea Coast Echo

The Hancock County Water and Sewer District on Wednesday hosted a groundbreaking ceremony to mark the beginning of the Lagan Street Phase II Water Project in Bay St. Louis' Ward 6.
https://www.seacoastecho.com/news/hancock-county-water-and-sewer-breaks-ground-on-lagan-street/article_998d553e-94ac-11e9-8089-1b17b3e6d8ad.html

WORLD HYDROGRAPHY DAY
WXXV

Today is World Hydrography Day! Those with the University of Southern Mississippi's hydrography program took today to show off all that they do.
https://www.wxxv25.com/2019/06/21/world-hydrography-day/

Camp, fish and paddle on this 'undiscovered' Mississippi gem
Clarion Ledger

The Buttahatchee River in northeast Mississippi is considered one of Mississippi's most pristine waterways, and more easy public access to the river is expected later this year.
https://www.hattiesburgamerican.com/story/sports/outdoors/2019/06/24/buttahatchee-river-mississippi-kayak-canoe-camping-fishing-how-to-access/1454021001/

Oil Spill

Navarre Beach gulf side improvements open on Tuesday
PNJ

Navarre residents, visitors and community leaders plan to gather Tuesday to celebrate the completion of nearly $2 million in renovations and additions to Navarre Beach Marine Park.
https://www.pnj.com/story/news/2019/06/24/navarre-beach-gulf-side-improvements-open-ribbon-cutting-ceremony/1512389001/

Regional

Algae bloom rising in Lake Pontchartrain, so stay out of the water and avoid lake fish, health department warns
Times-Picayune

Louisiana health officials are urging people to not touch the water in Lake Pontchartrain where a potentially large algae bloom is developing.
https://www.nola.com/environment/2019/06/algae-bloom-rising-in-lake-pontchartrain-so-stay-out-of-the-water-and-avoid-lake-fish-health-department-warns.html

Giant squid captured on camera for the first time in the US
CNN

Few scientists get to just go on a mission for the sake of exploring. Even fewer get to encounter rarely seen images of animals in their natural habitat. But a group of scientists on a research mission in the Gulf of Mexico got to do both.
https://www.cnn.com/2019/06/21/us/giant-squid-on-camera-in-us-trnd/index.html

National

High-stakes legal fight looms over Trump pollution rule
The Hill

Democratic state attorney generals and environmental groups are gearing up for what is expected to be a precedent-setting legal battle with the Trump administration over its rollback of an Obama-era power plant pollution rule.
https://thehill.com/policy/energy-environment/449814-high-stakes-legal-fight-looms-over-trump-pollution-rule

Cement Produces More Pollution Than All the Trucks in the World
Bloomberg

The most astonishing thing about cement is how much air pollution it produces. Manufacturing the stone-like building material is responsible for 7% of global carbon dioxide emissions, more than what comes from all the trucks in the world.
https://www.bloomberg.com/news/articles/2019-06-23/green-cement-struggles-to-expand-market-as-pollution-focus-grows?utm_campaign=news&utm_medium=bd&utm_source=applenews

EPA finalizes rule allowing less lead in dust in older homes
ABC

The Environmental Protection Agency on Friday finalized standards that would allow less lead in paint dust in older buildings, the first concrete step in the administration's action planto protect kids from exposure to lead.
https://abcnews.go.com/Health/epa-finalizes-rule-allowing-lead-dust-older-homes/story?id=63866256

Plastic Bans: What You Need to Know
Single-use plastics have become a focal point for lawmakers seeking to reduce waste, but the industry is pushing back
WSJ

Cities and states across the U.S. have been enacting a flurry of restrictions on single-use plastics.
https://www.wsj.com/articles/plastic-bans-what-you-need-to-know-11561195802

Public to be notified when city discharges sewage into Merrimack
Lowell Sun

LOWELL — When sewage enters the Merrimack River, the public must be notified, according to a new permit issued to the Lowell Regional Wastewater Utility.
http://www.lowellsun.com/breakingnews/ci_32695411/public-be-notified-when-city-discharges-sewage-into

Illinois pollution board rules Waukegan lakefront coal plant polluted groundwater with coal ash
Chicago Tribune

NRG Energy's Waukegan Generating Station located on Lake Michigan's shoreline polluted the ground water with coal ash, an Illinois regulatory agency ruled Thursday.
https://www.chicagotribune.com/suburbs/lake-county-news-sun/ct-lns-waukegan-nrg-plant-ruling-st-0622-20190621-23efbvni3fgcdid4d5sxpbwct4-story.html

Arsenic found in bottled water brands sold at Whole Foods, Target and Walmart
WCTV

High levels of arsenic are showing up in bottled water sold at Whole Foods, Target, Walmart and other vendors.
https://www.wctv.tv/content/news/Arsenic-found-in-bottled-water-brands-sold-at-Whole-Foods-Target-and-Walmart-511642641.html

The Problem With Buying Dinosaurs
Scientists worry that a booming market in fossils means higher prices and potential frauds.
WSJ

Dinosaurs are in the news these days, but it's not always for happy reasons. While paleontologists are making groundbreaking discoveries, their work is often overshadowed by outrage that yet another fossil has been auctioned off to the highest bidder.
https://www.wsj.com/articles/the-problem-with-buying-dinosaurs-11561132647

Opinion

Good things are worth waiting for
Natchez Democrat
By **Jan Griffey**

We live in an "I want it and I want it right now!" world.
But we can't always get what we want when we want it.
Such is the case with industrial and economic development. No one knows more than those involved in that pursuit that recruiting and constructing new industry and economic opportunities take time.
https://www.natchezdemocrat.com/2019/06/22/good-things-are-worth-waiting-for/

Press Releases

Commissioners support construction of Yazoo Pump Project
6/21/2019
MDWFP

The Mississippi Commission on Wildlife, Fisheries, and Parks voted unanimously to support an initiative to build a pump system in the lower Mississippi River Basin to lessen the impact of high water in Mississippi.

https://www.mdwfp.com/media/news/administration/commissioners-support-construction-of-yazoo-pump-project/

EPA Takes Important Step to Further Protect Children from Exposure to Lead-Contaminated Dust
06/21/2019

PHILADELPHIA, June 21, 2019 — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, along with Housing and Urban Development Secretary Ben Carson, announced new, tighter standards for lead in dust on floors and window sills to protect children from the harmful effects of lead exposure.
https://www.epa.gov/newsreleases/epa-takes-important-step-further-protect-children-exposure-lead-contaminated-dust

EPA Meets Another Lautenberg Deadline: Proposes Persistent, Bioaccumulative, and Toxic Chemicals Rule under the Toxic Substances Control Act
06/21/2019

WASHINGTON (June 21, 2019) — On the third anniversary of the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg), which amended the Toxic Substances Control Act (TSCA) and meeting another Lautenberg deadline, today EPA is proposing for public comment today a rule to reduce exposures to certain chemicals that are persistent, bioaccumulative and toxic (PBT).
https://www.epa.gov/newsreleases/epa-meets-another-lautenberg-deadline-proposes-persistent-bioaccumulative-and-toxic

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Subject: News Clippings June 24, 2019 -- Full Stories

State

MDEQ warns residents about algae at Hancock County beaches
WLOX

HANCOCK COUNTY, Miss. (WLOX) - The Mississippi Department of Environmental Quality advised residents and visitors, as well as pets, to avoid contact with certain waterways that contain blue-green algae, including swimming.
Twitter Ads info and privacy
The advisory was sent out after samples were collected Friday at four different beaches in Hancock County.
MDEQ warns against coming in contact with the water at the following beaches:

- Lakeshore Beach
- Buccaneer State Park Beach
- Waveland Beach
- Bay St. Louis Beach

The closures were putting a damper on the weekend for some beachgoers. Instead of dipping their toes in the water, one family visiting from Louisiana had to settle for sand.
"That sucked. I was doing some deep diving, trying to get to the deep end a little bit. Too bad I never made it, didn't make my goal," said 12-year-old Savannah Armstrong. "I just hope I don't get sick."
Contact with the toxic algae can cause rashes, stomach cramps, nausea, diarrhea and vomiting. MDEQ also advises people to not eat fish or seafood from affected waters.
Curtis Kearns worried there are too many people who don't know about the closures. He said the advisory signs posted aren't enough to warn people of the danger lurking in the water.
"I walked up here yesterday within 100 feet of the signs. There were about 40 people, not one person saw the sign. I walked up and asked them," he said.
His suggestion? A flag system.
"Keep the sign. Put the flag where the sign is," Kearns said. "Very simple. It's a no-brainer to me."
Robbie Wilbur with MDEQ said previously, flags had been incorporated along with advisory signs in Harrison County; however, the flags were stolen and/or vandalized.
Kearns is also worried this won't be the last of problems for these waters. Some believe algae blooms such as this are the direct result of the opening of the Bonnet Carré Spillway.
"To me, this is worse than BP. BP you could clean up. The only thing that's going to clean this up is the good Lord and a tropical storm," he said.
Until the waters are safe again, Armstrong and her family will have to make the best of the situation.
"Eh, me and mama, we got it covered. You can still have fun at the beach. You don't have to get in the water, because once you have your family with you, you can do all kinds of stuff," she said.
The samples were analyzed by the Mississippi Department of Marine Resources.
Anyone who has been exposed to the water should wash with soap and water. There's no time frame on when the beaches could reopen.

To receive beach advisories directly, fill out a contact form to join a public group email list, text "MDEQbeach" to 95577, or follow MDEQ on Twitter at @MDEQ.
https://www.wlox.com/2019/06/23/mdeq-warns-residents-about-algae-hancock-county-beaches/

ALGAE THAT CAN CAUSE RASHES, NAUSEA, DIARRHEA AND VOMITING CLOSE HANCOCK COUNTY BEACHES
WXXV

The Mississippi Department of Environmental Quality, through its Beach Monitoring Program, issued closures Saturday for the beaches in Hancock County due to a harmful algal bloom developing in the area. An algal bloom is the rapid growth of algae on the surface of the water.
MDEQ advises people, and their pets, to avoid contact, including swimming, with the blue-green algae because exposure can be harmful. MDEQ collected samples Friday at the four Hancock County beach stations that were analyzed by the Mississippi Department of Marine Resources.
The four beaches closed in Hancock County are:
- **Lakeshore Beach**
- **Buccaneer State Park Beach**
- **Waveland Beach**
- **Bay St. Louis Beach**

The algae can cause rashes, stomach cramps, nausea, diarrhea and vomiting. MDEQ advises that those exposed wash with soap and water and to not eat fish or any other seafood taken from these waters.
All other beaches along the Mississippi Gulf Coast remain open. MDEQ and MDMR are continuing to monitor the situation.
https://www.wxxv25.com/2019/06/24/algae-can-cause-rashes-nausea-diarrhea-vomiting-close-hancock-county-beaches/

MISSISSIPPI LEADERS TO DISCUSS BONNET CARRE SPILLWAY WITH U.S. ARMY CORP OF ENGINEERS
WXXV

Mississippi leaders are preparing for an important meeting Monday that will play a key role in what happens next as trillions of gallons of freshwater spill into the Mississippi Sound killing marine life and business along our coast.
State Attorney General Jim Hood, Secretary of State Delbert Hoseman and Joe Spraggins, executive director of the Department of Marine Resources are set to meet with Major General Richard Kaiser, commander of the U.S. Army Corps' of Engineer's Mississippi Valley Division. Kaiser decides whether to open the Bonnet Carre and also heads up the Mississippi river commission, which recommends policy, flood control and other aspects of river work.
Since the unprecedented back-to-back openings of the Bonnet Carre Spillway this year, hundreds of dead dolphins, sea turtles and other marine life have washed ashore and the low salinity caused by the spillway's fresh water is wreaking havoc on those who make a living on Mississippi waters.
Hood says filing a lawsuit would be a last resort and he hopes an agreement will be reached Monday that will address Mississippi's concerns and be agreeable to all parties. We'll let you know what happens.
https://www.wxxv25.com/2019/06/24/mississippi-leaders-discuss-bonnet-carre-spillway-u-s-army-corp-engineers/

Delta backwater pumps: Lobbyists take plea to US president
WJTV

YAZOO COUNTY, Miss. (WJTV) - The Mississippi Commission on Wildlife, Fisheries and Parks supports the push for pumps in the Delta backwater.
In 2008, the environmental protection agency blocked the project out of fear that the pumps might hurt the wetlands and the wildlife living in the area.
Recently, Miss. Gov. Phil Bryant lobbied in D.C. for water pumps, with the Trump Administration for the pumps.
The president recently approved federal disaster relief money for Mississippi, following severe storm damage to the state.
https://www.wjtv.com/news/local-news/delta-backwater-pumps-lobbyists-take-plea-to-us-president/2093240398

Trump approves disaster aid for Warren County for April tornadoes
Vicksburg Post

Vicksburg and Warren County will be able to get some reimbursement for cleanup from the April tornadoes that hit the area.
President Donald Trump on Thursday signed a disaster declaration for Mississippi and ordered federal assistance for state and local governments affected by severe storms, tornadoes, straight-line winds and flooding that occurred April 13 and 14.
The declaration covers Clarke, Clay, Itawamba, Kemper, Monroe, Oktibbeha, Warren and Yazoo counties.
It comes three days after Mississippi's congressional delegation sent a letter to the president asking him to grant Gov. Phil Bryant's request for a major federal disaster declaration in the wake of devastating storms and record flooding across the state in April. It does not cover the ongoing flooding in the Yazoo Backwater area of the Mississippi Delta.
The money will be available to state and eligible local governments and certain non-profit organizations on a cost-sharing basis for emergency work and the repair or replacement of facilities damaged by the storms, according to information from the Federal Emergency Management Agency.
Mayor George Flaggs Jr. announced the declaration at Friday's meeting of the Board of Mayor and Aldermen.
"If I tell you elephants can fly, look in the sky," he said as he made the announcement. "That's because of having a relationship paid off. We're headed in the right direction."
Flaggs said after the board meeting, "I was confident he (Trump) would do it because of the relationship I have with the President of the United States and I also thank the delegation for their support, and because of that it was declared."
Warren County Emergency Management Director John Elfer said the announcement "would appear that we got public assistance for the April 13 tornadoes. This doesn't have anything to do with flooding. We're still waiting on that."
Elfer said the money will help pay for overtime and the cost of debris removal from the April storm, adding the ball is in FEMA's court.
"The state has done its part. We're waiting on the feds," he said.
Elfer said the county's appeal for assistance for the ongoing flooding in the Delta is under appeal.
Mississippi was ravaged by tornadoes over a two-day period as lines of severe weather preceding a frontal system crossed the state April 13-14.
Three EF-2 tornadoes hit Vicksburg and Warren County in a 30-minute span on April 13, causing widespread damage and power outages. All three tornadoes had peak winds between 115 and 120 mph.
The first tornado damaged several businesses on Pemberton Square Boulevard.
The third tornado had the longest track, spawning near U.S. 61 North on Sherman Avenue and then ending an hour later 20.37 miles away in Yazoo County.
https://www.vicksburgpost.com/2019/06/21/trump-approves-disaster-aid-for-warren-county-for-april-tornadoes/

JACKSON APPROVES CONTRACT FOR EUBANKS DESIGN WORK

Northside Sun

Jackson is poised to take another bite out of its consent decree requirements, following the recent approval of a contract to design work for the Eubanks Creek interceptor repair project.
The interceptor is a major sewer main that serves residents and businesses in Fondren.
Problems with the 30-inch-wide pipe have led to numerous sanitary sewer overflows (SSOs), a major reason behind the city's need for a consent decree, as well as a contact advisory on the creek.
SSOs occur when untreated sewage leaks from the city's collector system and gets into the environment. When the waste enters waters classified as "Waters of the U.S.," the city is fined.
But the city is moving forward with plans to repair the interceptor. Last week, the council approved hiring Southern Consultants to design improvements for it.
The contract is for an amount not to exceed $313,144 and will include designing improvements for a section of the pipe running along the creek from Cavalier Drive to the Mississippi Agricultural and Forestry Museum, according to Engineering Manager Charles Williams.
"We hope to get the design done and get it bid out next year," he said.
The overflows have likely occurred because of the pipe's age. The city determined there was a problem with the interceptor a year or two ago after tracing back an SSO that occurred at the Ag Museum.
"The interceptor is a concrete line that needs to be slip-lined or cured in place," Williams said. "Concrete lines become disjointed and we want to get them sealed."
The line is approximately 50 years old, he said.
Between January 1 and March 28, the most recent data available on the city's website, 14 SSOs have reached Eubanks Creek.
Of those, three have resulted from excessive flows, meaning that water likely infiltrated the city's sewer collection system at one point.
Water infiltrates the sewer system at the interceptor following heavy storms, which cause Eubanks Creek to rise and enter the interceptor at weak/broken points.
In 2012, Jackson entered into a sewer consent decree with the Environmental Protection Agency (EPA) and U.S. Department of Justice to make repairs to the sewer system. In all, the work is expected to cost the city between $600 million and $800 million.
Jackson is currently renegotiating terms of the decree with the federal government.
https://www.northsidesun.com/news-breaking-news/jackson-approves-contract-eubanks-design-work?fbclid=IwAR0DmtyhgjyvB8V4h7spHCTLm0A30KOas9yB-Wx4IguSnAkpGaSbixXUIJM#sthash.tbBCaThm.xPn8ruJG.dpbs

Hancock County Water and Sewer breaks ground on Lagan Street Phase II In BSL
Sea Coast Echo

The Hancock County Water and Sewer District on Wednesday hosted a groundbreaking ceremony to mark the beginning of the Lagan Street Phase II Water Project in Bay St. Louis' Ward 6.
The $1 million project is fully funded by the Hancock County Water and Sewer District, engineer Jason Chiniche said. There are no grants or loans, he added.
The project includes: 34,000 feet of eight-inch PVC water main, 95 fire hydrants, and allows for the water connection for about 270 homes, that currently rely on individuals wells, Chiniche said.
Hancock County Water and Sewer District Director Mike Barr said the main goal of this project is to "provide adequate fire protection to all these customers."
"They have no fire protection right now," Barr said.
Hancock County Water and Sewer District Board Chairman Farron Hoda said this will also be a money-saving advantage for homeowners.
"If you want to save the citizens of Hancock County money, you put a fire hydrant in front of their house," Hoda said.

Providing fire protection has an impact on fire insurance rates, he added.
Barr said residents will also now have access to treated water.
"We want to thank Bay St. Louis for letting us do the project," Barr said. "If it wasn't for Josh DeSalvo, this is his ward, he helped us out a lot. Bay St. Louis is going to work with us a lot on the project as far as letting us open and cut some roads."
Barr said that a bore is also going to be installed underneath the bayou.
"A bore is where you loop your system in together," Barr said. "We're going to go underneath the bayou with a water pipe that will tie into Central and it's going to loop the entire water system in where the water system is constantly moving, and you don't just have water sitting there. When you got chlorine water, the goal is to keep it moving. The rule of thumb is, is that if you can smell chlorine in your water, nothing can live in it and it's good water."
Barr said that about 90 percent of the homeowners are "real happy" about this project.
"They've been wanting water for a long time," he said. "Some of their wells sit down here at the ground. This is a flood-prone community because it's all bayous. We're in hurricane season. 90 percent of them replace their well pump once a year because it goes under water and gets burnt up. With us, they're not going to have to worry about that. You're going to have 24/7 water, even if the power's down, we're on generator backup. So you're going to have water, no matter what."
DeSalvo, Bay St. Louis' Ward 6 Councilman, said the Hancock County Water and Sewer District board started saving money for this project back when he was a commissioner on the board years ago.
"When I went on the council, I had to resign off the board, but luckily the commissioners that stayed on the board saw the same vision and need for water back here and development," DeSalvo said. "Financially, we had set a plan in place when I was there. When I was removed, they kept the money in place and put the money in a savings account to fund this project."
DeSalvo said it will make the area more attractive to developers and pave the way for the city to obtain bond issues for paving and infrastructure improvements in Ward 6.
"Ward 6 being annexed, they felt like they never got the service they completely deserved," DeSalvo said. "This is one step closer to getting the services to the people of Ward 6."
Hoda said that the district wants to provide more water to more residents and is also ready for more growth.
"Water costs more than sewer to install," he said. "I'd love to do more."
https://www.seacoastecho.com/news/hancock-county-water-and-sewer-breaks-ground-on-lagan-street/article_998d553e-94ac-11e9-8089-1b17b3e6d8ad.html

WORLD HYDROGRAPHY DAY
WXXV

Today is World Hydrography Day! Those with the University of Southern Mississippi's hydrography program took today to show off all that they do.
USM held their Hydrography Day at their marine research center in Gulfport. They showcased what they use to map the ocean bottom, not just for navigation safety, but for many other things that are needed to understand what's happening in the water.
They had vessels, sail drones, and other displays up to show how they do their research. Many industry partners were there as well, like Navy and NOAA members.
USM's hydrography program is steadily growing with new technologies used every day. USM Hydrographic Science and Research Center Director Brian Connon said, "The folks coming out here, you know, have that certification, have that master's degree and they go on and it's great for me today to see them working for industries, working for NOAA, working for the Navy. You know, all the alumni that are here from USM and we really make an impact worldwide on hydrography."
Since their start, USM has graduated over 200 students from 25 different countries with their hydrography program.
https://www.wxxv25.com/2019/06/21/world-hydrography-day/

Camp, fish and paddle on this 'undiscovered' Mississippi gem
Clarion Ledger

The Buttahatchee River in northeast Mississippi is considered one of Mississippi's most pristine waterways, and more easy public access to the river is expected later this year.
"We own just a little bit shy of 20,000 acres," said James Cummins, executive director of Wildlife Mississippi. "Of that, 8,500 is on the Buttahatchee. That's 28 miles."
Wildlife Mississippi is an organization that acquires property for conservation purposes and public use. The 8,500 acres it owns on the Buttahatchee River has been accumulated over about 14 years and continues to grow in size. Cummins said a few weeks ago an additional 116 acres were purchased.

More public access on Buttahatchee: Here's what's planned

According to Cummins, several projects are planned for this summer for a 28-mile stretch of riverfront property owned by Wildlife Mississippi:

· Series of water access points for small fishing boats, canoes and kayaks. Currently there are three and at least four more are to be added. "We're spacing them so you can do half-day and full-day floats," Cummins said.

· Addition of small parking areas and Adirondack-style shelters at each of the launches that paddlers can use to get out of bad weather.

· Cleared areas at each of the new launches for primitive camping to complement camping already available on sandbars.

Buttahatchee River great for paddlers of all skill levels

The projects will allow unprecedented access to one of Mississippi's unique rivers.
"It's very unique to the state," Cummins said. "It really is an undiscovered gem.
"The Buttahatchee, in my opinion, is one of the prettiest rivers in Mississippi. In fact, Buttahatchee means 'pretty river' in Chickasaw."
And the relatively cool water that flows over the river's gravel substrate is home to some unusual species.
"It has the gulf strain of walleye," Cummins said. "When you think of walleye you don't think of Mississippi. It has six federally threatened or endangered mussel species."
Matt Wagner with the Mississippi Museum of Natural Science has done research on the Buttahatchee River, studying a small fish known as the speckled-belly mad tom and has become quite familiar with the river.
"I've floated every mile of it in Mississippi," Wagner said. "It's fairly unmodified.
"There's lots of current. It's nice to float it in a kayak. You can almost cruise down the Buttahatchee without paddling."
With its ripples, runs and pools, Wagner said the river is approachable for paddlers with basically any skill level other than during winter and spring high-water periods. He said water levels are most suitable for paddling from May until November.
Cummins said fall is especially nice time to be on the river.
"It's a beautiful fall float — very much so in either a canoe or kayak," Cummins said. "That would also be a great time to do some fishing.
"The most popular (species) are going to be sunfish, spotted bass, walleye and catfish, too."

Buttahatchee River natural, quiet

Cummins pointed out that the river is the only stream in Mississippi other than Black Creek that is federally designated as wild and scenic. In part, that's because there is little development along it.
"It's a very natural river," Cummins said. "There is very little population on it. It has some in Alabama, but very little in Mississippi."
Judy Simon, a former Mississippian now living across the state line in Vernon, Alabama, said she and her husband, along with their sons, prefer paddling the Mississippi section of the river due to the solitude.
"I really like Bear Creek because it's pretty, but there's a ton of people on it," Simon said.
"The Buttahatchee is a little more slow, quiet and calm. That's kind of what you like about nature is there's not so many people."
Simon said she and her family enjoy the pace of the river and the scenery, particularly in the fall. However, she said access is limited because one launch is currently closed to the public,

leaving only two in Mississippi's portion of the river. Simon said additional access will increase her time on the river.
"Oh, definitely," Simon said. "And if it's 28 miles, we've been wanting to do some two to three-day trips. That would be awesome."

How to access the Buttahatchee River

· To view an interactive map of public boat ramps on the Buttahatchee River and other waters in Mississippi visit www.mdwfp.com.
· Locations of the planned ramps will be made available by Wildlife Mississippi upon completion.

https://www.hattiesburgamerican.com/story/sports/outdoors/2019/06/24/buttahatchee-river-mississippi-kayak-canoe-camping-fishing-how-to-access/1454021001/

Oil Spill

Navarre Beach gulf side improvements open on Tuesday
PNJ

Navarre residents, visitors and community leaders plan to gather Tuesday to celebrate the completion of nearly $2 million in renovations and additions to Navarre Beach Marine Park.
More than 200 parking spaces, six of which are ADA-accessible, an accessible beach access boardwalk, two outdoor showers, a restroom pavilion and an observation platform officially open for use with Tuesday's ceremony at the Blue Heron pavilion at 10 a.m. on Navarre Beach.
The enhancements also include three ADA-accessible pavilions. The Sea Horse and Barracuda pavilions, each with six picnic tables and six charcoal grills, accommodate up to 50 people. The larger Blue Heron pavilion includes 12 picnic tables and eight grills, allowing for a crowd of 100 people, according to the Santa Rosa County Public Information Office.
“Our beach pavilions are very popular for family cookouts and parties, so our new wheelchair accessible picnic tables will be especially appreciated,” said Julie Morgan, Santa Rosa County's tourist development director.
Rental requests for the additions are already flowing in.
“With the addition of these amenities, we hope this will increase the value of the beach experience to our visitors,” Morgan said.
Prior to the project, Navarre Beach Marine Park had nine pavilions, four bathrooms, two ADA-accessible mobility mats and a kayak launch and walkover, said Sonja Lusk of Navarre Beach Utilities Office.
In 2010, the county began pursuing design and construction grant opportunities due to the Deepwater Horizon oil spill damage and an increasing demand for the park’s amenities.
Natural Resource Damage Assessment accepted the county’s funding request, and the project was later included in the December 2013 Phase III Early Restoration Plan, said Sheila Fitzgerald, Santa Rosa County grants and special programs director.
The plan was formally approved in 2014, and the Florida Department of Environmental Protection, in accordance with Santa Rosa County, took to managing the project.
The final cost of construction for the gulf side improvements totals $1,962,078.

https://www.pnj.com/story/news/2019/06/24/navarre-beach-gulf-side-improvements-open-ribbon-cutting-ceremony/1512389001/

Regional

Algae bloom rising in Lake Pontchartrain, so stay out of the water and avoid lake fish, health department warns
Times-Picayune

Louisiana health officials are urging people to not touch the water in Lake Pontchartrain where a potentially large algae bloom is developing.
Pets should also not be allowed to drink from or swim in the water, and people are advised not to eat fish that have been in water with the algae.
The blue-green algae is made up of cyanobacteria, which can produce a variety of toxins. It can cause rashes, stomach cramps, nausea, diarrhea and vomiting, the Louisiana Department of Health said in an advisory Friday (June 21). High exposures can also affect the liver and nervous systems.
Anyone exposed should wash with soap and water, and people should see their doctor if they think they are ill.
Algae can accumulate in the organs of fish, so it's advised that fish from water with algae are not harvested or eaten, the health department said.
While the health department did not discuss the cause of the algae bloom, openings of the Bonnet Carre Spillway have been linked to past blooms. The spillway was opened in May, for the second time this year, diverting Mississippi River water into Lake Pontchartrain to prevent flooding. The freshwater from the river carries comparatively high levels of nutrients, including fertilizer from Midwest farms and untreated or incompletely treated sewage from communities along the river and its tributaries, into the lake. Those nutrients can cause algae blooms.
https://www.nola.com/environment/2019/06/algae-bloom-rising-in-lake-pontchartrain-so-stay-out-of-the-water-and-avoid-lake-fish-health-department-warns.html

Giant squid captured on camera for the first time in the US
CNN

Few scientists get to just go on a mission for the sake of exploring. Even fewer get to encounter rarely seen images of animals in their natural habitat. But a group of scientists on a research mission in the Gulf of Mexico got to do both.
The two-week mission was funded by the National Oceanic and Atmospheric Administration's Office of Ocean Exploration and Research. Scientists Dr. Edie Widder, Dr. Sönke Johnsen, and Dr. Nathan Robinson, along with their crew, dove their cameras into the depths of the ocean to capture any life beyond the human eye. At just over 100 miles from Louisiana and Alabama, they made a historic discovery: a giant squid in US waters.
The team deployed technology called the Medusa camera fit with a special lure name the electronic jellyfish five times during the trip to attract deep sea animals. Because infrared light is absorbed in the ocean, Widder, who is the founder of Ocean Research and Conservation Association, tells CNN that the light on the lure is uniquely designed. It's the same technology Widder used in 2012 to capture the first Giant Squid ever recorded on video in Japan.
Widder didn't think she would get the chance to see the animal again.
The camera's five deployments each took 24 hours to complete, so by the time Robinson sat down to review the film there was over 120 hours of coverage -- and the surprise was waiting at the very end.
"I started to see a tentacle and I got more and more excited and then when the tentacles pulled back there aren't words to describe it," Robinson, director of Cape Eleuthera Institute in the Bahamas, told CNN.
Robinson said he then gestured to Widder to come see what he found. When she came over he said there was a moment that it dawned on them that history is being made.
It's the second time in Widder's career and the first time in US waters that a giant squid had been captured on film over 750 meters underwater.
Robinson said they knew it was a giant squid for several reasons, but the biggest two were the body shape and the arrangement of the suckers.
"We all proceeded to go slightly nuts," Widder said. "We know so little about how these animals survive in the depths... this helps us learn something more about how they hunt and their energy budget, but we need to know a lot more."
Widder continued by explaining that all of the giant squids could be gone before we even know how many are in the ocean.

Dr. Johnsen, leader of expedition and professor of biology at Duke University, said the discovery will help environmental conservation by uncovering an animal people can't normally see.
"It's easier to see whales and dolphins, but it's very difficult to get excited about the something covered in thousands of tons of water," Johnsen said. "At a time in the world when the environment is in crisis people protect what they love, and they love what they see."
All of the scientists talked about how the discovery can help to engage the public and get others involved in conservation efforts. By seeing the animals in their natural habitat it can grow a love for animals that are not as visible to humans.
"Love of nature is a stronger force for conservation than fear of doing the wrong thing," Johnsen said.
https://www.cnn.com/2019/06/21/us/giant-squid-on-camera-in-us-trnd/index.html

National

High-stakes legal fight looms over Trump pollution rule
The Hill

Democratic state attorney generals and environmental groups are gearing up for what is expected to be a precedent-setting legal battle with the Trump administration over its rollback of an Obama-era power plant pollution rule.
They argue the new Trump rule won't do enough to stop climate change and that the administration is ignoring the Clean Air Act's (CAA) requirement that the federal government manage pollution that is harmful to human health.
There are high stakes. A loss on their side could limit the EPA's ability to address climate changing pollution in administrations to come, an outcome the Trump EPA is banking on.
"If it's upheld, this new highly constrained legal interpretation that they've put forward here could really hinder the use of the Clean Air Act in the future as a tool for reducing climate-changing pollution," said Lissa Lynch, an attorney with the Natural Resources Defense Council (NRDC).
NRDC is one of a handful of environmental groups, along with a number of state attorney generals who have said they plan to sue over the rule.
The EPA's new rule is a replacement for former President Obama's Clean Power Plan (CPP) rule, which targeted emissions from coal plants and sought to move the country from its reliance on coal. The rule never took effect amid a number of legal challenges that are still moving through the courts.
The replacement rule, unveiled by the Trump EPA on Wednesday, is designed to give states more time and authority to decide how to implement new technology to ease net emissions from coal-fired plants.
The Trump administration argues that the Obama rule was too extreme, and their emissions replacement, the American Clean Energy (ACE) rule, focuses more narrowly on technology power plants can use to reduce their pollution.
"This regulation does not cap emissions, does not set a state-wide cap or a facility cap — we don't cap emissions, we limit emissions rates," a top EPA official told reporters on a call the day the ACE rule was announced.
The decision not to cap emissions under the final rule has critics up in arms.
They note that the CAA requires the EPA to regulate pollution from sources the agency has determined endangers public health and welfare. The agency has included power plants as one such source since the 1970s.
The CAA requires such challenges within 60 days after a rule has been filed.
At least nine attorneys general have criticized the new rule and are expected to file lawsuits soon.
"The coal lobbyists and climate deniers running the Trump Administration wrote every word of this unjustifiable and illegal rule that will pollute the air, explode emissions, and cost thousands of lives," Massachusetts Attorney General Maura Healey (D) said in a statement.

"Massachusetts is committed to addressing the climate crisis and the public health impacts on our residents, and we will be suing to stand up for science and federal law."
The legal battle will largely boil down to how much action the CAA requires of the EPA.
The EPA will likely argue that Obama's rule stepped beyond its authority by trying to shift more power generation to renewable sources.
"It looked at the power sector as a whole and relied upon the idea that the regulation could effectively force reductions at coal plants," the senior EPA official said. "We believe this is not legal and goes well beyond our authority of the Clean Air Act."
The EPA wants to limit regulations to things physically connected to power plant operations.
But Lynch, with the NRDC, said that would stymie future administrations from addressing climate change.
"What they want is a court ruling that says the best system of emission reduction is limited to these tiny minor tweaks that do nothing, and then the EPA can do nothing going forward to address pollution," she said. "That's what the EPA wants."
Lawyers planning to sue over ACE say the rule is so weak it ignores EPA's legal obligation to address harmful pollution. They will argue that the law compels the agency to take tougher steps.
"The statute requires maximum feasible emissions reduction," said Andres Restrepo, a lawyer with the Sierra Club, which is also planning to sue over ACE. "This comes nowhere near doing that."
Restrepo said the law allows for a program that includes broader policy measures that could be implemented outside of the four walls of a coal plant.
"Power plants can run less frequently, less intensely; there can be renewable generation that fills up the gaps," he said.
Restrepo said a court ruling could span a number of possibilities. Rather than siding squarely with environmentalists or the agency, a court could rule that ACE is just one of the appropriate ways EPA can interpret the CAA.
Joseph Goffman, one of the original drafters of the CAA and a former associate assistant administrator for climate in EPA's Office of Air and Radiation under Obama, said the EPA is taking "an extremely limited read" of the law.
He said the EPA will likely welcome a lawsuit in the hopes that courts could clarify that the agency does not need to regulate emissions in the way Obama attempted.
"This isn't anything other than the current leadership at EPA trying to establish a legal precedent," he said in a call with reporters earlier this week.
The EPA did not respond to a request for comment.
Goffman cautioned though that the legal outcome would be hard to predict.
"I don't think either side can anticipate a slam dunk," he said.
https://thehill.com/policy/energy-environment/449814-high-stakes-legal-fight-looms-over-trump-pollution-rule

Cement Produces More Pollution Than All the Trucks in the World
Bloomberg

The most astonishing thing about cement is how much air pollution it produces.
Manufacturing the stone-like building material is responsible for 7% of global carbon dioxide emissions, more than what comes from all the trucks in the world. And with that in mind, it's surprising that leading cement makers from LafargeHolcim Ltd. in Switzerland to Votorantim Cimentos SA in Brazil are finding customers slow to embrace a greener alternative.
Their story highlights the difficulties of taking greenhouse gases out of buildings, roads and bridges. After wresting deep cuts from the energy industry, policymakers looking to extend the fight against global warming are increasingly focusing on construction materials and practices as a place to make further reductions. The companies are working on solutions, but buyers are reluctant to pay more.
"There is so far too little demand for sustainable materials," said Jens Diebold, head of sustainability at LafargeHolcim. "I would love to see more demand from customers for it. There is limited sensitivity for carbon emissions in the construction of a building."

While architects and developers concentrate on the energy used by their buildings, it's actually the materials supporting the structure that embody the biggest share of its lifetime carbon footprint. Cement's contribution to emissions is especially immense because of the chemical process required to make it.

About two-thirds of the polluting gases that come from cement production stem from burning limestone. Kilns are heated to more than 1,400 degrees Celsius (2,600 Fahrenheit), about four times hotter than a home oven set to the self-clean cycle. Inside the kiln, carbon trapped in the limestone combines with oxygen and is released as CO2, the most abundant greenhouse gas.

A ton of cement yields at least half a ton of CO2, according to the European Cement Association. That's more than the average car would produce on a drive from New York to Miami. And a single mixer truck can carry about 13 tons. Hundreds or even thousands of tons go into ordinary office buildings.

Why Cement Pollutes So Much

Carbon dioxide is produced when making clinker, a key ingredient for cement

The scale of the problem has drawn the attention of research groups like the IEA and Chatham House along with policymakers from the C40, which represents the world's largest cities. The IEA estimates cement production will rise 12% to 23% by 2050, though it could cut emissions with a series of actions. All the groups are looking for levers to prompt change."It's very difficult," Shirley Rodrigues, deputy mayor for London and a C40 board member, said in an interview. "What we can do is to start to send a signal. We've got a new requirement for developers that they must develop a circular economy statement to show how they will reduce, reuse and recycle materials."

Cement makers are responding but have found customers hesitant. LafargeHolcim, the second-largest maker by capacity, once launched a carbon-free product. It was more expensive and used a different production process. Customers were "very price sensitive" and didn't show interest, Diebold said. Buyers acknowledge that cost is crucial.

"There are cement products with lower environmental impact, but they usually cost more than the normal ones," said Lennart Henriz, chairman of the sub-commission on environment at the European Construction Industry Federation. "There are many types of strict targets on the European construction sector. But sometimes there is a lot of talking but low action."

Cost is a problem because greener forms of cement can cost triple what the traditional mix does. Researchers led by Brett Tempest at the University of North Carolina at Charlotte found a yard of geopolymer cement may reach $161, while the most commonly used Portland variety is $51, their 2015 paper in the PCI Journal published by the Precast Concrete Institute.

What comes out of the kiln is called clinker, the key raw ingredient of cement. It's the substance that, when mixed with gypsum and water, binds with gravel to harden and form concrete. Many companies are working to cut the amount of clinker in their cement, which requires new and sometimes untested recipes.

Others are looking at substitutes. Those include fly-ash, which comes from the chimneys of plants that burn coal, or slag from steel-making blast furnaces. They trigger a chemical reaction and form what's known as a geopolymer binder.

Geopolymer cement has performance advantages and a huge sustainability edge over traditional mixes, according to Cameron Coleman, chief executive officer of Wagners Holding Co., which is based in Toowoomba near Brisbane in Australia.

Wagners has poured its Earth Friendly Concrete for taxiways at the Brisbane West Wellcamp Airport as well as in foundations and wall panels for the terminal building. While it's gaining customers, Wagners still needs more regulators to sign off on using the material in more applications. The availability of slag and fly ash is also a challenge in some countries.

"This alternative eco-friendly binder technology reduces the carbon emissions associated with normal Portland cement by 80% to 90%, and also has a much lower embodied energy," Coleman said by email. "We have been working with leading companies in South East Asia, New Zealand, India, Europe and the Middle East who are extremely interested in adopting this technology."

Brazil is one place making rapid progress, partly because of the availability of raw materials such as pozzolan, a type of siliceous and aluminous material that results in a product with the same technical properties as the traditional cement.
The country has one of the lowest clinker contents in the world for its cement, below 70% in 2014. That compares with 75% in Europe. Brazil aims to reduce that ratio to about 50% by 2050, according to Alvaro Lorenz, global director of sustainability at Votorantim Cimentos, one of the largest cement producers in Latin America.
That strategy won't work for long in Europe and the U.S., where fly-ash is the main clinker substitute and coal plants are closing. There, the focus is on efficiency and using fossil-fuel alternatives for heat. The European Cement Association says its producers already get 44% of their energy from cleaner sources and wants to raise that proportion to 60% by 2050. Instead of using coal, it's creating heat with used tires, mineral oil and industrial waste.The next frontier would be using carbon capture and storage devices to siphon off pollutants and trap them underground permanently. That technology isn't in widespread use and would be expensive – hundreds of millions of dollars for each factory – but it could reduce emissions 80% by the middle of the century.
Cement makers know they must act not only because pollution rules are tightening everywhere, but also because the cost to emit CO2 has pressured their revenues. Companies are paying more for carbon allowances, which has "a serious cost impact for the cement industry," said Koen Coppenholle, chief executive officer of the European Cement Association.
What's less certain is the desire of developers and construction companies to buy greener products. Without action from policymakers, green cement may remain a low priority for the builders, said Tiffany Vass, who assesses energy technology and policy on the IEA's industry team.
"I don't believe the pressing need for decarbonization has broadly reached the construction industry in many parts of the world," Vass said.
https://www.bloomberg.com/news/articles/2019-06-23/green-cement-struggles-to-expand-market-as-pollution-focus-grows?utm_campaign=news&utm_medium=bd&utm_source=applenews

EPA finalizes rule allowing less lead in dust in older homes
ABC

The Environmental Protection Agency on Friday finalized standards that would allow less lead in paint dust in older buildings, the first concrete step in the administration's action planto protect kids from exposure to lead.
The Centers for Disease Control has said that no level of lead exposure is considered safe for children and that about half a million children in the U.S. have levels of lead in their blood high enough to qualify as lead poisoning. Lead dust from chipped paint is the number one source of children's exposure to lead.
The Trump administration, specifically EPA and HUD, have said that they aim to drastically reduce lead exposure through dust, water, and food. But the Obama administration also set goals to eliminate lead exposure by 2020 and experts say they have been warning about the risk of any lead exposure to children for decades and the government has been too slow to update the standards.
The new rule requires public housing and facilities built before 1978 that are occupied by children, like schools and daycare facilities to test for lower levels of lead on window sills, floors, and other surfaces and take steps to reduce levels if they're above the limit. The new rule will allow a fourth of the amount of dust considered acceptable on floors under the previous rule and a tenth of the amount previously allowed on windowsills.
EPA administrator Andrew Wheeler said he didn't know why it's taken the agency more than 20 years to update the lead dust rule but that, after a lawsuit was filed early in the Trump administration, they worked quickly to implement it to meet those deadlines.
"These numbers are then used by HUD and by states and other regulatory bodies and it will it should improve the health of children. It will allow people to know what is the cleanup

standard for lead paint and dust and it should provide a lot more guidance to homeowners, to parents and particularly to parents of children in daycare, schools places where their children will be during the day," he told ABC News.
The rule will have a direct impact on 3 million public housing units around the country. Housing and Urban Development Secretary Ben Carson said the rule represents an opportunity to do something about a problem he saw personally when working as a pediatric neurosurgeon in Baltimore.
"Many times I would be operating all night long trying to give them a second chance at life but a few days later a horrible dilemma. I just send them back into that environment," he said.
The government has struggled to enforce regulations on lead in buildings like schools, for example, which is mostly left to state oversight. A government watchdog reported last year that less than half of schools in the U.S. test for lead in drinking water and that money from federal lead programs has been shifted to other issues.
The lead dust rule will go into effect in 180 days. Wheeler said EPA is on track to finalize new rules for lead and copper pipes later this summer.
https://abcnews.go.com/Health/epa-finalizes-rule-allowing-lead-dust-older-homes/story?id=63866256

Plastic Bans: What You Need to Know
Single-use plastics have become a focal point for lawmakers seeking to reduce waste, but the industry is pushing back
WSJ

Cities and states across the U.S. have been enacting a flurry of restrictions on single-use plastics.
Maine and Vermont just passed statewide bans on plastic bags, while Orlando, Fla., and Palo Alto, Calif., have both pushed through local restrictions on plastics this month.
Since the start of 2019, 200 bills related to single-use plastics have been introduced in state legislatures, according to the National Caucus of Environmental Legislators. Single-use plastic includes products like plastic bags or carryout utensils from restaurants, made to be employed once and then thrown out or recycled.
Here's what you need to know about the measures:
What are these bans?
These aren't uniform laws—they vary in size and scope. The more basic bills ban thin plastic bags from grocery stores and other relevant retailers. Some legislation mandates fees ranging from about 5 cents to 10 cents on carryout bags. Others ban thin plastic bags but charge fees for alternatives, including paper, reusable and compostable bags.
Plastic bags have become the main target of wider sustainability efforts because of their accessibility, said Jennie Romer, a lawyer and sustainability consultant who advocates for these laws on the state and city level.
"Plastic bags are an issue that is approachable," Ms. Romer said. "That's a big reason why we've seen such an explosion of plastic laws."
They aren't the only target. This year, state legislatures in Maine and Maryland passed bills banning plastic-foam containers. And in 2018, a series of plastic-straw bans hit citiesincluding New York and San Francisco, as well as companies like Starbucks.
Why now?
Increased attention on litter and ocean conservation—piqued by images of dead whales with stomachs full of plastic bags and garbage patches filled with bags and other plastics floating in the ocean—is helping make the issue a hot topic in homes and statehouses.
"This is connecting to people's lives in a real and dramatic way," said Jeff Mauk, executive director of the National Caucus of Environmental Legislators, an environmental issue-based network of lawmakers.
The push for these bans is also due, in part, to 2018 restrictions China imposed on waste imports, including plastic scrap materials, advocates say.
Plastic bags aren't biodegradable, and recycling companies and advisory groups discourage people from recycling them. The bags, which can get tangled in equipment and disrupt

processing, “are a nuisance to the industry,” said Brandon Wright, of the National Waste & Recycling Association trade group.
Plastic-bag manufacturing groups say the bags can be recycled and reused. Some grocery stores and retailers like Walmart have drop-off bins, and some cities have separate recycling options.
Cold, Shiny, Hard Plastic
What are the drawbacks?
Industry groups argue that restrictions and added fees place a burden on consumers and businesses, and don’t take into account the environmental negatives associated with producing alternatives.
Plastic bags help protect people from illnesses brought on by contact with meat or produce, said Grant Kidwell, director of the energy, environment and agriculture task force at the American Legislative Exchange Council. The nonprofit, comprised of conservative state legislators, helped produce a model for pre-emptive legislation prohibiting plastics bans.
Mark Seaholm, executive director of the American Progressive Bag Alliance, which represents plastic-bag manufacturers and lobbies against bans and fees, said while he is open to having conversations about broader waste-reduction, plastic bags have become a “low-hanging fruit.”
“If we just continue on this path toward banning everything, you end up with a hodgepodge of local laws that don’t work for consumers, don’t work for businesses and miss the mark on the environment,” Mr. Seaholm said.
Where are bans in place?
The U.S. has no federal restrictions on single-use plastics, but states and cities have been pushing their own legislation. Four states, including California and New York, have passed statewide bans, and Hawaii has a de facto ban.
More city ordinances have helped influence state-level work. At least 414 local ordinances related to plastic bags have been passed in 28 states and Washington, D.C., according to Ms. Romer, who operates plasticbaglaws.org, a website that tracks these issues.
But a number of state legislatures, including those in Oklahoma, Tennessee and North Dakota, have taken steps to stop plastics bans with pre-emptive laws prohibiting cities from passing their own restrictions, according to the National Conference of State Legislatures.
Do these laws work?
It is hard to determine the success of these bans, as many only went into effect over the past few years, advocates have said. But reports from states where laws have been in place longer give some insight into their effectiveness.
Before local and statewide bans were implemented in California, plastic bags constituted 8% to 10% of litter picked up during a coastal cleanup day, according to a February 2019 report from the California Department of Resources Recycling and Recovery. In 2017, three years after a Los Angeles ordinance went into effect and a year after a statewide ban, 3.87% of coastal cleanup litter was plastic bags.
A 2018 study commissioned by the city of Chicago found a decrease in the amount of bags used per customer at a grocery store, from 2.3 bags per trip to 0.51 bags per trip, after a $0.07 fee was introduced in early 2017.
https://www.wsj.com/articles/plastic-bans-what-you-need-to-know-11561195802

Public to be notified when city discharges sewage into Merrimack
Lowell Sun

LOWELL — When sewage enters the Merrimack River, the public must be notified, according to a new permit issued to the Lowell Regional Wastewater Utility.
The permit from the U.S. Environmental Protection Agency is not yet finalized —public comment continues until July 8. However, it represents one of a number of recent attempts to require more timely and publicly available information about discharges into the Merrimack River.

Last year, communities along the Merrimack River released 800 million gallons of untreated sewer and stormwater runoff into the waterway, which was once one of the most polluted in the country but since has been cleaned up.

The discharges are the result of old infrastructure still used in some cities — including Lowell — that combine sewer and stormwater run-off into one pipe.

When it rains, these systems fill with rainwater. If it rains enough, the influx of water can overload the system, resulting in the release of some of the combined run-off/sewage into the river.

The EPA issued Lowell Regional Wastewater Utility's previous permit in 2010. It required the city to notify only the EPA and the Massachusetts Department of Environmental Protection when sewage is released into the river, according to John Senn, an EPA spokesman.

The new, proposed permit would require the city to notify the public and downstream communities within four hours of "becoming aware" of the discharge. The document does not define how the public should be told about these discharges, but Senn said electronic means of notification, like posting on the treatment plant's website, are allowed.

Proposed permits for treatment plants in North Andover and Haverhill institute the same notification requirements.

All three plants would also be required to post an annual report summarizing these releases.

Executive Director of the Lowell Regional Wastewater Utility Mark Young said employees are reviewing the proposed permit this week and next. They may respond to the EPA with questions or requests, he said.

According to Young, the city already notifies the public of these discharges.

"What we do kind of goes above and beyond what a lot of other treatment plants do," he said.

About two months ago, he said the city started offering email alerts that residents could sign up for on the city's website.

Before this, employees would notify downstream communities by calling — a time consuming process that limited how many people they could tell, according to Young. These calls went to downstream drinking water plants, fisheries and watewater treatment facilities, he said.

The city does not post signs, regarding these discharges, but the water at Rynne Beach on the river is tested hourly, according to City Manager Eileen Donoghue. Depending on the results, the beach may be closed.

Efforts to require communities to notify the public are taking place at both the state and national level.

This week U.S. Reps. Lori Trahan and Seth Moulton introduced a bill that would require local governments to alert residents within four hours of these discharges. It sets aside grant funding communities can use to create this alert system, according to a press release from Trahan's office.

"There's no question that the federal government has an obligation to help municipalities like Lowell, Lawrence, Haverhill, and Manchester make urgently needed upgrades to their sewer infrastructure to help prevent this sort of pollution, which is why I have a bill to do just that," Trahan said. "But we can't wait, we must take precautions to alert residents when contaminants are released into the river possibly jeopardizing their health and wellbeing."

Trahan introduced different legislation this year to increase funding for the federal Stormwater Reuse Municipal Grant program from $250 million to $500 million.

Earlier this year, State Rep. Linda Campbell, D-Methuen, introduced a bill that would require plants to send out an advisory within two hours of a discharge.

State Rep. Diana DiZoglio, D-Methuen, took a different approach to the same issue. She filed a bill requesting MassDEP create a color-coded system of warning flags. They would be displayed at public beaches, boat launches and other areas of recreation along the Merrimack River.

Pushes for a more robust notification system accompany efforts to reduce the amount of untreated sewage released into the river. Last week, Lowell City Council approved $112 million in funding for a ten-year plan to address the city's water and wastewater system.

Over the past fifteen years, Lowell has spent $100 million on this effort, according to Young. Over that period, he said sewer and wastewater runoff has been reduced by 70 to 80 percent.

City Chief Financial Officer Conor Baldwin said while efforts continue, the city has already made a lot of progress.
"We spent a lot of money to get here," he said.
http://www.lowellsun.com/breakingnews/ci_32695411/public-be-notified-when-city-discharges-sewage-into

Illinois pollution board rules Waukegan lakefront coal plant polluted groundwater with coal ash
Chicago Tribune

NRG Energy's Waukegan Generating Station located on Lake Michigan's shoreline polluted the ground water with coal ash, an Illinois regulatory agency ruled Thursday.
The Illinois Pollution Control Board's interim order, released to the public Friday, is the result of a complaint filed by the Sierra Club and other environmental groups in October 2012 that alleged the Waukegan plant and three other Illinois plants broke state pollution laws and regulations.
The board concluded that it was "more probable than not" the high levels of boron, sulfate and other contaminants found during groundwater monitoring at the Waukegan plant was caused by the plant's operations and was coming from either, or perhaps both, the ash ponds still in use and historic ash-disposal sites.
Some of the pollutants present risks to human health and others are dangerous to aquatic ecosystems if the groundwater spreads to other bodies of water, like Lake Michigan or nearby streams, according to the environmental groups' complaint.
While the Illinois Pollution Control Board sided in many cases with the environmental groups in its order, it said it was unable to determine the appropriate relief at this time and directed a hearing officer to hold additional hearings to determine what that should be.
The environmental groups are seeking "the most stringent remedy possible, including a demand for removal of coal ash dumps at the coal power plants," according to a Sierra Club news release.
"Today is a huge victory for Waukegan residents who have fought for years to see corporations like NRG Energy held accountable for the toxic waste that has been illegally dumped on our Lake Michigan lakefront," Dulce Ortiz, a Waukegan resident and the co-chair of Clean Power Lake County, said in the news release.
"The Pollution Control Board's decision is a sharp rebuttal to NRG and Midwest Generation's claims that they weren't responsible for groundwater contamination from its dangerous coal ash waste. It's critical that NRG is required to remove its toxic ash from our lakefront," Ortiz added.
Midwest Generation — which was purchased by NRG Energy in 2014 after declaring bankruptcy — is currently reviewing the 93-page decision to understand it and determine appropriate next steps, an NRG Energy spokesman said in a written statement.
NRG **argued in response** that the coal ash ponds at the four stations are in compliance with their U.S. Environmental Protection Agency permits, and that each active pond is lined with a high-density polyethylene liner to prevent the contents from seeping into the soil and groundwater.
"As shown by this decision, Midwest Generation has made significant efforts to protect the environment, monitor groundwater and manage coal ash from its coal-fueled stations in Illinois," spokesman David Knox said in an email.
Despite those efforts, the monitoring results show the pollutants continued to contaminate the groundwater at all four of the plants, Illinois Pollution Control Board Chairman Katie Papadimitriu said in the interim opinion.
The company was aware of those results but did not take any further actions "to stop or even identify the specific source: no further investigation of historic areas is taking place; no additional monitoring wells are installed; and, no further inspection of ash ponds or land around the ash ponds in the locations that show persistent exceedances is taking place," she said. "The Board is, thus, not persuaded that MWG took 'extensive precautions' to prevent the releases."

https://www.chicagotribune.com/suburbs/lake-county-news-sun/ct-lns-waukegan-nrg-plant-ruling-st-0622-20190621-23efbvni3fgcdid4d5sxpbwct4-story.html

Arsenic found in bottled water brands sold at Whole Foods, Target and Walmart
WCTV

High levels of arsenic are showing up in bottled water sold at Whole Foods, Target, Walmart and other vendors.
The testing conducted for the non-profit Center for Environmental Health (CEH) revealed that Starkey Spring Water, owned by Whole Foods, and Peñafiel, owned by Keurig Dr. Pepper, contain levels of the toxic metal that are above the legal limit.
"Consumers are being needlessly exposed to arsenic without their knowledge or consent," said Michael Green, chief executive officer of CEH.
"Customers typically purchase bottled water at exorbitantly high costs with the assumption that it is safer and healthier to drink than tap water, unaware that they are ingesting an extremely toxic metal linked to birth defects and cancer."
Long-term exposure to arsenic above the U.S. Environmental Protection Agency's standard can cause skin damage, circulatory system problems and an increased risk of getting cancer, according to the Centers for Disease Control and Prevention.
The amount of arsenic found in the tested water is above the level requiring a health warning under California law. CEH didn't disclose the arsenic levels in its tests.
In testing results released in April, Consumer Reports also found high levels of arsenic in the two brands.
The Food and Drug Administration has not issued a recall for either product.
https://www.wctv.tv/content/news/Arsenic-found-in-bottled-water-brands-sold-at-Whole-Foods-Target-and-Walmart-511642641.html

The Problem With Buying Dinosaurs
Scientists worry that a booming market in fossils means higher prices and potential frauds.
WSJ

Dinosaurs are in the news these days, but it's not always for happy reasons. While paleontologists are making groundbreaking discoveries, their work is often overshadowed by outrage that yet another fossil has been auctioned off to the highest bidder. The most recent controversy involves a rare "baby" T. rex currently listed on eBay for more than $2.9 million, but similar auctions are common. The same vendor also lists on its website an "authentic" triceratops skeleton for $890,000.
Such sales are a source of concern to scientists, who fear that the high prices paid by private collectors will put specimens out of their reach. New theories about the history of life on Earth cannot be tested unless the scientific community has easy access to the material evidence. For that reason, most scholarly journals refuse to publish research on specimens that are not housed in a public repository.
For their part, commercial collectors argue that fossils left in the ground will eventually be lost to erosion and that museums can hardly afford to collect every specimen. By giving private collectors an incentive to scour the landscape and unearth these remarkable creatures, the market for dinosaurs ensures that more of them are available for public scrutiny.
History suggests another, more pernicious reason we should be worried about the market for dinosaurs: the threat posed by commercial deceit.
Some of the most notable specimens in the history of science were found by freelance collectors. In the early 19th century, Mary Anning searched the exposed cliffs near her home in the English seaside resort of Lyme Regis for the remains of extinct creatures. In 1823, she discovered the first plesiosaur known to science and sold it to the Duke of Buckingham for 100 pounds.
Prices like these induced many more people to try their luck digging for fossils. Enterprising collectors quickly learned that novel, complete and visually arresting fossils could fetch a

premium—driving some hucksters to combine different fossils into a more impressive assemblage.
Such frauds were notoriously difficult to spot, and at the end of the 19th century museums responded by acquiring their specimens directly through scientific expeditions. For a time, this all but eliminated the commercial fossil trade. But today, as private collectors like Leonardo DiCaprio and Nicolas Cage have begun to compete over who owns the biggest and most complete dinosaur, the market for fossils has roared back to life—and the old problem of fraud has returned with it.
A number of seemingly groundbreaking discoveries have turned out to be artifacts of commercial deceit. In the late 1990s, a dinosaur museum in Utah purchased a spectacular fossil called Archaeoraptor. This creature was billed as a missing link between dinosaurs and modern birds, and it caused an international sensation. Almost immediately after it was unveiled with great fanfare by National Geographic, however, the fossil was revealed as a fake, made by combining the bones of a primitive bird with those of a non-avian dinosaur.
The problem is especially dire in China, where farmers from impoverished rural areas often sell specimens to make ends meet. According to Li Chun from the renowned Institute of Vertebrate Paleontology and Paleoanthropology in Beijing, as many as 80% of all marine reptiles on display in Chinese museums have been altered or artificially combined to some degree.
By eroding our trust in these valuable objects of knowledge, commercial specimen dealers undermine the material foundations of scientific research. If they want to allay the concerns of the scientific community, they should team up with researchers and donate scientifically significant fossils to a public museum while they remain underground, so that paleontologists can be sure that finds are not tampered with during and after their excavation.
Until such arrangements are common, would-be buyers should think twice before purchasing a spectacular dinosaur.
https://www.wsj.com/articles/the-problem-with-buying-dinosaurs-11561132647

Opinion

Good things are worth waiting for
Natchez Democrat
By **Jan Griffey**

We live in an "I want it and I want it right now!" world.
But we can't always get what we want when we want it.
Such is the case with industrial and economic development. No one knows more than those involved in that pursuit that recruiting and constructing new industry and economic opportunities take time.
It's a good thing for all of us that Natchez Inc. and Natchez NOW, made up of a group of local business leaders and individuals who are committed to improving the Miss-Lou economy, have been at work doing just that for some time now.
Their good work is now paying dividends for all of us.
Natchez Inc. and Natchez Now showed off the many economic development activities happening here with a tour of Miss-Lou industries on Monday evening.
About 40 business leaders and community members boarded a bus and toured industries located at the Natchez/Adams Port and the old International Paper Company site.
It was an impressive event, and it was perfectly timed for me, someone new to this community and unaware of ongoing economic development efforts here.
What was most impressive is the innovative technology being developed and put to work in the Miss-Lou.
Take Delta Energy, located on the former International Paper Co. property, for example. One of the world's greatest environment problems is what to do with the millions upon millions of waste tires produced annually. The United States alone is responsible for 290 million waste tires in a year, according to the U.S. Environmental Protection Agency.

Enter Delta Energy. That company has developed advanced, proprietary technology that takes old tires, which have been shredded to pieces about a quarter-inch in size, and creates solid, liquid and compressed gas products, all with little or no emissions.
The science and technology at work at Delta Energy is a game-changer, and it's all happening right here in Natchez.
A little more than a year ago, Syrah Resources, an Australian company, chose Vidalia, Louisiana, as the place it wanted to spend $25 million to build a plant to purify and produce spherical graphite, which will be used in the lithium battery industry, used mostly in the automobile industry.
Syrah mines graphite in Mozambique, which is shipped to Vidalia in flake form. After undergoing the manufacturing process at its Vidalia facility, the graphite will be 99.95% pure. Right now, that product is only available from China.
Perhaps the fastest-growing company in the area is Great River Industries, which fabricates storage tanks and pipes, among other products. Great River right now is able to create the largest shop-fabricated, double-wall, vacuum-insulated tanks built in the country, allowing natural gas to be stored in its liquefied state.
These are just a few of the 20 or so projects featured on Monday's tour. Work on many of them began a decade or more ago and are just beginning to bear fruit.
Like trying to turn a barge in the river, economic development doesn't happen quickly. The work invested by those involved with Natchez NOW and Natchez Inc. for many years is paying off. Good things are happening here.
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https://www.natchezdemocrat.com/2019/06/22/good-things-are-worth-waiting-for/

Press Releases

Commissioners support construction of Yazoo Pump Project
6/21/2019
MDWFP

The Mississippi Commission on Wildlife, Fisheries, and Parks voted unanimously to support an initiative to build a pump system in the lower Mississippi River Basin to lessen the impact of high water in Mississippi.
Region II Commissioner Scott Coopwood, whose region has been hardest hit, says the Commission's support is important.
"This year's dramatic flooding event in the lower Mississippi Delta shows the necessity of a pump system, which would significantly reduce flooding in the Mississippi River backwater," Commissioner Coopwood said. "Preventive measures such as this would benefit area residents, wildlife and the economy in the region."
More than 40 percent of the nation's watershed flows through the lower Mississippi River and above average rainfall this year flooded about 544,000 acres in our state according to officials of the United States Army Corps of Engineers. Vicksburg District Corps of Engineers Water Management Section Chief Drew Smith told commissioners Wednesday if pumps were in place the impact would be substantial.
"There would be a four to five-foot difference in the water levels and the duration would be less," Smith said. "Pumps are very effective, they work."
Mississippi is the only back water area of the Mississippi River that does not have a pump system to relieve high water effects. In 2008, the United State Environmental Protection Agency blocked the Yazoo Backwater Area Pumps Project contending that it would have a detrimental effect on wetlands and wildlife in the lower Mississippi Delta. However, Governor Phil Bryant has been to Washington DC to lobby President Trump's administration to renew efforts to revive the project. Additionally, residents who have been impacted by the high waters are calling for the resurrection of the initiative.

https://www.mdwfp.com/media/news/administration/commissioners-support-construction-of-yazoo-pump-project/

EPA Takes Important Step to Further Protect Children from Exposure to Lead-Contaminated Dust
06/21/2019

PHILADELPHIA, June 21, 2019 — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, along with Housing and Urban Development Secretary Ben Carson, announced new, tighter standards for lead in dust on floors and window sills to protect children from the harmful effects of lead exposure.
EPA Region Mid-Atlantic Regional Administrator Cosmo Servidio participated in an event today alongside representatives from the U.S. Department of Department of Housing and Urban Development, The Children's Hospital of Philadelphia, the Overbrook Environmental Education Center, and other state and local officials at Overbrook Environmental Education Center in Philadelphia.
"EPA is delivering on our commitment in the Trump Administration's Federal Lead Action Plan to take important steps to reduce childhood lead exposure," said EPA Administrator Andrew Wheeler. "Today's final rule is the first time in nearly two decades EPA is issuing a stronger, more protective standard for lead dust in homes and child care facilities across the country."
"EPA cares about children's health and protecting children from lead hazards," said Mid-Atlantic Regional Administrator Cosmo Servidio. "Establishing new lead hazard standards and tightening regulations on activities involving lead-based paint will better protect children and families here in the Philadelphia area and other communities where federal, state and local efforts can make a difference."
"EPA's updating its standards for lead dust on floors and windowsills in pre-1978 homes and child-occupied facilities is an important advance," said Secretary Carson. "We will use this new rule in updating the lead safety requirements for the pre-1978 housing we assist."
"Ingestion of lead-contaminated soil and dust through hand to mouth behaviors is a major contributor to increased blood lead levels in children," said Dr. Laura Anderko, Director of the Mid-Atlantic Center for Children's Health and the Environment. "EPA's proposed dust-lead hazard standards will provide more protection by reducing lead levels in homes and facilities where children spend a great deal of time, such as day care centers."
Since the 1970s, the United States has made tremendous progress in lowering children's blood lead levels. In 2001, EPA set standards for lead in dust for floors and window sills in housing, however since that time, the best available science has evolved to indicate human health effects at lower blood lead levels than previously analyzed.
To protect children's health and to continue making progress on this important issue, EPA is lowering the dust-lead hazard standards from 40 micrograms of lead per square foot ($\mu g/ft^2$) to 10 $\mu g/ft^2$ on floors and from 250 $\mu g/ft^2$ to 100 $\mu g/ft^2$ on window sills. The more protective dust-lead hazard standards will apply to inspections, risk assessments, and abatement activities in pre-1978 housing and certain schools, child care facilities and hospitals across the country.
Lead-contaminated dust from chipped or peeling lead-based paint is one of the most common causes of elevated blood lead levels in children. Infants and children are especially vulnerable to lead paint exposure because they their growing bodies absorb more lead than adults do, and their brains and nervous systems are more sensitive to the damaging effects of lead. They can be exposed from multiple sources and may experience irreversible and life-long health effects. Lead dust can be generated when lead-based paint deteriorates or is disturbed.
The rule will become effective 180 days after publication in the Federal Register.
A link to this final rule and to learn more: https://www.epa.gov/lead/hazard-standards-lead-paint-dust-and-soil-tsca-section-403
Learn more about the lead-based paint program: https://www.epa.gov/lead
Background

Reducing childhood lead exposure and addressing associated health impacts is a top priority for EPA. In December 2018 EPA Administrator Wheeler and other Federal Officials produced the Lead Action Plan, a blueprint for reducing lead exposure and associated harms by working with a range of stakeholders, including states, tribes and local communities, along with businesses, property owners and parents.
EPA continues to work with its federal partners to improve coordinated activities and implement objectives of the Lead Action Plan.
https://www.epa.gov/newsreleases/epa-takes-important-step-further-protect-children-exposure-lead-contaminated-dust

EPA Meets Another Lautenberg Deadline: Proposes Persistent, Bioaccumulative, and Toxic Chemicals Rule under the Toxic Substances Control Act
06/21/2019

WASHINGTON (June 21, 2019) — On the third anniversary of the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg), which amended the Toxic Substances Control Act (TSCA) and meeting another Lautenberg deadline, today EPA is proposing for public comment today a rule to reduce exposures to certain chemicals that are persistent, bioaccumulative and toxic (PBT). These chemicals build up in the environment over time and can therefore have potential risks for exposed populations including the general population, consumers and commercial uses, susceptible subpopulations (such as workers, subsistence fishers, tribes and children).
"We are proud to meet another statutory deadline under Lautenberg today," **said Assistant Administrator Alexandra Dunn of EPA's Office of Chemical Safety and Pollution Prevention.** "Today's proposal offers a tangible example of the wide range of management tools available to EPA under Lautenberg. EPA worked diligently to propose a rule that reflects consideration of a wide range of perspectives and extensive research on whether, and if so how, these chemicals are used in commerce."
TSCA section 6(h) requires EPA to propose a rule "to address the risks of injuries to health or the environment that the Administrator determines are presented by the chemical substance and to reduce exposures to the substance to the extent practicable," no later than June 22, 2019, with a final rule to follow no more than 18 months later.
This section of TSCA prescribes the criteria for how the specific PBTs were to be selected from the 2014 Update of the TSCA Work Plan for Chemical Assessments list, with the resulting list of chemicals identified for action by EPA in 2016, as follows:

- Decabromodiphenyl ether (DecaBDE);
- Phenol, isopropylated phosphate (3:1) or PIP (3:1);
- 2,4,6-tris(tert-butyl)phenol (2,4,6-TTBP);
- Hexachlorobutadiene (HCBD); and
- Pentachlorothiophenol (PCTP).

Each of the five chemicals has different hazards and uses. To reduce exposure to these chemicals, the proposed rule would restrict or prohibit manufacture (including import), processing, and distribution in commerce for many uses for four of the five chemicals. For one chemical, hexachlorobutadiene, EPA has evaluated the conditions of use and is proposing no action as the agency did not identify any practicable ways of further reducing human or environmental exposure to the chemical substance. HBCD is, notably, regulated as a hazardous air pollutant under the Clean Air Act. The proposed rule also includes recordkeeping requirements for several of the chemicals and downstream notification requirements for one chemical.
The Agency conducted extensive outreach and established public dockets to gather information for this proposal, including holding a webinar on chemical use information, carrying out a consultation with Tribes, and organizing dozens of individual meetings with the members of the chemical industry, environmental organizations, Federal partners, State agencies, and others. EPA incorporated public comments on and received scientific peer review of two documents – a Hazard Information document, which identifies current uses of

PBT chemicals, and a Use and Exposure Assessment, which supports the finding that exposure to these five substances is likely under the conditions of use.
Upon publication in the Federal Register, EPA is asking for public comment for 60 days on the proposal. Comments should be submitted through regulations.gov to docket EPA-HQ-OPPT-2019-0080.
Learn more about the proposed rule: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/persistent-bioaccumulative-and-toxic-pbt-chemicals-under.
https://www.epa.gov/newsreleases/epa-meets-another-lautenberg-deadline-proposes-persistent-bioaccumulative-and-toxic

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State

$1.4M grant for Enviva Lucedale road project announced
WLOX

LUCEDALE, Miss. (WLOX) - We're getting a glimpse at what a multi-million dollar wood pellet plant in George County will look like. Thursday, Gov. Phil Bryant announced a grant for a road project so trucks will have a separate entrance in and out of the facility.
"I'm very excited about it," Bryant said.
The work will begin at a four-way stop at Highway 198 and Evanston Road in Lucedale. The idea is to keep traffic moving smoothly in and out of the plant. It's happening because of a $1.4 million investment by the U.S. Economic Development Administration.
Twitter Ads info and privacy
The road project and the plant will lead to jobs, hundreds of them. We're learning those future employees will also have a separate entrance and parking lot.
"Well it means 90 jobs," Bryant said. "It means the third largest employer for the state. Enviva is a great company. This is a green project. We're making wood pellets to replace a lot of coal all over the world, and could be for the state of Mississippi as many as 700 employees."
Enviva Biomass is the largest producer of wood pellets in the world. Once the plant is up and running, crews will use pine trees from local farmers to manufacture the pellets. Those pellets are then distributed primarily to the United Kingdom and Europe.
"This is an international company that we welcome to Mississippi. They're doing a remarkable job of not only helping the economy but also the environment," the governor added.
In addition to the George County plant, Enviva will build a distribution plant at the Port of Pascagoula.
https://www.wlox.com/2019/06/20/m-grant-enviva-lucedale-road-project-announced/

$1.4 million grant will help secure wood pellet plant for Lucedale
Sun Herald

A $1.4 million grant is on the way to Lucedale to help improve the George County Industrial Park and make way for a $140 million wood pellet plant.
The grant was announced Thursday by U.S. Secretary of Commerce Wilbur Ross is from the department's Economic Development Administration. Ross said in a press release that the money will be used for "critical infrastructure improvements" for local businesses, including the pellet plant that will produce over 3 million metric tons of pellets each year. The wood pellets will primarily be exported to the United Kingdom and Europe.
The project is expected to create 90 jobs.
"This investment from the Economic Development Administration will help George County transform forestry resources into industrial growth and jobs for the region," said Sen. Roger Wicker, R-MS.
The grant will pay for road, water and wastewater improvements at the industrial park through the Southern Mississippi Planning and Development District.

Residents turned out at a May 15 hearing of the the Mississippi Department of Environmental Quality to show their support for the project. Several said they expect it to greatly improve the local economy.
"This grant is crucial for Enviva and George County," said Gov. Phil Bryant. The state Legislature has appropriated more than $2 million to fix the rail spur between Lucedale and a $60 million shipping terminal in Pascagoula.
https://www.sunherald.com/news/local/counties/george-county/article231769378.html

AFTER A VETO, PUMP TALKS CONTINUE IN THE MISSISSIPPI DELTA
MPB

Recent flooding in the South Mississippi Delta is reigniting conversations about a controversial pump project. MPB's Alexandra Watts reports on why people are for and against the pumps being installed.
Communities continue to flood in the South Mississippi Delta. Residents say if the pumps were installed, their areas would not see as much devastation.
The Environmental Protection Agency vetoed the pump project in 2008 because of potential effects on the environment including wetlands.
Because of this, Mississippi Sierra Club president Louie Miller said other solutions should be considered.
"Flood plane management is where you gotta go," Miller said. "Why these local governments have not addressed these non-structural solutions such as buyouts and relocations and elevating structures is beyond me."
Miller says the flooding would not be completely stopped with the pumps installed.
Warren County emergency manager John Elfer agrees not all of the floodings would have been prevented. But he says the pumps would have prevented the more serious damage.
"I think that we have mitigated a lot of it," Elfer said. "You would not have had certainly the number of houses and homes or businesses that have been affected. I think that we would have still seen some flooding, but if we could have saved five or six feet. We could have survived that — we saw that last year."
In response to environmental concerns, Elfer said that animals are displaced and dying due to recent flooding.
Senator Cindy Hyde-Smith has proposed temporary pumps for the region, and some in the Delta are hoping the EPA overturns its original veto.
http://www.mpbonline.org/blogs/news/2019/06/21/after-a-veto-pump-talks-continue-in-the-mississippi-delta/

Floodgate opens again, letting Mississippi Delta flood drain
AP

VICKSBURG, Miss. (AP) — A floodgate in Mississippi has reopened as the Mississippi River falls, allowing a months-long flood in parts of the Mississippi Delta to begin draining.
The U.S. Army Corps of Engineers says it opened the Steele Bayou floodgate north of Vicksburg on Thursday.
The gate had been closed since June 7. Before that, it was closed from Feb. 15 to April 1 and from May 11 to May 23. It protects from even worse flooding by the swollen Mississippi River. When the gate is closed, water piles up inside a levee system with nowhere to go. A planned pumping station to drain the region was vetoed as harmful to wetlands.
Hundreds of homes are flooded and many farmers can't plant crops on more than 200,000 acres (80,000 hectares) of flooded land.
https://apnews.com/dcfd5f3a80d747ac9cbc3ba0aa3420c6

More ramps open in Pelahatchie Bay
WLBT

JACKSON, Miss. (WLBT) - Following another good report from its partners in the battle against the invasive plant giant salvinia, the Pearl River Valley Water Supply District board of directors Thursday opened four additional boat ramps and a kayak ramp in the Pelahatchie Bay area of Barnett Reservoir.
The public launch at Highway 471, the ramp at Pelahatchie Bay Trading Post, and the ramps in the Harbour View and Fox Bay subdivisions join Pelahatchie Shore Park as the only open ramps in the Bay. The ramps will all return to normal operating hours of sunrise to sunset.
In addition, the kayak launch at Turtle Point off Scenic Drive will reopen. All other access points to Pelahatchie Bay remain closed.
"We are hopeful that the public understands the importance of self-inspecting their boats for any signs of vegetation before and after their visit by practicing 'clean, drain and dry,'" said PRVWSD Director John Sigman. "We've been pleased with what we've accomplished, with the public's cooperation, so far at Pelahatchie Shore Park.
"We've had very few cases of boats coming back in with any vegetation, and none of those involved giant salvinia. If we can continue to see those results and see that boaters are helping us, then we hope that keeping the lake low, basically stranding and drying the salvinia on exposed ground, then we can wipe this plant out."
Barnett Reservoir will remain low at 296 feet above sea level as part of the battle against salvinia.
Thursday's action followed a meeting of the task form that included state wildlife biologists and Mississippi State University. No new outbreaks of salvinia have been discovered, and the plant continues to be contained to the area of the north shore of Pelahatchie Bay where it was first discovered last summer.
"With the low lake level, we are reminding boaters to be extra vigilant while on the lake," Sigman said. "And, please, remember that no matter where you boat on Barnett Reservoir or any water, practice clean, drain and dry.
https://www.wlbt.com/2019/06/20/more-ramps-open-pelahatchie-bay/

Shrimp season opens with disappointing results
WLOX

BILOXI, Miss. (WLOX) -The opening of the 2019 shrimp season was as disappointing as expected for the shrimpers that dropped their nets beginning around 6 a.m. Thursday.
"You gotta play the cards your dealt," said shrimper Cary Cannette.
Unfortunately for local shrimpers, the deck is stacked against them. That stacked deck includes fresh water intrusion from the Bonnet Carré Spillway, choppy seas Thursday morning and little to no shrimp to catch in our local waters. The Commission on Marine Resources recently made an emergency declaration and opened the 2019 season despite smaller shrimp samples in the Mississippi Sound.
"That's what we've been seeing in our samples. We've seen the lowest catch in several years," said Rick Burris, Department of Marine Resources marine fisheries director. "It's pretty disappointing. If the spillway is closed and the fresh water stops coming into our system and everything can get back to normal, that obviously would help, but I think we're too far into it."
Cannette said he made it back to the dock and sold a paltry six pounds of shrimp.
"You really expect better," he said. "To go into your hometown and get skunked, it's heartbreaking. That's not even going to cover the ice, the fuel, the salt and everything we've got into it."
Recreational and commercial shrimp season north of the Intracoastal Waterway runs until the end of the year. In areas south of the Intracoastal Waterway and west of the Gulfport Ship Channel, shrimp season will close next May.
https://www.wlox.com/2019/06/20/shrimp-season-opens-with-disappointing-results/

Clay, Itawamba, Monroe, Oktibbeha counties declared federal disaster areas
WTVA

JACKSON, Miss. (WTVA) - Four more local counties have been designated as federal disaster areas, opening the door to more financial help from the government to recover from the bad weather on April 13 and 14.
Clay, Itawamba, Monroe and Oktibbeha counties are among eight Mississippi counties to fall under the declaration. The other counties are Clarke, Kemper, Warren and Yazoo.
The Mississippi Emergency Management Agency said local governments and non profits in those eight counties can get reimbursed for repairing infrastructure, removing debris and paying overtime to responders.
MEMA originally said the state surpassed the criteria required for the federal government to provide individual assistance, but that turned out to be wrong.
Tornadoes caused significant damage near Starkville and in Hamilton that weekend. Flooding also was reported.
https://www.wtva.com/content/news/Clay-Itawamba-Monroe-Oktibbeha-counties-declared-federal-disaster-areas-511605651.html

Pine Belt counties receive $260,000 in payments in lieu of taxes
WDAM

HATTIESBURG, Miss. (WDAM) - Counties in the Pine Belt will receiver more than $260,000 in payments in lieu of taxes for 2019.
The U.S. Department of the Interior issues the payments to counties with tax-exempt, federally-owned lands, water projects and some military installations to offset the losses in property taxes. Seventy-two counties in Mississippi will receive payments, totaling $2.16 million for 1.64 million acres of land.
The following Pine Belt counties will receive payments:

- Wayne County: $93,065 for 90,348 acres.
- Perry County: $85,082 for 163,366 acres.
- Forrest County: $40,697 for 50,954 acres.
- Jones County: $34,567 for 32,980 acres.
- Jasper County: $6,827 for 17,517 acres.
- Covington County: $114 for 41 acres.

The payments are made year to year and are calculated using a formula that factors population, revenue-sharing payments and the amount of federal land in a county.
https://www.wdam.com/2019/06/21/pine-belt-counties-receive-payments-lieu-taxes/

Regional

Collierville landfill: Town files legal complaint against operator for smell, sound issues
Commercial Appeal

Collierville has filed a legal complaint against the operators of a landfill and recycling center on the town's north end amid ongoing efforts to decrease the frequency and severity of odor flareups that can come from the area and waft toward nearby homes.
The town filed a complaint against the E-plex center on Shelton Road in Shelby County Chancery Court on Tuesday. The complaint stated the landfill was a "public nuisance" and asked for the operator to address odor, public safety and noise concerns.
A "rotten egg" smell can occur when hydrogen sulfide is produced as construction materials decompose at the site. The odor sometimes wafts into nearby neighborhoods, town leaders have said, disturbing residents. Town administrator James Lewellen previously said the city started receiving complaints about the stench in late 2018.
Earlier this year, Lewellen called the landfill smell "a riddle" but said the city and the facility operator had been trying to solve it and that he hoped the issue wouldn't persist.
Collierville officials previously said complaints had dipped after an "action plan" was developed by the Tennessee Department of Environment and Conservation in consultation with affected residents.

TDEC officials said they had no power to regulate odor issues but that facility owner Norman Brown had been voluntarily complying with their recommendations. Brown did not immediately respond to a request for comment on the legal complaint.
The town does not comment on ongoing litigation.
https://www.commercialappeal.com/story/news/local/suburbs/collierville/2019/06/20/collierville-files-legal-complaint-against-e-plex-landfill-facility-over-stench/1510135001/

Jefferson landfill odor fix could take several months, cost millions
Times-Picayune

Any remedy for the noxious odors attributed to the Jefferson Parish landfill will take several months, if not years, to put in place and would cost millions of dollars. These were among the conclusions a consultant shared Wednesday (June 19) with the Jefferson Parish Council.
State and parish officials had previously said problem odors linked to the landfill should be contained by early 2019. However, residents near the West Bank site and across the Mississippi in Harahan and River Ridge continue to report health problems they blame on the landfill.
The chief issue at the Waggaman landfill, according to Chris Carlson with Carlson Environmental Consultants, is water, which clogs about half of the 240 wells used to capture fumes from the decomposing garbage. This gas escapes into the air instead of being contained and pumped to the nearby Cornerstone Chemical Complex, which uses it as a fuel source and pays the parish for it.
The clogged pipes present a second risk. As of April, Carlson said 37.6% of the wells had high oxygen levels, which federal regulators consider an underground fire risk.
To address the gas that escapes into the air, consultants recommend the landfill's medium-capacity landfill gas collection system be upgraded to a "high-BTU" model, similar to what's in use at the private River Birch landfill across U.S. 90.
In addition to having less capacity, Carlson said the perforated pipe currently in use is half-blocked in 53% of the wells, and another 20% is fully blocked. Even with improvements made since August to better drain water from the landfill, its gas collection system is operating "below average," he said.
"We've gotten it to the 50-yard line. We need to make a touchdown," he said.
Installing a high-BTU landfill gas collection system throughout the entire landfill would cost $8.02 million and could take up to three years to complete, Carlson said. But the most acute problems his consulting firm found were confined to the two active portions of the landfill. A plan to control emissions in that area would cost $3.45 million and take nine to 18 months to install, including the time needed for permits.
The other three sections of the landfill are "capped" and no longer used to dispose garbage. Adding them to the high-BTU system would take between seven to nine months each, with a cost between $1.2 million and $2 million.
The parish would see more revenue when it sells more captured gas from the high-BTU collection system, but Carlson said it would take some time before the cost of installing a new system could be recouped. The "best dollar spent," he said, would be to focus on the two active sections of the landfill. Once operable, officials could access the feasibility of expanding the system.
Nancy Pearson of River Ridge has been among the more vocal residents to raise concerns about landfill odors. She told council members she continues to hear from other residents with complaints about the fumes and health concerns. After Carlson's presentation, Pearson told council members she was concerned about the number of times he used the term "toxins."
"That scares the bejeebees out of me," she said.
A fiscal concern she noted was a $600,000 increase in the contract cap for Aptim Environmental & Infrastructure Inc., the company that's handled upgrades of landfill infrastructure. It performed the work before the contract was actually approved, a deal structure Mike Lockwood, parish environmental services director, said was necessary because of conditions at the landfill.

The higher cap, which the council approved Wednesday, takes the value of Aptim's contract to $1.6 million.
"It looks like we're being taken to the bank with this thing … and now we're gonna have to spend another $9 million," Pearson said, rounding up the consultant's estimates.
https://www.nola.com/news/2019/06/jefferson-landfill-odor-fix-could-take-several-months-cost-millions.html

'This is heartbreaking for us': River residents heavy-hearted; Tyson facing lawsuits
Cullman Tribune

HANCEVILLE, Ala. – On Thursday, June 6, approximately 220,000 gallons of effluent (liquid waste or sewage) were spilled by the Tyson Foods, Inc./River Valley Ingredients plant (formerly American Proteins) in Hanceville into the Dave Young Creek, which flows to the Mulberry Fork. The spill led to a "massive fish kill" and a warning against recreational use of the Mulberry Fork. It was the plant's fourth environmental incident affecting the Mulberry Fork since 2011. In an effort to keep the public informed about circumstances surrounding the spill, The Tribune is seeking updates from as many involved parties as possible.
Sipsey Heritage Commission announces lawsuit, cancels river race
The Sipsey Heritage Commission, which describes itself as "dedicated to promoting the unique history, culture, and natural resources of Walker County," announced Tuesday that it is filing suit against Tyson over the spill, and that it retained Jasper attorney Jud Allen.
In a note to The Tribune, the Commission's Martha Salomaa, who owns property and a cabin on the Mulberry Fork, shared, "Regarding our lawsuit against Tyson, Sipsey Heritage Commission stands with our community in pursuing justice for our river and our people."
In a phone call Wednesday, Salomaa said, "Tyson is not going to stop dumping just because we ask them to. Clearly, they have an issue . . . Tyson has a very poor environmental record. And, if you consider yourself an environmentalist or if you don't, that's the water that all of Walker County drinks out of, that's the water that Birmingham city drinks out of. The Birmingham city intake is just a few miles down from the one that Walker County does their outtake from. That's all of our water.
"What are our water treatment plants having to do to make that water potable? How much is that costing? That's going to be passed on to the consumer, eventually. That's one thing.
"Another thing is, I grew up with this river, and they're not going to take it. There are too many people. That's what we do, you know: my family and I, different members, we are on that river usually two days a week. There are other people who are on that river every day, every day. And that the river–when I want to be on a river, that's the one I want to be on. And at this point, they've made it where that is impossible. They're going to have to change their ways."
Tuesday evening, The Tribune spoke with Allen, who shared, "I live on the river, as well, and it's a personal thing to me, as well."
He went on to say, "I am representing some people that live on the river, and also people that- I don't know if you've looked at ADEM (Alabama Department of Environmental Management) complaints, but there's some people that live in a little bit closer proximity to the plant, and maybe not actually on the river. But they are experiencing a smell, and I see these complaints, and they're described as rotting animals- not fish- but dead animals and wet dog food, and they say it's permeating their car upholstery; it's in their house, they gag. I'm also representing some of them. When this came out, it kind of opened a door for other people that I've just found out that have had problems in the past, as well."
The suit is actually a collection of individual suits, not currently a class action.
Said Allen, "Anybody's welcome to join that has special damages like this."
In its announcement, the Sipsey Heritage Commission said, "If you want to join with us and others in our community, you can contact (Allen) at 205-221-5601."
Allen has not set a specific schedule but said he hopes to file the case within the next week.
Sipsey Fork River Race
The Commission also sponsors the annual Sipsey Fork River Race, which was scheduled for this coming Saturday. The race, set to begin at the Alabama Highway 69 bridge crossing and

move down to the Sipsey's junction with the Mulberry- known as "The Forks"- has been canceled.

On Sunday, June 16, the Commission issued this statement on the race's website www.kayaksipsey.com/blog:

"It is with deep regret that we announce that we have been forced to cancel the 3rd annual Sipsey Fork River Race. As many of you already know, the Mulberry Fork has suffered a massive fish kill due to a spill from the Tyson Foods/ American Protein, River Valley Plant in Hanceville, Alabama. The spill and all it carried with it was pulled at least one mile up the Sipsey Fork. Originally, we believed enough water would pass through both forks to dilute our waters to safe levels. Yesterday, we took water samples and submitted them to an EPA (Environmental Protection Agency) recognized company. Today we learned that the levels of bacteria were several times the acceptable level for human recreation. It would be irresponsible for us to continue with the race under these circumstances. On June 22 at 8 a.m., we will be at the boat ramp behind T&R Grocery at The Forks. People who have ordered T-shirts may pick them up there. We will also have contact information so that you may speak up regarding the assault on our river."

Friday, June 14, the Commission published water testing results from Birmingham-based Sutherland Environmental Company, an environmental testing laboratory certified by both the ADEM and U.S. EPA. Water samples from the junction of the Sipsey and Mulberry Forks, where the race was to finish, were tested for three specific contaminants, each of which- according to the report- was supposed to occur in an amount not exceeding 200 units per 100 ml of tested water. The findings were reported as:

- E. coli – 5,100 units per 100 ml
- Total coliform – 23,600 units per 100 ml
- Fecal coliform – 14,400 units per 100 ml

Salomaa shared, "We are very disappointed that we had to cancel the Sipsey Fork River Race. However, once we had the water tested, we knew we could not jeopardize the health of our racers or their families."

The Commission is also gathering stories and information from people who live around the affected waterways. On Monday, it requested: "Do you live and/or have property on the Mulberry Fork? Has the Tyson spill affected you? We'd like to hear your story. We will not share your story without your permission. Email us: sipseyheritagecommission@gmail.comor leave us a voicemail at 205-265-1175."

Tyson releases updated statement

Last Friday, Tyson Foods' Public Relations Manager Derek Burleson issued this statement:

"Representatives of River Valley Ingredients and owner Tyson Foods met with the Alabama Department of Environmental Management Thursday to discuss the recent accidental release of partially treated wastewater at Hanceville and the proactive measures the company has taken to address it.

"Tyson Foods bought the plant in August 2018 and this week reported that as part of significant upgrade to the facility, a pipe provided and installed by an outside contractor failed and resulted in the accidental release of 220,000 gallons of partially treated wastewater. This unfortunately led to a loss of fish in nearby streams because of reduced oxygen levels in the water.

"The company stopped the accidental release and brought in an outside environmental contractor the same day to help with clean-up. These efforts included collection of fish affected by the release. This work has now been completed and oxygen levels in the affected streams have returned to normal.

"We deeply regret this incident and will continue to work with state officials and members of the community to evaluate remediation options. We will follow up with the contractor that supplied the failed pipe and also continue our previously planned work to upgrade the facility."

Controversy over amount of spill; DCNR division chief speaks

Shortly after the spill occurred, a Birmingham news outlet claimed that the spill involved up to 800,000 gallons of wastewater, saying that the number was given by staff of the Alabama Department of Conservation and Natural Resources (DCNR) Wildlife and Freshwater

Fisheries division. A later official statement issued by ADEM listed the amount at approximately 220,000 gallons.

William "Nick" Nichols, chief of fisheries for DCNR's Division of Wildlife and Freshwater Fisheries, reported to The Tribune Wednesday morning that his department made no official statement on the amount of the spill, nor would such a determination fall within its jurisdiction. Said Nichols, "We are fisheries biologists; we're out there counting dead fish. Our guys are just gathering up what information they can get as they're doing their investigation. The amount of material spilled is really, that's between ADEM and the plant that caused the spill."

The chief also shared that his division is still analyzing data from this and two other unrelated spills across the state, and that final reports will take some time to produce, saying, "We're working on those reports, and once we're confident we've got our information and our data correct and cross-checked, then that's when those things'll go public."

Black Warrior Riverkeeper unhappy with sampling, reporting

Wednesday, the nonprofit advocacy group Black Warrior Riverkeeper's Nelson Brooke did not outright reject ADEM's official number, but did express skepticism over the officially reported amount, saying, "It seems like the 220,000 estimate is a rather small number, small volume, for the magnitude of the harm that was done out there."

Brooke shared that he was dissatisfied with ADEM's water sampling performed last Thursday, saying, "That sampling did not sample downriver of Cordova, where the spill had migrated to by that point. So that's why we released our statement on Friday the 14th, saying that, while ADEM had found that bacteria was within acceptable limits upriver of Cordova, there was no data for downriver. We were still telling everybody that was asking us to be cautious and not swim in cloudy brown water that looked like it was muddy, stinky or had dead fish in it.

"And the same advice continues, with or without the Tyson spill. If we get rains and the river gets real muddy, or it's not raining and the river gets real muddy, then those are not the right conditions for swimming. That's the kind of river conditions that can give rise to elevated bacteria levels that are unsafe."

Brooke also talked about Riverkeeper's recent meeting with Tyson officials, saying, "They stood by their 220,000 gallon estimation of wastewater spilled, and they also stood by their June 12 announcement that the river was safe, and verified for us that they only based that statement or conclusion on dissolved oxygen data, which is only relevant for whether or not the river's safe for fish to survive.

"I think they probably understand, at this point, we pointed out to them a pretty short-sighted announcement, which didn't match up with what ADEM was saying, and didn't match up with what we were saying based on the bacteria results."

Overall, Brooke concluded, "Just generally, we're kind of unhappy with the level of public notice that went out from Tyson and ADEM in the beginning, and we're also quite unhappy with the limited amount of information and data that's been shared by the responsible company and the investigating agencies, so that it's just leaving the public with a lot of unanswered questions. I think that's probably just going to continue, because the way they do these investigations is they go out and DCNR counts the fish and puts an economic valuation on the fish killed, and ADEM is responsible for investigating the spill that caused the fish kill, determining who's responsible for it, and assessing any penalties and proposed fixes to the problem. It's uncommon for either agency to release their final investigative reports, findings or conclusions in a timely manner. It usually takes multiple weeks, if not months."

Dead river

Multiple observers who live on or have recently visited the Mulberry or Sipsey Forks have commented on the lack of life on the water.

One observer, who visited the river last Thursday, in a comment on the Sipsey Heritage Commission's Facebook page, reported, "Nobody hanging around, nobody fishing. I saw what I thought was one fish jump down the river a piece. That's it. It's surreal."

Another commenter reported visiting the river on Sunday and later reported seeing "thick, foamy, green scum that I have never in my 47 years on this river have ever seen. It looked like the stagnant water of a farm pond. There were also areas with such a thick film that looked like a big sheet of plastic on top of the water. Normally this time of year I see stripe and bass

feeding in the evening. The only sign of life I saw was a small wake of a dying fish in the middle of the river."
Allen shared, "A lot of people rely on this river. That's why they live (here). And a lot of them, they can't use it, now. I mean, they're afraid their kids will get in it, or their dogs. I know one person was worried his dog had been in the river, you know. But mostly, I talk to people. They said, 'We haven't seen a fish since the kill, unless they're dead."
Salomaa shared, "Up where we have property, we have not seen anything alive. We've seen one turtle. By Thursday, there was a very, like a strange algae- and keep in mind: I've always been on the river-there was a strange algae that I don't know if I've ever seen anything like it before, which makes me wonder if this has killed what eats the algae.
"Later, there's like a film that almost looks like a kind of grease that's gathered along the banks, and that sort of thing. But we've seen nothing alive. The birds are not there; I'm sure they've gone elsewhere. We saw a heron in a pond instead of on the river. But in the water, nothing is really moving, except for we did see that one turtle. So, right now, it just does not look good right now.
"And that's not something I want to say because I want to make Tyson look bad. This is heartbreaking for us."
https://www.cullmantribune.com/2019/06/20/this-is-heartbreaking-for-us-river-residents-heavy-hearted-tyson-facing-lawsuits/

National

EPA orders Houston lab staff to relocate to Okla.
E&E News

EPA plans to move staff from a Houston regional laboratory to another facility 400 miles away. Acting EPA Region 6 Administrator David Gray met with agency employees in Houston yesterday morning to inform them about "co-locating" the South Central office's laboratory services to the Robert S. Kerr Environmental Research Center in Ada, Okla., according to an **internal email** obtained by E&E News.
Gray said in the email sent to employees that the plan will affect all staff who work at EPA's Houston lab within the next three years.
Employees who work in analytical services and support operations will move to Ada, a town of about 17,000 more than six hours away from Houston by car. "A smaller presence" of those who do not work in lab operations will move to an office leased by the General Services Administration in the Houston area. That location has yet to be determined, according to Gray.
"There are many unanswered questions resulting from my announcement today — and we will immediately turn our attention to planning for the relocation, laboratory renovations, office requirements and decommissioning so that we can answer these questions as quickly as possible," Gray said.
The acting regional chief said the "drivers" behind the plan to relocate the Houston lab's staff are "the requirement to reduce the amount of federally leased space by consolidating operations into federally owned space and to reduce our overall operational costs moving forward."
"Many of our colleagues in Houston are now faced with an even more difficult set of decisions from both a personal and professional perspective," Gray said.
"I am sending this message to make you aware of their situations and to ask that you keep them in your thoughts as they work through their options for moving forward."
In a statement shared with E&E News, Gray said EPA Region 6 had been studying how to better use its lab during his 33 years as a career employee. He also noted that the Federal Assets Sale and Transfer Act of 2016 tasked the federal government with reducing its physical footprint. In addition, the regional office is not reducing its scientific workforce, and the government will pay for moving expenses.
"By co-locating both laboratory and research enterprises at a single campus, we will be better prepared to meet future environmental protection goals and to leverage our scientific

expertise. While acknowledging that this is a difficult change, we are not reducing the number of employees dedicated to scientific support within the region and will pay for relocation costs for affected employees," Gray said.

The acting Region 6 chief also said the "smaller presence" that will remain in Houston will "continue to support emergency response managers, inspectors, public affairs and criminal enforcement officers."

Nevertheless, EPA employees are worried over the coming closure of the Houston lab. One EPA Houston lab employee told E&E News that the environment there is "gloomy" and staffers are "pretty stressed out."

"People live here, and they have got their homes. Their kids are in school. They have got their buddies. They can't just pick up and go," said the employee. "There is a lot that can retire, but there is a lot of young people who are up shit creek."

EPA's Houston lab has long been targeted by the agency's managers. In 2017, Gray acknowledged that the agency would not renew the facility's lease but said other alternatives were being considered, such as providing lab services in Dallas, EPA Region 6's headquarters (***Greenwire***, Sept. 14, 2017).

The lab employs about 50 staff and serves a region that oversees agency operations in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

It performs sample tests and audits other labs involved in environmental monitoring and public water supply. The lab also reportedly played a role in EPA's response to Hurricane Harvey, which flooded the Houston area in 2017.

Jeanne Schulze, president of American Federation of Government Employees Local 1003, which represents EPA Region 6 employees, told E&E News that the lab was in an ideal location, given Houston's proximity to major chemical, oil and gas, and industrial facilities as well as Superfund toxic waste sites.

"Given the concentration of industrial facilities and hazardous waste sites, why wouldn't you want an EPA lab in a place like Houston?" Schulze said. The union leader also said the lab staff members there were well-trained.

"We have got people who do multimedia inspections in the petrochemical corridor from the Houston lab," Schulze said. "They are highly trained in more than one environmental media."

The Kerr Research Center in Ada studies contaminants in soil and groundwater created in waste from agriculture, industry and municipalities. The facility, run by EPA's Office of Research and Development, has also looked into extreme weather events and how to improve resilience.

That new location, however, doesn't sound appealing to some staff members in Houston. "They basically are going to have to change their whole lives. There is nothing in Ada, Okla.," said the EPA Houston lab employee. "I don't know if anyone wants to move out there."

EPA's scientific work has grabbed the Trump administration's attention, with the agency's research office expected to take on a greater role overseeing its regional labs. EPA Administrator Andrew Wheeler said in an **email** earlier this year that ORD would "coordinate" the regional labs' operation, although it would still report to regional leadership (***Greenwire***, March 1).

EPA has closed other lab facilities elsewhere.

Wheeler was pressed at a recent congressional hearing about the planned closure of another EPA facility, the Large Lakes Research Station in Grosse Ile, Mich. (***E&E News PM***, April 9)

The agency also shuttered a Las Vegas research office last year and gave staff the opportunity to move to another EPA-owned facility by last summer. The agency also offered buyouts to EPA employees in Las Vegas. Twelve of those offers were accepted (***Greenwire***, Oct. 22, 2018).

The Houston lab saw employees leave during a prior round of agencywide buyouts in 2017. Three staffers accepted offers then to part ways with EPA.

Schulze, who is based in Dallas, said she plans to bargain for arrangements for employees affected by EPA's planned relocation of the Houston lab staff. She will also reach out to members of Congress about the move.

"We communicate the issues and concerns of the people we represent to Congress, and we will do that," Schulze said.

https://www.eenews.net/stories/1060637831

Bitter talks over auto emissions turn personal as California and EPA chiefs feud
LA Times

Top environmental regulators in Washington and Sacramento sparred Thursday over failed negotiations on contentious vehicle emissions and fuel economy rules — each blaming the other for a standoff that could lead to years of legal battles and dueling auto requirements in parts of the U.S.

The public flash of tensions — erupting on Capitol Hill — revolves around the Trump administration's proposal to cap fuel economy and tailpipe carbon emissions standards at 2020 levels, instead of raising them annually. White House officials in February terminated talks with the California Air Resources Board over a potential compromise on the plan, which also would revoke the state's authority to regulate automobile greenhouse gas emissions.

The tension was so thick that Trump administration officials were apparently unwilling to sit at the same table with their California counterpart during a hearing Thursday. And then it got personal, which doesn't bode well for a resolution that automakers are eagerly awaiting.

The spat began when U.S. Environmental Protection Agency Administrator Andrew Wheeler, a former energy lobbyist, sent a letter to top Republicans on the House Energy and Commerce Committee hours before CARB Chairwoman Mary Nichols was to testify, accusing the state of negotiating in bad faith.

Nichols, a California anti-pollution campaigner for almost 50 years, pointed fingers back at Washington, telling lawmakers in her prepared testimony that "the Trump administration has been unwilling to find a way that works" and "unilaterally decided to cut off conversations."

Wheeler and Nichols are formidable foes.

Nichols began her fight against air pollution when she filed the first lawsuit to force the EPA to carry out the Clean Air Act as a 27-year-old lawyer in Los Angeles in 1972. She joined CARB three years later. This year, she mulled tough, new pollution rules — including an unprecedented ban on cars burning petroleum-based fuels.

Wheeler, by contrast, is a longtime Washington operator — a politically savvy former Senate staffer turned lobbyist who took over the EPA after the departure of Scott Pruitt in July. A lawyer who once worked on toxic chemical issues as an EPA staffer, Wheeler later advised Sen. James Inhofe (R-Okla.), who famously carried a snowball onto the Senate floor to dispute the effects of climate change. As a lobbyist, Wheeler represented coal producer Murray Energy Corp., uranium miner Energy Fuels Resources Inc., chemical maker Celanese Corp. and other clients.

Thursday's war of words further diminishes the odds of any deal that would yield unified national requirements — and avert a long legal fight automakers say will quash investment in the sector. The White House already rebuffed a group of 17 automakers, which pleaded this month for renewed talks.

Automakers are terrified the Trump administration's plan will result in legal challenges, years of uncertainty and a split market, with federal mileage requirements governing most states and California-backed rules governing vehicles in 14 other states, which account for more than a third of U.S. auto sales.

Wheeler rejected Nichols' characterization. "Ms. Nichols was unable or unwilling to be a good-faith negotiator," Wheeler said, insisting that California's first counterproposal came more than 10 weeks after the Trump administration proposed changing the vehicle standards — and was just a reiteration of the existing Obama-era requirements, with only a modest change to give automakers an extra year of compliance time.

Even then, Wheeler said, it didn't have the approval of California's governor, the state's attorney general or Nichols' fellow Air Resources Board members.

"I would state categorically that we proposed areas in which we would be willing to come to a compromise with the administration, and we never were told precisely what was wrong with any of those proposals," Nichols told lawmakers Thursday. "We were simply told that they were inadequate and we had failed to do our job by not bringing a proposal that the administration found to be acceptable."

While Wheeler and Nichols traded barbs on paper, senior EPA and National Highway Traffic Safety Administration officials testified before skeptical lawmakers. Early on, some Democratic lawmakers chastised Bill Wehrum, associate administrator of the EPA's Office of Air and Radiation, and NHTSA Deputy Administrator Heidi King for allegedly refusing to appear on the same panel as Nichols.
"If EPA and NHTSA are so confident that this rule is safer and better for our country, I think they would welcome the opportunity to testify alongside Ms. Nichols," said Rep. Doris Matsui (D-Sacramento). "Instead, when confronted with experts and science, the Trump administration recoils and retreats instead of defending their so-called SAFE vehicles rule, a disaster for our country."
Nichols initially had raised the possibility of peace in her written testimony filed with the House of Representatives, appealing for the administration "to abandon this flawed proposal and come to the table with California, just as automakers representing the majority of the market asked the president."
https://www.latimes.com/business/la-fi-california-epa-auto-emissions-talks-20190620-story.html

A fire at a Philadelphia oil refinery sparked an explosion felt for miles
CNN

A large fire broke out early Friday at an oil refinery in Philadelphia, rattling the area with at least one booming explosion and lighting up the dark sky with huge balls of gas and flame.
The explosion and fire came from a vat of butane at Philadelphia Energy Solutions, starting around 4 a.m., city Deputy Fire Commissioner Craig Murphy said.
PES fire crews have been fighting the flames -- with city fire crews in support -- and the fire has been contained to the general vat area, Murphy said.
"The fire is not under control, yet right now companies are making sure that the fire does not spread," Murphy told reporters after dawn.
By 7 a.m., the flames were significantly lower, video from CNN affiliate WPVI showed -- a stark contrast to the massive fireball that bystanders recorded on social media earlier in the morning.
Twitter Ads info and privacy
One worker complained of chest pains after the fire started, but that person did not need to be taken to a hospital, and no other injuries have been reported, Murphy said.
Details about what started the fire weren't immediately available. Authorities are working to account for all of the personnel, Philadelphia Energy Solutions spokeswoman Cherice Corely said -- though Murphy said no one who'd been at the facility is missing.
Residents reported several explosions that were felt in South Jersey and Delaware County, Pennsylvania, according to WPVI.
Emergency management officials initially asked people east of the fire to shelter in place, but by 7 a.m., that order was being lifted, Murphy said.
PES had an industrial hygenist take air-quality readings, and the area "is clear," Murphy said. The company will continue to monitor the air in neighborhoods to the east.
Portions of the I-76 expressway and the city's Platt Bridge were temporarily closed after the fire, according to the city's Office of Emergency Management.
The facility is the 10th largest in the US and is the largest oil refining complex on the Eastern seaboard, according to its website. Philadelphia Energy Solutions employs more than 1,000 people and refines 335,000 barrels of crude oil a day.
Butane is one of the products -- along with gasoline, heating oil and propane -- that comes from the process of refining crude oil.
https://www.cnn.com/2019/06/21/us/philadelphia-refinery-fire/index.html

Press Releases

Vicksburg District opens Steele Bayou Control Structure gates, anticipates the opening of the Little Sunflower Control Structure
Published June 20, 2019

VICKSBURG, Miss. – The U.S. Army Corps of Engineers (USACE) Vicksburg District opened the gates of the Steele Bayou Control Structure June 20 at 9 a.m.
The Steele Bayou Control Structure, which was built in 1969, combined with the Mississippi River and Yazoo Backwater levees, prevents the Yazoo and Mississippi rivers from backing up and further flooding the Delta. The structure's gates have been closed since June 7 preventing backflow.

The Vicksburg, Mississippi, gage on the Mississippi River has been above flood stage for 125 consecutive days, which is the longest duration since 1927. The stage at the Vicksburg, Mississippi, gage on the Mississippi River is 49.4 feet as of June 20 and is forecasted to fall below 48 feet by the end of June. Flood stage at the Vicksburg gage is 43 feet.

In consideration of National Weather Service forecasts, district engineers anticipate approximately 19,000 cubic feet per second (cfs) flowing through the Steele Bayou Control Structure by June 26. District engineers also anticipate conditions allowing for the opening of the Little Sunflower Control Structure around June 23 and approximately 8,000 cfs flowing through the structure's gates by June 28.

District engineers predict that the combined flows passing through the Steele Bayou and Little Sunflower control structures a week after opening could result in a 0.1-foot drop in elevation per day in the Yazoo Backwater area, which reached an all-time peak stage of 98.2 feet on May 23.

District personnel and their local partners will continue to monitor the conditions of flood control works, including levees, flood walls and pumping stations across the entirety of the district's jurisdiction. Citizens are encouraged to contact local authorities and management officials for updates about conditions in their area and should avoid activities on or near flood control works.

The Vicksburg District encompasses a 68,000-square-mile area across portions of Mississippi, Arkansas and Louisiana that holds seven major river basins and incorporates approximately 460 miles of mainline Mississippi River levees. The district is engaged in hundreds of projects and employs approximately 1,000 personnel. For more information, visit www.mvk.usace.army.mil.
https://www.mvk.usace.army.mil/Media/News-Releases/Article/1881842/vicksburg-district-opens-steele-bayou-control-structure-gates-anticipates-the-o/

EPA Announces $9.3 Million in Supplemental Funds to Clean Up and Reuse Brownfield Sites in Communities Across the U.S.
06/20/2019

WASHINGTON (June 20, 2019) — Today, the U.S. Environmental Protection Agency (EPA) is announcing $9.3 million in supplemental funding for 24 current successful Brownfields Revolving Loan Fund (RLF) grantees. The supplemental funds announced today are going to communities that have demonstrated success in using their RLF funds to clean up and redevelop brownfield sites. The funds will be used to continue their progress in reusing vacant and abandoned properties and turning them into community assets such as housing, recreation and open space, health facilities, social services, and commerce opportunities. "This Brownfields supplemental funding will provide additional resources to 24 communities with a proven track record of success so they can continue their progress revitalizing their local economy and improving the health and wellbeing of their community," **said EPA Administrator Andrew Wheeler.** "We are proud to report that a majority of communities

receiving these supplemental funds have Opportunity Zones within their jurisdiction, which means we are reaching communities most in need."

Recipients of EPA's Brownfields RLF funding provide low-interest loans and sub-grants to carry out cleanup activities at brownfields sites. When loans are repaid, the loan amount is returned into the fund and re-lent to other borrowers, providing an ongoing source of capital within a community. To date, EPA's RLF grantees across the country have completed 694 cleanups and attracted approximately 42,000 jobs and $8 billion in public and private funding. A majority of the communities receiving supplemental funds have census tracks designated as federal Opportunity Zones within their jurisdiction. An Opportunity Zone is an economically-distressed community where new investment, under certain conditions, may be eligible for preferential tax treatment.

The 24 communities selected for FY19 RLF supplemental funding are:

State	Cooperative Agreement Recipient Name	Amount
GA	Atlanta, City of	$400,000.00
IL	Rockford, City of	$400,000.00
IN	Indiana Finance Authority	$400,000.00
KY	Louisville-Jefferson County	$400,000.00
LA	South Central Planning and Development Commission	$400,000.00
MA	Berkshire Regional Planning Commission	$373,170.00
MA	Worcester, City of	$373,170.00
ME	Androscoggin Valley Council of Governments	$373,170.00
ME	Maine Department of Economic and Community Development	$400,000.00
ME	Southern Maine Planning and Development Commission	$373,170.00
MI	Downriver Community Conference	$400,000.00
MO	Kansas City, City of	$400,000.00
MO	Land Clearance and Redevelopment Authority of St. Louis County	$400,000.00
MT	Snowy Mountain Development Corporation	

$400,000.00

NC
Wilson, City of

$400,000.00

NM
New Mexico Environment Department

$400,000.00

NY
Niagara County Brownfield Development Corporation

$400,000.00

OK
Oklahoma Department of Environmental Quality

$400,000.00

OK
Tulsa, City of

$373,170.00

TX
Texarkana, City of

$400,000.00

UT
Salt Lake County Economic Development

$400,000.00

VT
Northwest Region Planning Commission

$350,000.00

VT
Vermont Agency of Commerce and Community Development

$400,000.00

WI
Racine, City of

$373,170.00

Background

A brownfield is a property for which the expansion, redevelopment or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant. There are estimated to be more than 450,000 brownfields in the U.S.

Grants awarded by EPA's Brownfield Program provide communities across the country with an opportunity to transform contaminated sites into community assets that attract jobs and achieve broader economic development outcomes while taking advantage of existing infrastructure. For example, Brownfields grants have been shown to:

· Increase Local Tax Revenue: A study of 48 brownfields sites found that an estimated $29 million to $97 million in additional local tax revenue was generated in a single year after cleanup. This is two to seven times more than the $12.4 million EPA contributed to the cleanup of these sites.

· Increase Residential Property Values: Another study found that property values of homes near revitalized brownfields sites increased between 5% and 15% following cleanup.

As of May 2019, under the EPA Brownfields Program, 30,153 properties have been assessed and 86,131 acres of idle land have been made ready for productive use. In addition, communities have been able to use Brownfields grants to attract 150,120 jobs and more than $28 billion of public and private funding.

The 2019 National Brownfields Training Conference will be held on December 11-13 in Los Angeles, California. Offered every two years, this conference is the largest gathering of stakeholders focused on cleaning up and reusing formerly utilized commercial and industrial properties. EPA cosponsors this event with the International City/County Management Association (ICMA).

For more on EPA's Brownfields Program: http://www.epa.gov/brownfields

For more on Brownfields Revolving Loan Fund
Grants: https://www.epa.gov/brownfields/types-brownfields-grant-funding
2019 National Brownfields Training Conference: https://brownfields2019.org/
https://www.epa.gov/newsreleases/epa-announces-93-million-supplemental-funds-clean-and-reuse-brownfield-sites-1

USDA Announces Feral Swine Eradication and Control Pilot Program

WASHINGTON, June 20, 2019 – USDA announced today it is offering $75 million in funding for the eradication and control of feral swine through the Feral Swine Eradication and Control Pilot Program (FSCP) in a joint effort with USDA's Natural Resources Conservation Service (NRCS) and Animal and Plant Health Inspection Service (APHIS). The 2018 Farm Bill included this new pilot program to help address the threat that feral swine pose to agriculture, ecosystems and human and animal health.

NRCS will direct up to $33.75 million of the allocated FSCP funds toward partnership efforts to work with landowners in identified pilot projects in targeted areas. Applications are being accepted through Aug. 19, 2019, for partners to carry out activities as part of these pilot projects in select areas of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina and Texas. APHIS has determined that these states have among the highest feral swine population densities and associated damages in the country.

"NRCS state conservationists and APHIS state directors, in coordination with state technical committees, have identified pilot projects that can be carried out within these target states," NRCS Chief Matthew Lohr said. "Our agencies stand ready to work with partners at the state and local levels to respond to the threat of feral swine."

Pilot projects will consist broadly of three coordinated components: 1) feral swine removal by APHIS; 2) restoration efforts supported by NRCS; and 3) assistance to producers for feral swine control provided through partnership agreements with non-federal partners. Projects can be one to three years in duration.

"The projects selected for funding will allow APHIS and NRCS to collectively reduce the damage and disease caused by one of the most destructive and formidable invasive species in the United States," said APHIS Administrator Kevin Shea. "Overall, this pilot program builds upon and expands work already underway by APHIS' National Feral Swine Damage Management Program to both manage feral swine and eliminate populations in partnership with local government, the private sector, industry and academia."

NRCS is now accepting proposals from non-federal partners to provide landowner assistance for on-farm trapping and related services as part of the pilot projects described above. NRCS will provide funding for these services through partnership agreements. The funding limit for a single award is $1.5 million. Awardees will be required to provide at least 25 percent of the partnership agreement budget as a match to NRCS funding.

Additional information on the complete funding announcement and about specific pilot projects, including target areas and the roles for which partner assistance is being requested, can be found on the FSCP webpage.

Applications must be submitted through Grants.gov by 5 p.m. Eastern Time on Aug. 19, 2019.
https://content.govdelivery.com/accounts/USDANRCS/bulletins/24c8aa6

U.S. Fish and Wildlife Service conducts five-year status reviews of 53 Southeastern species
June 20, 2019

As part of the process mandated by the Endangered Species Act (ESA), the U.S. Fish and Wildlife Service will conduct five-year status reviews of 53 endangered or threatened fish, wildlife, and plants. These species are found in the Southeastern United States and Puerto Rico and the U.S. Virgin Islands.
The public is invited to provide information and comments concerning these species on or before August, 19, 2019.
https://www.fws.gov/southeast/news/2019/06/us-fish-and-wildlife-service-conducts-five-year-status-reviews-of-53-southeastern-species/

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Message

From: Marraccini, Davina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=66FECFE52DC84D8DB7AB0859ADEE8426-MARRACCINI, DAVINA]
Sent: 3/7/2019 5:24:12 PM
To: Wise, Allison [Wise.Allison@epa.gov]
Subject: RE: PLEASE READ ASAP! Wicker Staff Call with OCIR tomorrow re Yazoo and Ergon Refinery

I'm getting ready to sign off for the day, here's a start on the political context – please add to/edit as you see fit.

Ex. 5 Deliberative Process (DP)

-Davina

From: Wise, Allison
Sent: Thursday, March 7, 2019 12:08 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>
Subject: RE: PLEASE READ ASAP! Wicker Staff Call with OCIR tomorrow re Yazoo and Ergon Refinery

Yes, that would be helpful. I also asked Wanda to check CMS to make sure there weren't any other letters from Wicker to the Administrator.

Thx

Allison

From: Marraccini, Davina
Sent: Thursday, March 7, 2019 11:57 AM
To: Wise, Allison <Wise.Allison@epa.gov>
Subject: RE: PLEASE READ ASAP! Wicker Staff Call with OCIR tomorrow re Yazoo and Ergon Refinery

Allison,

Do you want me to provide 2 bullets about the Gen. Kaiser and the Sen. Hyde-Smith/ Wicker letters? Has there been any other recent Yazoo interaction? I recall you may have participated in something Yazoo-related while I was in Santa Fe, but don't know the details.

-Davina

From: Wise, Allison
Sent: Thursday, March 7, 2019 10:56 AM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>; Marraccini, Davina <Marraccini.Davina@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Cc: Banister, Beverly <Banister.Beverly@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>
Subject: FW: PLEASE READ ASAP! Wicker Staff Call with OCIR tomorrow re Yazoo and Ergon Refinery

From: Wise, Allison
Sent: Thursday, March 7, 2019 10:52 AM
To: Wise, Allison <Wise.Allison@epa.gov>
Subject: PLEASE READ ASAP! Wicker Staff Call with OCIR tomorrow re Yazoo and Ergon Refinery

All: just got a call from OCIR -- Associate Administrator Troy Lyons has a call tomorrow morning with Senator Wicker's Legislative Director regarding Yazoo and the Ergon Refinery (facility is in R3, not our issue) – see email below. OCIR has asked for issue papers by COB today.

Jeaneanne/Cesar: Attached is the most recent Yazoo briefing paper. Can you please update to include any new information and recent interaction/letter from the COE? We will add recent/relevant congressional context.

Thanks much!

Allison Wise, Director
Office of Government Relations
EPA Region 4
404-562-8346 (w)
404-536-2805 (c)

From: Borum, Denis
Sent: Thursday, March 7, 2019 10:14 AM
To: Wise, Allison <Wise.Allison@epa.gov>
Subject: More on Wicker - Please call as soon as possible. Thanks, Allison

Notes from his LA to Troy:

issues we would like to discuss on Friday.

Yazoo Pumps: In 2008, EPA vetoed the Yazoo Backwater Area Pumps Project through Section 404(c) of the Clean Water Act even though the Army Corps approved of the project and other backwater situations along the Mississippi River had similar relief. From 2008 to 2017, several backwater flood events caused $320 million in damages, which could have been prevented with the Yazoo Pumps. At this time, the backwater area is expected to crest between 97 feet and 98 feet. At 97 feet there will be over 500,000 acres flooded in the South Delta.

Non-Responsive; Separate Record

Denis R. Borum

Congressional Liaison Specialist
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (MC-1301A)
Washington, D.C. 20460
(202) 564-4836 (phone)
(202) 501-1549 (fax)
borum.denis@epa.gov (e-mail)

Mon Mar 18 11:19:02 EDT 2019
"Hope, Brian" <Hope.Brian@epa.gov>
FW: Mississippi Yazoo Backwater Flood Letter
To: "CMS.OEX" <cms.oex@epa.gov>

Reading File

From: Chris McDonald <Chris@mdac.ms.gov>
Sent: Monday, March 18, 2019 9:46 AM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>
Subject: Mississippi Yazoo Backwater Flood Letter

Administrator Wheeler,

Please accept the attached letter from Mississippi Agriculture and Commerce Commissioner Andy Gipson regarding flood waters along the Mississippi River and Yazoo backwater area of Mississippi. The South Delta region of the state is once again experiencing a historical flood event. The current flood is the largest in this region since the 1970s. More than a half million acres of land, including a quarter million acres of cropland, are forecast to be inundated with water. Current water levels have displaced residents, destroyed homes, damaged road infrastructure, and put farmers' livelihood at stake because this year's crop cannot be planted.

Thank you for your consideration of this important issue.

Chris McDonald

Director of Federal Affairs

Mississippi Department of Agriculture and Commerce

121 North Jefferson St.

Jackson, MS 39201

Office: (601) 359-1135

Cell: Ex. 6

Fax: (601) 354-6290

Email: chris@mdac.ms.gov

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STATE OF MISSISSIPPI
DEPARTMENT OF AGRICULTURE AND COMMERCE

ANDY GIPSON
COMMISSIONER

March 15, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Wheeler,

Flooding along the Mississippi River and Yazoo backwater area has continued to be a significant problem for more than a decade. The South Delta region of Mississippi is once again experiencing a historical flood event. The current flood is the largest in this region since the 1970s. More than a half million acres of land, including a quarter million acres of cropland, are forecast to be inundated with water. Current water levels have displaced residents, destroyed homes, damaged road infrastructure, and put farmers' livelihood at stake because this year's crop cannot be planted.

Much of the devastation that South Delta residents are facing now could have been prevented if construction of the Yazoo Backwater Area Pump Project had been completed. The Yazoo Backwater Area Pump Project was designed and authorized to alleviate backwater flooding and protect the livelihood of area residents. However, the Environmental Protection Agency (EPA) vetoed the project in 2008, even though it was a federally-authorized U.S. Army Corps of Engineers Civil Works project.

On behalf of residents and farmers in the South Delta region, I ask that dialogue regarding construction of the Yazoo Backwater Area Pump Project be re-opened and reconsidered by the EPA. Additionally, I ask that you as the Administrator of the EPA visit the Mississippi South Delta and tour the current backwater flood. This will allow you to see firsthand the devastating flood impacts on the people, farmland, roads, highways, trees and wildlife in the area.

In closing, thank you for considering this important situation. The residents of Mississippi and I look forward to an open and productive dialogue to solve this life-threatening matter.

Sincerely,

Andy Gipson
Commissioner of Agriculture and Commerce

P. O. BOX 1609 • JACKSON, MISSISSIPPI 39215-1609 • www.mdac.ms.gov • TELEPHONE: (601) 359-1100

Message

From: Jones, Erica [Jones.Erica@epa.gov]
Sent: 11/14/2019 6:32:28 PM
To: Mcgill, Thomas [Mcgill.Thomas@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]
Subject: RE: Yazoo Desk Statement?

Hi Tom and Rosemary, is there a desk statement like this for 404 Assumption?

Erica

From: Mcgill, Thomas
Sent: Tuesday, October 01, 2019 3:14 PM
To: Jones, Erica <Jones.Erica@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: RE: Yazoo Desk Statement?

Ex. 5 Deliberative Process (DP)

From: Jones, Erica <Jones.Erica@epa.gov>
Sent: Tuesday, October 1, 2019 3:10 PM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: RE: Yazoo Desk Statement?

Thank you very much.

Erica

From: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Sent: Tuesday, October 01, 2019 3:09 PM
To: Jones, Erica <Jones.Erica@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: RE: Yazoo Desk Statement?

Thanks Erica. I provided the following statement to James Pickney (HQ Public Affairs office) with a cc to Brandi Jenkins on September 6, in response to an inquiry from the press at that time. I think this continues to be our message to the public, and if you haven't already done so I suggest getting input from Brandi.

> EPA recognizes the significant, disruptive impacts of the flooding along the lower Mississippi River and the Yazoo Backwater Area to thousands of Mississippians and to the state's economy. The EPA has been actively engaged in discussions with the U.S. Army Corps of Engineers regarding potential solutions and remains committed to working actively and cooperatively with the Corps to provide protection under the Clean Water Act while the Corps considers options for providing flood protection. The EPA and the Corps have met multiple times during the past several months and intend to continue meeting to discuss viable solutions, including a possible reconsideration of our 2008 decision.

From: Jones, Erica <Jones.Erica@epa.gov>
Sent: Tuesday, October 1, 2019 2:53 PM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: Yazoo Desk Statement?

Hi Tom and Rosemary,

Becky is speaking next week at the Interstate Council on Water Policy annual meeting in Mobile, AL. She will be on a panel called *Federal Agency Updates* where the Corps will also have a seat. It is possible she will be asked about Yazoo. Do we have, or can you create a desk statement that she can refer to if it comes up? I drafted the statement below- you can edit this or completely change. Thank you for your help.

Ex. 5 Deliberative Process (DP)

Erica

Erica Jones | Special Assistant
Immediate Office | Water Division
Region 4 | U.S. EPA
Office: 404-562-9264
Cell: 404-519-9973

Message

From: Santell, Stephanie [Santell.Stephanie@epa.gov]
Sent: 9/13/2019 4:59:53 PM
To: Mejias, Melissa [mejias.melissa@epa.gov]
Subject: Re: READ: Briefing papers needed.

Sorry I am off but trying to be as responsive as possible. Just send one letter. Let's see what Else I get...

Sent from my iPhone

On Sep 13, 2019, at 12:08 PM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:

> Have you sent the letter? I don't see it in my inbox.
>
> **From:** Santell, Stephanie <Santell.Stephanie@epa.gov>
> **Sent:** Friday, September 13, 2019 11:49 AM
> **To:** Mejias, Melissa <mejias.melissa@epa.gov>
> **Cc:** Spraul, Greg <Spraul.Greg@epa.gov>
> **Subject:** Re: READ: Briefing papers needed.
>
> I've got the letter!!! I'll send it now. Did we just use the hearing fact sheet?
>
> Sent from my iPhone
>
> On Sep 13, 2019, at 11:43 AM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:
>
>> Before she gets on the plane this afternoon. I have a good amount of information already and satisfied with the packet as is. If you have a letter that would be great, otherwise, I can provide her the letter next week.
>>
>> **From:** Santell, Stephanie <Santell.Stephanie@epa.gov>
>> **Sent:** Friday, September 13, 2019 11:39 AM
>> **To:** Mejias, Melissa <mejias.melissa@epa.gov>
>> **Cc:** Spraul, Greg <Spraul.Greg@epa.gov>
>> **Subject:** Re: READ: Briefing papers needed.
>>
>> Ok that's important information and helpful to know.
>>
>> When does Anna need these by?
>>
>> Sent from my iPhone
>>
>> On Sep 13, 2019, at 11:29 AM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:
>>
>>> This is for Anna only. I spoke to the Region and they are preparing papers separate for the AW brief.
>>>
>>> **From:** Santell, Stephanie <Santell.Stephanie@epa.gov>
>>> **Sent:** Friday, September 13, 2019 10:44 AM
>>> **To:** Mejias, Melissa <mejias.melissa@epa.gov>

Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.
Importance: High

Question- are these items for Anna, or for the Administrator in prep for his meeting with the Governor as your first note stated?
I am asking because I just spoke with folks in my shop and they are already working with Region 4 to pull together materials including a two pager for the briefing with Wheeler.

Sounds good on OCIR.

Yes, I am sure our staff have a copy of the letter or can obtain one.

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Friday, September 13, 2019 10:26 AM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.

I will send you the latest from OCIR as soon as I have it for your records.

I think I have a good packet ready to go for Anna. I appreciate your help as always.

Any chance you have a copy of the letter we sent to the Governor? I saw email exchanges about us sending a letter. Not sure if that ever got done.

Thanks!,
Mel

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Friday, September 13, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: Re: READ: Briefing papers needed.

I am happy to do all of the above but I need you both to do two things:

- send an email to Dennis Borum in OCIR to get the latest fact sheets on Yazoo and 404c. We didn't do Yazoo because the issue resides in region 4. Please cc me.

- provide me with a hard deadline that we need to get something back to you by.

The faster we can do this, the sooner I can help.

Thanks!

Sent from my iPhone

On Sep 13, 2019, at 9:53 AM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:

Do you have any letters? Or any other information?

Also, can you provide me TPs on 404c

Thanks!,
Mel

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Friday, September 13, 2019 9:29 AM
To: Spraul, Greg <Spraul.Greg@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Subject: RE: READ: Briefing papers needed.

Can we not reach out to OCIR to get the latest? That would probably be the best approach. I would hate for Dave to review a version that does not include any edits that either he or someone else made in the IO, or in OCIR.

Please let me know if either of you are able to send an email to Dennis. Thanks!

From: Spraul, Greg <Spraul.Greg@epa.gov>
Sent: Friday, September 13, 2019 8:45 AM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Subject: RE: READ: Briefing papers needed.

The version Mel sent is the same one I have. If there is an updated one the Region or OCIR has it. If you obtain an updated one, I would like it for our files here in OW IO.

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Thursday, September 12, 2019 4:26 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.
Importance: High

Darn it- the Wicker one is what I have too...there should be a more updated hearing fact sheet on Yazoo...I know Region 4 provided one.

Greg can you help us locate?

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Thursday, September 12, 2019 4:18 PM

To: Santell, Stephanie <Santell.Stephanie@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.

This is all I have on Yazoo. I will forward anything else I find.

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Thursday, September 12, 2019 4:10 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: READ: Briefing papers needed.
Importance: High

Yes, I can do that! But can you pass me the latest files you have in the IO so we can update them? Since we last sent backgrounders your way, they may have been updated with Dave's comments.

Greg/Chris- can you send me the latest Yazoo hearing fact sheet cleared by the OW IO?

Thanks!

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Thursday, September 12, 2019 2:11 PM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>
Subject: Briefing papers needed.

Stephanie – can you provide me updated TPs for Yazoo Backwater Pump project and the section 404 (c) veto from 2008? The Administrator has a meeting with Governor Bryant Wednesday morning.

Thanks!,
Mel

Message

From: Mejias, Melissa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C571C4CEEEB745119FF653485122CC65-MEJIAS, MEL]
Sent: 4/11/2019 7:16:17 PM
To: Santell, Stephanie [Santell.Stephanie@epa.gov]
Subject: RE: DRAFT Wicker Memo

Never mind! … Tony is handling.

From: Mejias, Melissa
Sent: Thursday, April 11, 2019 3:08 PM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>
Subject: FW: DRAFT Wicker Memo

Fyi… please!

From: Lyons, Troy
Sent: Thursday, April 11, 2019 3:07 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Mejias, Melissa <mejias.melissa@epa.gov>
Subject: RE: DRAFT Wicker Memo

TFrye—please incorporate and send up to Hayly

From: Forsgren, Lee
Sent: Thursday, April 11, 2019 3:06 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Mejias, Melissa <mejias.melissa@epa.gov>
Subject: RE: DRAFT Wicker Memo

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Let me know if this is what you were looking for.

Lee

We are working closely

From: Lyons, Troy
Sent: Thursday, April 11, 2019 2:23 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: DRAFT Wicker Memo

Ex. 5 Deliberative Process (DP)

From: Frye, Tony (Robert)
Sent: Thursday, April 11, 2019 2:17 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: DRAFT Wicker Memo

Draft attached. Let me know if you have any thoughts or want me to send to Hayly.
Thanks,

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6

Message

From: Mejias, Melissa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C571C4CEEEB745119FF653485122CC65-MEJIAS, MEL]
Sent: 4/11/2019 4:43:13 PM
To: Santell, Stephanie [Santell.Stephanie@epa.gov]
Subject: FW: Yazoo Backwater Area Pump Project Talking Points
Attachments: Yazoo Talking Points_04201911.docx; ATT00001.htm

Stephanie – can you incorporate R4 talking points into the document you were working on? Many thanks!

From: Forsgren, Lee
Sent: Thursday, April 11, 2019 12:41 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Subject: Fwd: Yazoo Backwater Area Pump Project Talking Points

Melissa

Can you check these to ensure they wrapped into our TPs

Lee

Sent from my iPhone

Begin forwarded message:

> **From:** "Jenkins, Brandi" <Jenkins.Brandi@epa.gov>
> **Date:** April 11, 2019 at 12:33:38 PM EDT
> **To:** "Forsgren, Lee" <Forsgren.Lee@epa.gov>
> **Cc:** "Walker, Mary" <walker.mary@epa.gov>, "Ashbee, Blake" <ashbee.blake@epa.gov>
> **Subject: Yazoo Backwater Area Pump Project Talking Points**
>
> Good afternoon Lee,
>
> Attached for your review are the Region 4 talking points for Yazoo. Please let us know if you have any questions.
>
> Thank you,
> Brandi
>
> Brandi Jenkins, Special Assistant
> Office of the Regional Administrator – EPA Region 4
> 404-562-9124 (office)
> 678-575-2148 (cell)

Message

From: Wehling, Carrie [Wehling.Carrie@epa.gov]
Sent: 9/17/2019 1:54:17 PM
To: Nalven, Heidi [Nalven.Heidi@epa.gov]
Subject: RE: AW Meeting with Gov. Bryant (MS)

Please send on to DF. Thanks.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Nalven, Heidi <Nalven.Heidi@epa.gov>
Sent: Tuesday, September 17, 2019 9:50 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: AW Meeting with Gov. Bryant (MS)

Did you send this to David or should I do that?

From: Hough, Palmer <Hough.Palmer@epa.gov>
Sent: Tuesday, September 17, 2019 9:49 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: AW Meeting with Gov. Bryant (MS)

From: Goodin, John <Goodin.John@epa.gov>
Sent: Monday, September 16, 2019 12:38 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: AW Meeting with Gov. Bryant (MS)

From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Monday, September 16, 2019 12:31 PM
To: Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Subject: Fwd: AW Meeting with Gov. Bryant (MS)

Updated

Sent from my iPhone

Begin forwarded message:

From: "Walker, Mary" <walker.mary@epa.gov>
Date: September 16, 2019 at 12:29:47 PM EDT
To: "Gettle, Jeaneanne" <Gettle.Jeaneanne@epa.gov>
Subject: FW: AW Meeting with Gov. Bryant (MS)

From: Walker, Mary
Sent: Monday, September 16, 2019 12:02 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Good morning Brittany,

Attached is a briefing document for the Administrator from R4 and OW.

Please let me know if you need anything else.

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 4:20 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

COB is fine. Much appreciated!

On Sep 13, 2019, at 4:04 PM, Walker, Mary <walker.mary@epa.gov> wrote:

Hi Brittany,

Yes, we are on track. Our staffs have been working together on a briefing document that will provide background and current status.

What time on Monday do you need the document?

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 3:42 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

Hi everyone! Just wanted to make sure we're on track to have everything ready on Monday. AW will want to know what he'll be able to tell Gov. Bryant.

Thank you and please let me know if you need anything.

On Sep 11, 2019, at 10:28 AM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Brittany,

We need to do the briefing materials in conjunction with R4 since they are doing the majority of the day to day work on the issue and Mary Walker has been met with the Division Commander of the Corps several times recently on the project. You also need to make them aware of the meeting.

Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

Gov. Bryant has asked to meet with AW on Sept. 18 regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008. Wanted to get the ball rolling for the briefing. Would it be possible to have the materials ready by 9/16?

Thank you!

-Britt

Message

From: Nalven, Heidi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: 9/17/2019 2:27:11 PM
To: Fotouhi, David [fotouhi.david@epa.gov]
CC: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: RE: AW Meeting with Gov. Bryant (MS) - Yazoo materials

Yes. Carrie and I reviewed an earlier version and thought it looked okay.

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Tuesday, September 17, 2019 10:21 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS) - Yazoo materials

Ex. 5 Attorney Client (AC)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Nalven, Heidi <Nalven.Heidi@epa.gov>
Sent: Tuesday, September 17, 2019 10:02 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FYI: AW Meeting with Gov. Bryant (MS) - Yazoo materials

David – Attached is the paper OW and Region 4 developed for the Administrator's meeting with the Governor of Mississippi scheduled for tomorrow.

From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Monday, September 16, 2019 12:31 PM
To: Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Subject: Fwd: AW Meeting with Gov. Bryant (MS)

Updated

Sent from my iPhone

Begin forwarded message:

> **From:** "Walker, Mary" <walker.mary@epa.gov>
> **Date:** September 16, 2019 at 12:29:47 PM EDT
> **To:** "Gettle, Jeaneanne" <Gettle.Jeaneanne@epa.gov>
> **Subject: FW: AW Meeting with Gov. Bryant (MS)**

From: Walker, Mary
Sent: Monday, September 16, 2019 12:02 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Good morning Brittany,

Attached is a briefing document for the Administrator from R4 and OW.

Please let me know if you need anything else.

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 4:20 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

COB is fine. Much appreciated!

On Sep 13, 2019, at 4:04 PM, Walker, Mary <walker.mary@epa.gov> wrote:

Hi Brittany,

Ex. 5 Deliberative Process (DP)

What time on Monday do you need the document?

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 3:42 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

Ex. 5 Deliberative Process (DP)

Thank you and please let me know if you need anything.

On Sep 11, 2019, at 10:28 AM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Brittany,

Ex. 5 Deliberative Process (DP)

Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

Gov. Bryant has asked to meet with AW on Sept. 18 regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008. Wanted to get the ball rolling for the briefing. Would it be possible to have the materials ready by 9/16?

Thank you!

-Britt

Message

From: Wehling, Carrie [Wehling.Carrie@epa.gov]
Sent: 4/10/2019 5:21:50 PM
To: Neugeboren, Steven [Neugeboren.Steven@epa.gov]
Subject: FW: FYI - 29Mar19 Letter from MS Gov to Wheeler requesting EPA review its Yazoo FD
Attachments: 19-000-4285.pdf

As mentioned re Yazoo.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

-----Original Message-----
From: Hough, Palmer
Sent: Tuesday, April 09, 2019 5:00 PM
To: Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FYI - 29Mar19 Letter from MS Gov to Wheeler requesting EPA review its Yazoo FD

Folks

R4 shared this 29Mar19 Letter from MS Gov to Wheeler. It appears to have been controlled to them.

It makes the following request:

"I am requesting that the EPA initiate the formal process of reviewing the 404 (c) veto of the Yazoo Backwater-Area Pump Project. It is my understanding that the Army Corps has made a similar request and has indicated that there is new wetlands data that may be helpful. I hope that you and your team will engage with the Army Corps as well as stakeholders on this issue and begin a meaningful review of the 404 (c) veto."

Ex. 5 Deliberative Process (DP)

Thanks, Palmer

Message

From: Neugeboren, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: 8/11/2019 3:52:56 PM
To: Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: Fwd: Draft Yazoo Letter to the Army Corps for your review
Attachments: Edits to Draft Yazoo Letter - 8-9-19 consolidated edit.docx; ATT00001.htm; Draft Yazoo Letter - 8-9-19 consolidated clean.docx; ATT00002.htm

Sent from my iPhone

Steven Neugeboren
Associate General Counsel for Water
U.S. EPA
202-564-5488

Begin forwarded message:

From: "Frazer, Brian" <Frazer.Brian@epa.gov>
Date: August 9, 2019 at 6:53:37 PM EDT
To: "Goodin, John" <Goodin.John@epa.gov>, "Walker, Mary" <walker.mary@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>
Cc: "Gettle, Jeaneanne" <Gettle.Jeaneanne@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Kaiser, Russell" <Kaiser.Russell@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Hough, Palmer" <Hough.Palmer@epa.gov>, "Mcgill, Thomas" <Mcgill.Thomas@epa.gov>
Subject: RE: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached, for you review, please find an edited and clean version of the draft EPA letter to the Corps regarding the Yazoo Backwater Pump project. In the marked up version, I have reconciled all of your edits so that you can see where the changes have occured, however, I did keep the comment bubbles in the clean version.

Let us know if you have any questions or concerns.

Thanks

bf

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, August 7, 2019 7:52 PM
To: Walker, Mary <walker.mary@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: Fwd: Draft Yazoo Letter to the Army Corps for your review

Lee/Mary/David:

Attached for your review is a draft letter from EPA to the Corps sharing preliminary feedback from EPA's review of information provided by the Corps' Vicksburg District related to the Yazoo Backwater Area and the Yazoo Pumps project.

Please let us know if you have any questions regarding the draft letter.

Thanks, John

Message

From: Carter, Brittany S. [carter.brittanys@epa.gov]
Sent: 9/13/2019 8:20:00 PM
To: Mejias, Melissa [mejias.melissa@epa.gov]
CC: Kramer, Jessica L. [kramer.jessical@epa.gov]; Spraul, Greg [Spraul.Greg@epa.gov]
Subject: Re: AW Meeting with Gov. Bryant (MS)

Much appreciated!

On Sep 13, 2019, at 4:06 PM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:

Yes, ma'am. OW has been working with the Region to get these papers done Monday.

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 3:39 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Kramer, Jessica L. <kramer.jessical@epa.gov>; Spraul, Greg <Spraul.Greg@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

Thanks Mel! Think OW will be on track for Monday? Appreciate it.

On Sep 11, 2019, at 2:51 PM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:

Thanks Britt for the heads up. We are on it.

Best!,
Mel

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

Gov. Bryant has asked to meet with AW on Sept. 18 regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008. Wanted to get the ball rolling for the briefing. Would it be possible to have the materials ready by 9/16?

Thank you!

-Britt

Message

From: Mejias, Melissa [mejias.melissa@epa.gov]
Sent: 9/13/2019 8:06:58 PM
To: Carter, Brittany S. [carter.brittanys@epa.gov]
CC: Kramer, Jessica L. [kramer.jessical@epa.gov]; Spraul, Greg [Spraul.Greg@epa.gov]
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Thank you!

-Britt

Message

From: Santell, Stephanie [Santell.Stephanie@epa.gov]
Sent: 9/12/2019 8:25:39 PM
To: Mejias, Melissa [mejias.melissa@epa.gov]
CC: Spraul, Greg [Spraul.Greg@epa.gov]
Subject: RE: READ: Briefing papers needed.

Importance: High

Darn it- the Wicker one is what I have too...there should be a more updated hearing fact sheet on Yazoo...I know Region 4 provided one.

Greg can you help us locate?

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Thursday, September 12, 2019 4:18 PM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.

This is all I have on Yazoo. I will forward anything else I find.

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Thursday, September 12, 2019 4:10 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: READ: Briefing papers needed.
Importance: High

Yes, I can do that! But can you pass me the latest files you have in the IO so we can update them? Since we last sent backgrounders your way, they may have been updated with Dave's comments.

Greg/Chris- can you send me the latest Yazoo hearing fact sheet cleared by the OW IO?

Thanks!

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Thursday, September 12, 2019 2:11 PM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>
Subject: Briefing papers needed.

Stephanie – can you provide me updated TPs for Yazoo Backwater Pump project and the section 404 (c) veto from 2008? The Administrator has a meeting with Governor Bryant Wednesday morning.

Thanks!,
Mel

Message

From: Mejias, Melissa [mejias.melissa@epa.gov]
Sent: 9/12/2019 8:17:39 PM
To: Santell, Stephanie [Santell.Stephanie@epa.gov]
CC: Spraul, Greg [Spraul.Greg@epa.gov]
Subject: RE: READ: Briefing papers needed.
Attachments: 2019.04.11 - 315pm - Call with Senator Wicker.docx; OW-46- Yazoo Pumps_03-28-19_CR.docx

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Importance: High

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Thanks!,
Mel

Message

From: Santell, Stephanie [Santell.Stephanie@epa.gov]
Sent: 9/13/2019 7:21:58 PM
To: Mejias, Melissa [mejias.melissa@epa.gov]; Spraul, Greg [Spraul.Greg@epa.gov]
Subject: RE: READ: Briefing papers needed.

Thank you Greg!!!

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Friday, September 13, 2019 3:21 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>
Subject: RE: READ: Briefing papers needed.

Awesome! Thanks!!

From: Spraul, Greg <Spraul.Greg@epa.gov>
Sent: Friday, September 13, 2019 3:16 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>
Subject: RE: READ: Briefing papers needed.

Here you go. The response addresses both incomings.

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Friday, September 13, 2019 11:56 AM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.

Yeah! To the letter. Looking forward to receiving that soon. ☺

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Friday, September 13, 2019 11:49 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: Re: READ: Briefing papers needed.

I've got the letter!!! I'll send it now. Did we just use the hearing fact sheet?

Sent from my iPhone

On Sep 13, 2019, at 11:43 AM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:

> Before she gets on the plane this afternoon. I have a good amount of information already and satisfied with the packet as is. If you have a letter that would be great, otherwise, I can provide her the letter next week.
>
> ---
>
> **From:** Santell, Stephanie <Santell.Stephanie@epa.gov>
> **Sent:** Friday, September 13, 2019 11:39 AM
> **To:** Mejias, Melissa <mejias.melissa@epa.gov>

Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: Re: READ: Briefing papers needed.

Ok that's important information and helpful to know.

When does Anna need these by?

Sent from my iPhone

On Sep 13, 2019, at 11:29 AM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:

> This is for Anna only. I spoke to the Region and they are preparing papers separate for the AW brief.
>
> ---
>
> **From:** Santell, Stephanie <Santell.Stephanie@epa.gov>
> **Sent:** Friday, September 13, 2019 10:44 AM
> **To:** Mejias, Melissa <mejias.melissa@epa.gov>
> **Cc:** Spraul, Greg <Spraul.Greg@epa.gov>
> **Subject:** RE: READ: Briefing papers needed.
> **Importance:** High
>
> Question- are these items for Anna, or for the Administrator in prep for his meeting with the Governor as your first note stated?
> I am asking because I just spoke with folks in my shop and they are already working with Region 4 to pull together materials including a two pager for the briefing with Wheeler.
>
> Sounds good on OCIR.
>
> Yes, I am sure our staff have a copy of the letter or can obtain one.
>
> ---
>
> **From:** Mejias, Melissa <mejias.melissa@epa.gov>
> **Sent:** Friday, September 13, 2019 10:26 AM
> **To:** Santell, Stephanie <Santell.Stephanie@epa.gov>
> **Cc:** Spraul, Greg <Spraul.Greg@epa.gov>
> **Subject:** RE: READ: Briefing papers needed.
>
> I will send you the latest from OCIR as soon as I have it for your records.
>
> I think I have a good packet ready to go for Anna. I appreciate your help as always.
>
> Any chance you have a copy of the letter we sent to the Governor? I saw email exchanges about us sending a letter. Not sure if that ever got done.
>
> Thanks!,
> Mel
>
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>
> **From:** Santell, Stephanie <Santell.Stephanie@epa.gov>
> **Sent:** Friday, September 13, 2019 10:18 AM
> **To:** Mejias, Melissa <mejias.melissa@epa.gov>
> **Cc:** Spraul, Greg <Spraul.Greg@epa.gov>
> **Subject:** Re: READ: Briefing papers needed.

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- send an email to Dennis Borum in OCIR to get the latest fact sheets on Yazoo and 404c. We didn't do Yazoo because the issue resides in region 4. Please cc me.

- provide me with a hard deadline that we need to get something back to you by.

The faster we can do this, the sooner I can help.

Thanks!

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> Please let me know if either of you are able to send an email to Dennis. Thanks!
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> **From:** Spraul, Greg <Spraul.Greg@epa.gov>
> **Sent:** Friday, September 13, 2019 8:45 AM
> **To:** Santell, Stephanie <Santell.Stephanie@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
> **Subject:** RE: READ: Briefing papers needed.
>
> The version Mel sent is the same one I have. If there is an updated one the Region or OCIR has it. If you obtain an updated one, I would like it for our files here in OW IO.
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Sent: 9/13/2019 3:55:40 PM
To: Santell, Stephanie [Santell.Stephanie@epa.gov]
CC: Spraul, Greg [Spraul.Greg@epa.gov]
Subject: RE: READ: Briefing papers needed.

Ex. 5 Deliberative Process (DP)

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Friday, September 13, 2019 11:49 AM
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Mel

Message

From: Mejias, Melissa [mejias.melissa@epa.gov]
Sent: 9/13/2019 2:20:28 PM
To: Santell, Stephanie [Santell.Stephanie@epa.gov]
CC: Spraul, Greg [Spraul.Greg@epa.gov]
Subject: RE: READ: Briefing papers needed.

I reached out to the region this morning asking for info on yazoo. They are sending me a packet soonest.

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> **Subject:** RE: READ: Briefing papers needed.
>
> Can we not reach out to OCIR to get the latest? That would probably be the best approach. I would hate for Dave to review a version that does not include any edits that either he or someone else made in the IO, or in OCIR.
>
> Please let me know if either of you are able to send an email to Dennis. Thanks!
>
> ---
>
> **From:** Spraul, Greg <Spraul.Greg@epa.gov>
> **Sent:** Friday, September 13, 2019 8:45 AM

To: Santell, Stephanie <Santell.Stephanie@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Subject: RE: READ: Briefing papers needed.

The version Mel sent is the same one I have. If there is an updated one the Region or OCIR has it. If you obtain an updated one, I would like it for our files here in OW IO.

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Thursday, September 12, 2019 4:26 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.
Importance: High

Darn it- the Wicker one is what I have too...there should be a more updated hearing fact sheet on Yazoo...I know Region 4 provided one.

Greg can you help us locate?

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Thursday, September 12, 2019 4:18 PM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.

This is all I have on Yazoo. I will forward anything else I find.

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Thursday, September 12, 2019 4:10 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: READ: Briefing papers needed.
Importance: High

Yes, I can do that! But can you pass me the latest files you have in the IO so we can update them? Since we last sent backgrounders your way, they may have been updated with Dave's comments.

Greg/Chris- can you send me the latest Yazoo hearing fact sheet cleared by the OW IO?

Thanks!

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Thursday, September 12, 2019 2:11 PM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>
Subject: Briefing papers needed.

Stephanie – can you provide me updated TPs for Yazoo Backwater Pump project and the section 404 (c) veto from 2008? The Administrator has a meeting with Governor Bryant Wednesday morning.

Thanks!,
Mel

Message

From: Spraul, Greg [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FD1EA61F0BAA453A93AEB9BCA32DA076-GSPRAUL]
Sent: 9/13/2019 7:16:20 PM
To: Mejias, Melissa [mejias.melissa@epa.gov]; Santell, Stephanie [Santell.Stephanie@epa.gov]
Subject: RE: READ: Briefing papers needed.
Attachments: incoming_bryant_yazoo_4285_03-29-19.pdf; response_bryant_yazoo_6538_08-01-19.pdf; incoming_bryant_yazoo_6538_06-21-19.pdf

Here you go. The response addresses both incomings.

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Friday, September 13, 2019 11:56 AM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.

Yeah! To the letter. Looking forward to receiving that soon. ☺

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Friday, September 13, 2019 11:49 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: Re: READ: Briefing papers needed.

I've got the letter!!! I'll send it now. Did we just use the hearing fact sheet?

Sent from my iPhone

On Sep 13, 2019, at 11:43 AM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:

> Before she gets on the plane this afternoon. I have a good amount of information already and satisfied with the packet as is. If you have a letter that would be great, otherwise, I can provide her the letter next week.
>
> ---
>
> **From:** Santell, Stephanie <Santell.Stephanie@epa.gov>
> **Sent:** Friday, September 13, 2019 11:39 AM
> **To:** Mejias, Melissa <mejias.melissa@epa.gov>
> **Cc:** Spraul, Greg <Spraul.Greg@epa.gov>
> **Subject:** Re: READ: Briefing papers needed.
>
> Ok that's important information and helpful to know.
>
> When does Anna need these by?
>
> Sent from my iPhone
>
> On Sep 13, 2019, at 11:29 AM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:
>
>> This is for Anna only. I spoke to the Region and they are preparing papers separate for the AW brief.

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Friday, September 13, 2019 10:44 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.
Importance: High

Question- are these items for Anna, or for the Administrator in prep for his meeting with the Governor as your first note stated?
I am asking because I just spoke with folks in my shop and they are already working with Region 4 to pull together materials including a two pager for the briefing with Wheeler.

Sounds good on OCIR.

Yes, I am sure our staff have a copy of the letter or can obtain one.

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Friday, September 13, 2019 10:26 AM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.

I will send you the latest from OCIR as soon as I have it for your records.

I think I have a good packet ready to go for Anna. I appreciate your help as always.

Any chance you have a copy of the letter we sent to the Governor? I saw email exchanges about us sending a letter. Not sure if that ever got done.

Thanks!,
Mel

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Friday, September 13, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: Re: READ: Briefing papers needed.

I am happy to do all of the above but I need you both to do two things:

- send an email to Dennis Borum in OCIR to get the latest fact sheets on Yazoo and 404c. We didn't do Yazoo because the issue resides in region 4. Please cc me.

- provide me with a hard deadline that we need to get something back to you by.

The faster we can do this, the sooner I can help.

Thanks!

Sent from my iPhone

On Sep 13, 2019, at 9:53 AM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:

Do you have any letters? Or any other information?

Also, can you provide me TPs on 404c

Thanks!,
Mel

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Friday, September 13, 2019 9:29 AM
To: Spraul, Greg <Spraul.Greg@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Subject: RE: READ: Briefing papers needed.

Can we not reach out to OCIR to get the latest? That would probably be the best approach. I would hate for Dave to review a version that does not include any edits that either he or someone else made in the IO, or in OCIR.

Please let me know if either of you are able to send an email to Dennis. Thanks!

From: Spraul, Greg <Spraul.Greg@epa.gov>
Sent: Friday, September 13, 2019 8:45 AM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Subject: RE: READ: Briefing papers needed.

The version Mel sent is the same one I have. If there is an updated one the Region or OCIR has it. If you obtain an updated one, I would like it for our files here in OW IO.

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Thursday, September 12, 2019 4:26 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.
Importance: High

Darn it- the Wicker one is what I have too...there should be a more updated hearing fact sheet on Yazoo...I know Region 4 provided one.

Greg can you help us locate?

From: Mejias, Melissa <mejias.melissa@epa.gov>
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Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: READ: Briefing papers needed.

This is all I have on Yazoo. I will forward anything else I find.

From: Santell, Stephanie <Santell.Stephanie@epa.gov>
Sent: Thursday, September 12, 2019 4:10 PM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: READ: Briefing papers needed.
Importance: High

Yes, I can do that! But can you pass me the latest files you have in the IO so we can update them? Since we last sent backgrounders your way, they may have been updated with Dave's comments.

Greg/Chris- can you send me the latest Yazoo hearing fact sheet cleared by the OW IO?

Thanks!

From: Mejias, Melissa <mejias.melissa@epa.gov>
Sent: Thursday, September 12, 2019 2:11 PM
To: Santell, Stephanie <Santell.Stephanie@epa.gov>
Subject: Briefing papers needed.

Stephanie – can you provide me updated TPs for Yazoo Backwater Pump project and the section 404 (c) veto from 2008? The Administrator has a meeting with Governor Bryant Wednesday morning.

Thanks!,
Mel

Message

From: Chris McDonald [Chris@mdac.ms.gov]
Sent: 7/29/2019 9:33:39 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]
CC: Andy Gipson [Andy@mdac.ms.gov]; Julie McLemore [Julie@mdac.ms.gov]; Brian Perry [BrianP@mdac.ms.gov]
Subject: Mississippi Yazoo Backwater Flood_ Follow-up Letter
Attachments: Mississippi Yazoo Backwater Flood_Follow up Letter_EPA Administrator Wheeler_7.29.2019.pdf

Administrator Wheeler,

Please accept the attached follow-up letter from Mississippi Agriculture and Commerce Commissioner Andy Gipson regarding the continuing flood along the Mississippi River and Yazoo backwater area of Mississippi. This event has flooded over 550,000 acres of which more than 225,000 acres are agricultural crop land. The economic and environmental impact to the South Delta will be long lasting. Commissioner Gipson first submitted a letter to you on March 15, 2019, on behalf of South Delta residents and farmers requesting that dialogue regarding construction of the Yazoo Backwater Area Pump Project be re-opened and reconsidered by the EPA. Enclosed with the attached follow-up letter are photos that were taken on July 18, 2019 in the South Delta. The photos illustrate commonly observed flood damage to infrastructure and the environment in the backwater flood area.

Thank you once again for your consideration regarding the Yazoo Backwater Area Pump Project. The residents of Mississippi and Commissioner Gipson look forward to the completion of this much needed flood control structure.

A hardcopy of the attached letter will also be mailed to your office.

Chris McDonald
Director of Federal Affairs
Mississippi Department of Agriculture and Commerce

121 North Jefferson St.
Jackson, MS 39201
Office: (601) 359-1135
Cell: Ex. 6
Fax: (601) 354-6290
Email: chris@mdac.ms.gov

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STATE OF MISSISSIPPI
DEPARTMENT OF AGRICULTURE AND COMMERCE

ANDY GIPSON
COMMISSIONER

March 15, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Wheeler,

Flooding along the Mississippi River and Yazoo backwater area has continued to be a significant problem for more than a decade. The South Delta region of Mississippi is once again experiencing a historical flood event. The current flood is the largest in this region since the 1970s. More than a half million acres of land, including a quarter million acres of cropland, are forecast to be inundated with water. Current water levels have displaced residents, destroyed homes, damaged road infrastructure, and put farmers' livelihood at stake because this year's crop cannot be planted.

Much of the devastation that South Delta residents are facing now could have been prevented if construction of the Yazoo Backwater Area Pump Project had been completed. The Yazoo Backwater Area Pump Project was designed and authorized to alleviate backwater flooding and protect the livelihood of area residents. However, the Environmental Protection Agency (EPA) vetoed the project in 2008, even though it was a federally-authorized U.S. Army Corps of Engineers Civil Works project.

On behalf of residents and farmers in the South Delta region, I ask that dialogue regarding construction of the Yazoo Backwater Area Pump Project be re-opened and reconsidered by the EPA. Additionally, I ask that you as the Administrator of the EPA visit the Mississippi South Delta and tour the current backwater flood. This will allow you to see firsthand the devastating flood impacts on the people, farmland, roads, highways, trees and wildlife in the area.

In closing, thank you for considering this important situation. The residents of Mississippi and I look forward to an open and productive dialogue to solve this life-threatening matter.

Sincerely,

Andy Gipson
Commissioner of Agriculture and Commerce

P. O. BOX 1609 • JACKSON, MISSISSIPPI 39215-1609 • www.mdac.ms.gov • TELEPHONE: (601) 359-1100

Message

From: Pic, Jordan [pic.jordan@epa.gov]
Sent: 9/16/2019 5:18:36 PM
To: Carter, Brittany S. [carter.brittanys@epa.gov]
Subject: RE: AW Meeting with Gov. Bryant (MS)
Attachments: 91619- AW Meeting Memo - Governor Bryant.docx

Attached is a first draft.

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Monday, September 16, 2019 12:25 PM
To: Pic, Jordan <pic.jordan@epa.gov>
Subject: FW: AW Meeting with Gov. Bryant (MS)

For the briefing. We'll include the issue paper as an attachment and use the bullet points below for the talking points.

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Monday, September 16, 2019 12:22 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>; Walker, Mary <walker.mary@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Brittany,

Ex. 5 Deliberative Process (DP)

Lee

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Monday, September 16, 2019 12:18 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Walker, Mary <walker.mary@epa.gov>
Sent: Monday, September 16, 2019 12:02 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Good morning Brittany,

Attached is a briefing document for the Administrator from R4 and OW.

Please let me know if you need anything else.

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 4:20 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

COB is fine. Much appreciated!

On Sep 13, 2019, at 4:04 PM, Walker, Mary <walker.mary@epa.gov> wrote:

Hi Brittany,

Ex. 5 Deliberative Process (DP)

What time on Monday do you need the document?

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 3:42 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

Ex. 5 Deliberative Process (DP)

Thank you and please let me know if you need anything.

On Sep 11, 2019, at 10:28 AM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Brittany,

Ex. 5 Deliberative Process (DP)

Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

Gov. Bryant has asked to meet with AW on Sept. 18 regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008. Wanted to get the ball rolling for the briefing. Would it be possible to have the materials ready by 9/16?

Thank you!

-Britt

Message

From: Pottebaum, Nic D. Ex. 6 Personal Privacy (PP)
Sent: 9/9/2019 7:33:19 PM
To: Carter, Brittany S. [carter.brittanys@epa.gov]
CC: Imhoff, Olivia P. Ex. 6 Personal Privacy (PP)
Subject: Re: Meeting with Governor Bryant

Thanks!

On Sep 9, 2019, at 2:56 PM, Carter, Brittany S. <carter.brittanys@epa.gov> wrote:

FYI, for your tracker

From: Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov>
Sent: Monday, September 9, 2019 2:51 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Pic, Jordan <pic.jordan@epa.gov>
Subject: Meeting with Governor Bryant

Hey Britt and Jordan,

Just wanted to give you both a heads up that Governor Bryant would like to meet with Administrator Wheeler on September 18th. Our scheduler should be reaching out. This meeting is regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008.

Whitney H. Lipscomb
Deputy Chief of Staff & Counsel

Office of Governor Phil Bryant
P.O. Box 139 • Jackson, MS • 39205
Office: 601.576.2026 • Fax: 601.359.3741

Whitney.Lipscomb@governor.ms.gov
>www.GovernorBryant.com<

The content image001.jpg of type has been blocked.

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 9/16/2019 4:58:08 PM
To: Carter, Brittany S. [carter.brittanys@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]
Subject: RE: AW Meeting with Gov. Bryant (MS)

thanks

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Monday, September 16, 2019 12:31 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: FW: AW Meeting with Gov. Bryant (MS)

FYI

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Monday, September 16, 2019 12:22 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>; Walker, Mary <walker.mary@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Brittany,

Ex. 5 Deliberative Process (DP)

Lee

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Sent: Monday, September 16, 2019 12:18 PM
To: Walker, Mary <walker.mary@epa.gov>
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Subject: RE: AW Meeting with Gov. Bryant (MS)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Sent: Monday, September 16, 2019 12:02 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Good morning Brittany,

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Please let me know if you need anything else.

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 4:20 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

COB is fine. Much appreciated!

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Hi Brittany,

Ex. 5 Deliberative Process (DP)

What time on Monday do you need the document?

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 3:42 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Walker, Mary <walker.mary@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

Ex. 5 Deliberative Process (DP)

Thank you and please let me know if you need anything.

On Sep 11, 2019, at 10:28 AM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Brittany,

We need to do the briefing materials in conjunction with R4 since they are doing the majority of the day to day work on the issue and Mary Walker has been met with the Division Commander of the Corps several times recently on the project. You also need to make them aware of the meeting.

Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

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Thank you!

-Britt

Message

From: Hyman, Alana [Hyman.Alana@epa.gov]
Sent: 9/11/2019 8:06:29 PM
To: Carter, Brittany S. [carter.brittanys@epa.gov]
CC: Dickerson, Aaron [dickerson.aaron@epa.gov]; Scott, Corey [scott.corey@epa.gov]; Pic, Jordan [pic.jordan@epa.gov]
Subject: RE: Meeting with Governor Bryant

Thank you Britt, appreciate it!

Alana Hyman
Office of the Administrator
U.S. EPA

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 3:38 PM
To: Hyman, Alana <Hyman.Alana@epa.gov>
Cc: Dickerson, Aaron <dickerson.aaron@epa.gov>; Scott, Corey <scott.corey@epa.gov>; Pic, Jordan <pic.jordan@epa.gov>
Subject: Re: Meeting with Governor Bryant

I think he could only do late afternoon on the 17th but I'll double check. Thank you!

On Sep 11, 2019, at 3:20 PM, Hyman, Alana <Hyman.Alana@epa.gov> wrote:

What would work best is if the Governor could meet the morning of the 17th. The Administrator has a 10 am available or 10:30 am. Would either of these times be a possibility?

Alana Hyman
Office of the Administrator
U.S. EPA

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 2:32 PM
To: Hyman, Alana <Hyman.Alana@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Scott, Corey <scott.corey@epa.gov>
Cc: Pic, Jordan <pic.jordan@epa.gov>
Subject: RE: Meeting with Governor Bryant

Hi all,

Sorry, their office just called back. They said Gov. Bryant could make late afternoon on the 17th work. Would that be more preferable? They said they were just checking all options and they'd change his flight if that works.

Thanks!

-Britt

From: Carter, Brittany S.
Sent: Wednesday, September 11, 2019 12:15 PM
To: Hyman, Alana <Hyman.Alana@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Scott, Corey <scott.corey@epa.gov>

Cc: Pic, Jordan <pic.jordan@epa.gov>
Subject: RE: Meeting with Governor Bryant

Hi Alana,

Confirming 9:30am works for Governor Bryant on 9/18. Thank you!

-Britt

From: Hyman, Alana <Hyman.Alana@epa.gov>
Sent: Wednesday, September 11, 2019 11:30 AM
To: Carter, Brittany S. <carter.brittanys@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Scott, Corey <scott.corey@epa.gov>
Cc: Pic, Jordan <pic.jordan@epa.gov>
Subject: RE: Meeting with Governor Bryant

No, thank you- appreciate it!

Alana Hyman
Office of the Administrator
U.S. EPA

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 11:17 AM
To: Hyman, Alana <Hyman.Alana@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Scott, Corey <scott.corey@epa.gov>
Cc: Pic, Jordan <pic.jordan@epa.gov>
Subject: RE: Meeting with Governor Bryant

Will do. Thank you!

From: Hyman, Alana <Hyman.Alana@epa.gov>
Sent: Wednesday, September 11, 2019 11:16 AM
To: Carter, Brittany S. <carter.brittanys@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Scott, Corey <scott.corey@epa.gov>
Cc: Pic, Jordan <pic.jordan@epa.gov>
Subject: RE: Meeting with Governor Bryant

Due to the hearing prep scheduled, 9:30am is what the Administrator has available on September 18th. Can you reach out to the Governor's office to see if that time would work for Governor Bryant to meet?

Thank you,

Alana

Alana Hyman
Office of the Administrator
U.S. EPA

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Monday, September 9, 2019 2:57 PM
To: Dickerson, Aaron <dickerson.aaron@epa.gov>; Hyman, Alana <Hyman.Alana@epa.gov>; Scott, Corey

<scott.corey@epa.gov>
Cc: Pic, Jordan <pic.jordan@epa.gov>
Subject: FW: Meeting with Governor Bryant

For the scheduling meeting tomorrow. Thank you!

From: Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov>
Sent: Monday, September 9, 2019 2:51 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Pic, Jordan <pic.jordan@epa.gov>
Subject: Meeting with Governor Bryant

Hey Britt and Jordan,

Just wanted to give you both a heads up that Governor Bryant would like to meet with Administrator Wheeler on September 18th. Our scheduler should be reaching out. This meeting is regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008.

Whitney H. Lipscomb
Deputy Chief of Staff & Counsel

Office of Governor Phil Bryant
P.O. Box 139 • Jackson, MS • 39205
Office: 601.576.2026 • Fax: 601.359.3741

Whitney.Lipscomb@governor.ms.gov
www.GovernorBryant.com

Message

From: Bowles, Jack [Bowles.Jack@epa.gov]
Sent: 9/11/2019 3:11:42 PM
To: Carter, Brittany S. [carter.brittanys@epa.gov]
Subject: RE: AW Meeting with Gov. Bryant (MS)

Thank you.

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 11:03 AM
To: Cook-Shyovitz, Becky <Cook-Shyovitz.Becky@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>
Subject: FW: AW Meeting with Gov. Bryant (MS)

FYI, sorry forgot to cc you!

From: Carter, Brittany S.
Sent: Wednesday, September 11, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

Gov. Bryant has asked to meet with AW on Sept. 18 regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008. Wanted to get the ball rolling for the briefing. Would it be possible to have the materials ready by 9/16?

Thank you!

-Britt

Message

From: Carter, Brittany S. [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7FFC80A6A1D24757A8E59BDF551D5CBE-CARTER, BRI]
Sent: 9/16/2019 5:50:20 PM
To: Pic, Jordan [pic.jordan@epa.gov]
Subject: RE: AW Meeting with Gov. Bryant (MS)
Attachments: 91619- AW Meeting Memo - Governor Bryant.docx

Thanks!

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Pic, Jordan <pic.jordan@epa.gov>
Sent: Monday, September 16, 2019 1:19 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Attached is a first draft.

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Monday, September 16, 2019 12:25 PM
To: Pic, Jordan <pic.jordan@epa.gov>
Subject: FW: AW Meeting with Gov. Bryant (MS)

For the briefing. We'll include the issue paper as an attachment and use the bullet points below for the talking points.

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Monday, September 16, 2019 12:22 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>; Walker, Mary <walker.mary@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Brittany,

Ex. 6 Personal Privacy (PP)

Lee

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Monday, September 16, 2019 12:18 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Walker, Mary <walker.mary@epa.gov>
Sent: Monday, September 16, 2019 12:02 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: AW Meeting with Gov. Bryant (MS)

Good morning Brittany,

Attached is a briefing document for the Administrator from R4 and OW.

Please let me know if you need anything else.

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 4:20 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

COB is fine. Much appreciated!

On Sep 13, 2019, at 4:04 PM, Walker, Mary <walker.mary@epa.gov> wrote:

Hi Brittany,

Ex. 5 Deliberative Process (DP)

What time on Monday do you need the document?

Mary

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Friday, September 13, 2019 3:42 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Walker, Mary <walker.mary@epa.gov>
Subject: Re: AW Meeting with Gov. Bryant (MS)

Ex. 5 Deliberative Process (DP)

Thank you and please let me know if you need anything.

On Sep 11, 2019, at 10:28 AM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Brittany,

Ex. 5 Deliberative Process (DP)

Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Wednesday, September 11, 2019 10:18 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: AW Meeting with Gov. Bryant (MS)

Hi there,

Gov. Bryant has asked to meet with AW on Sept. 18 regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008. Wanted to get the ball rolling for the briefing. Would it be possible to have the materials ready by 9/16?

Thank you!

-Britt

Message

From: Carter, Brittany S. [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7FFC80A6A1D24757A8E59BDF551D5CBE-CARTER, BRI]
Sent: 9/9/2019 7:01:05 PM
To: Whitney Lipscomb [Whitney.Lipscomb@governor.ms.gov]
CC: Pic, Jordan [pic.jordan@epa.gov]
Subject: RE: Meeting with Governor Bryant

Thank you, Whitney! Appreciate the heads up. We'll keep an eye out.

From: Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov>
Sent: Monday, September 9, 2019 2:51 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Pic, Jordan <pic.jordan@epa.gov>
Subject: Meeting with Governor Bryant

Hey Britt and Jordan,

Just wanted to give you both a heads up that Governor Bryant would like to meet with Administrator Wheeler on September 18th. Our scheduler should be reaching out. This meeting is regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008.

Whitney H. Lipscomb
Deputy Chief of Staff & Counsel

Office of Governor Phil Bryant
P.O. Box 139 • Jackson, MS • 39205
Office: 601.576.2026 • Fax: 601.359.3741

Whitney.Lipscomb@governor.ms.gov
www.GovernorBryant.com

Message

From: Carter, Brittany S. [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7FFC80A6A1D24757A8E59BDF551D5CBE-CARTER, BRI]
Sent: 9/9/2019 6:52:40 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Pic, Jordan (pic.jordan@epa.gov) [pic.jordan@epa.gov]
Subject: FW: Meeting with Governor Bryant
Attachments: ATT00001.txt

FYI, know that's a busy day. I'll see if the gov's around on the 17th

---

From: Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov>
Sent: Monday, September 9, 2019 2:51 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Pic, Jordan <pic.jordan@epa.gov>
Subject: Meeting with Governor Bryant

Hey Britt and Jordan,

Just wanted to give you both a heads up that Governor Bryant would like to meet with Administrator Wheeler on September 18th. Our scheduler should be reaching out. This meeting is regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008.

Whitney H. Lipscomb
Deputy Chief of Staff & Counsel

Office of Governor Phil Bryant
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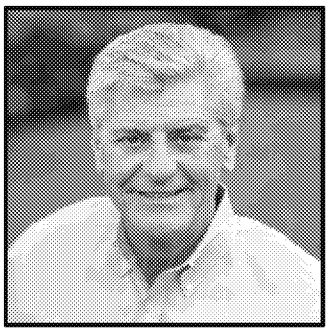
Office: 601.576.2026 • Fax: 601.359.3741

Whitney.Lipscomb@governor.ms.gov
www.GovernorBryant.com



Meeting with Governor Phil Bryant (R, MS)
EPA Region 4
September 18, 2019

BIOGRAPHY

Phil Bryant (born December 9, 1954, in Moorhead, Mississippi) became the 64th governor of Mississippi in 2012. Bryant earned a bachelor's degree from the University of Southern Mississippi and a master's degree from Mississippi College. Bryant served five years as a member of the Mississippi House of Representatives where he was the Vice Chairman of the Insurance Committee and authored the Capital Gains Tax Cut Act of 1992. He then served as the state auditor from 1996 to 2008. Outside state government, Bryant has worked as an adjunct professor of government at Mississippi College and is the contributing author of three books. He and his wife, Deborah, have two children and two grandchildren.

PURPOSE

Per a request from Governor Bryant he would like to discuss the Yazoo Backwater Pump project and the section 404 (c) veto from 2008.

TALKING POINTS

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

OTHER ISSUES OF CONCERN & TALKING POINTS

Spartan Mosquito

Non-Responsive

RECENT ENGAGEMENTS

- Phone call took place with Governor Bryant on 3/15/19 re: Yazoo

UPCOMING EVENTS

- N/A

ATTENDEES

- *External:* Governor Bryant, Scott McClintok—Chief of Staff, and Whitney Lipscomb—Deputy Chief of Staff

- *Internal:* Anna Wildeman, Britt Carter, and Jordan Pic

CORRESPONDENCE

- Letter from Bryant re: SREs on 8/08/19
- Administrator Wheeler sent a letter to Bryant re: response to 3/29/19 and 6/21/19 letters re: Yazoo Backwater Area
- Administrator Wheeler sent a letter to Bryant re: 2019 Lead Testing in School and Child Care Drinking Water Grant Program
- Letter from Bryant re: forwarding letter from Hunter Fordice re: Yazoo Backwater Area on 6/21/19
- Letter from Bryant re: Yazoo Backwater Area on 3/29/19
- Letter from Bryant re: designation of Mississippi State University to apply for Lead Testing in School and Child Care Program Drinking water Grant on 1/10/19
- Letter from Bryant re: WOTUS on 6/16/17

- Letter from Bryant and delegation of state governors and attorney generals to Administrator Pruitt re: Clean Air and Water Acts on 3/7/17

ATTACHMENTS

- OW Yazoo Background Brief
- OAR RFS Small Refinery Exemptions Background Brief
- Spartan Mosquito Timeline
- Bryant Letter re: SREs on 8/08/19
- Wheeler letter re: response to 3/29/19 and 6/21/19 letters re: Yazoo Backwater Area
- Wheeler letter re: 2019 Lead Testing in School and Child Care Drinking Water Grant Program
- Bryant Letter re: forwarding letter from Hunter Fordice re: Yazoo Backwater Area on 6/21/19
- Bryant letter re: Yazoo Backwater Area on 3/29/19
- Bryant letter re: designation of Mississippi State University to apply for Lead Testing in School and Child Care Program Drinking Water Grant on 1/10/19
- Bryant letter re: WOTUS on 6/16/17
- Bryant and delegation letter to Administrator Pruitt re: Clean Air and Water Acts on 3/7/17

Message

From: Carter, Brittany S. [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7FFC80A6A1D24757A8E59BDF551D5CBE-CARTER, BRI]
Sent: 7/31/2019 1:45:35 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Pic, Jordan (pic.jordan@epa.gov) [pic.jordan@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]
Subject: FW: Mississippi Yazoo Backwater Flood_ Follow-up Letter
Attachments: Mississippi Yazoo Backwater Flood_Follow up Letter_EPA Administrator Wheeler_7.29.2019.pdf

Flagging this Yazoo letter from MI Ag Commissioner Gipson as well

---

From: Schroeder, Allie F. EOP/WHO <Allie.F.Schroeder@who.eop.gov>
Sent: Wednesday, July 31, 2019 9:07 AM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Subject: FW: Mississippi Yazoo Backwater Flood_ Follow-up Letter

Here you are! Thank you.

From: Brian Perry <BrianP@mdac.ms.gov>
Sent: Tuesday, July 30, 2019 4:13 PM
To: Schroeder, Allie F. EOP/WHO <Ex. 6>; Robert.MacGregor2@usda.gov
Cc: Andy Gipson <Andy@mdac.ms.gov>; Julie McLemore <Julie@mdac.ms.gov>
Subject: FW: Mississippi Yazoo Backwater Flood_ Follow-up Letter

Allie and Robert:

This is the letter to Administrator Wheeler at the EPA that Commissioner Gipson referenced in today's call.

-Brian

Brian Perry
Chief of Staff
Mississippi Department of Agriculture and Commerce

From: Chris McDonald
Sent: Monday, July 29, 2019 4:34 PM
To: 'Wheeler.andrew@Epa.gov'
Cc: Andy Gipson; Julie McLemore; Brian Perry
Subject: Mississippi Yazoo Backwater Flood_ Follow-up Letter

Administrator Wheeler,

Please accept the attached follow-up letter from Mississippi Agriculture and Commerce Commissioner Andy Gipson regarding the continuing flood along the Mississippi River and Yazoo backwater area of Mississippi. This event has flooded over 550,000 acres of which more than 225,000 acres are agricultural crop land. The economic and environmental impact to the South Delta will be long lasting. Commissioner Gipson first submitted a letter to you on March 15, 2019, on behalf of South Delta residents and farmers requesting that dialogue regarding construction of the Yazoo Backwater Area Pump Project be re-opened and reconsidered by the EPA. Enclosed with the attached follow-up letter are photos that were taken on July 18, 2019 in the South Delta. The photos illustrate commonly observed flood damage to infrastructure and the environment in the backwater flood area.

Thank you once again for your consideration regarding the Yazoo Backwater Area Pump Project. The residents of Mississippi and Commissioner Gipson look forward to the completion of this much needed flood control structure.

A hardcopy of the attached letter will also be mailed to your office.

Chris McDonald
Director of Federal Affairs
Mississippi Department of Agriculture and Commerce

121 North Jefferson St.
Jackson, MS 39201
Office: (601) 359-1135
Cell: Ex. 6
Fax: (601) 354-6290
Email: chris@mdac.ms.gov

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Message

From: Carter, Brittany S. [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7FFC80A6A1D24757A8E59BDF551D5CBE-CARTER, BRI]
Sent: 9/11/2019 3:21:37 PM
To: Whitney Lipscomb [Whitney.Lipscomb@governor.ms.gov]
CC: Pic, Jordan [pic.jordan@epa.gov]
Subject: RE: Meeting with Governor Bryant

Hi Whitney,

We haven't heard from your scheduler, but I went ahead and flagged it for our team. Due to the hearing prep scheduled, 9:30am is what the Administrator has available on September 18th. (Has a hearing on 9/19.) Would Governor Bryant be available to meet then?

Also, are there any other topics that might come up in the meeting? Want to make sure it follows as efficiently as possible. And can you send the list of anyone that might also accompany Governor Bryant?

Thank you.

Best regards,

Britt

From: Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov>
Sent: Monday, September 9, 2019 2:51 PM
To: Carter, Brittany S. <carter.brittanys@epa.gov>
Cc: Pic, Jordan <pic.jordan@epa.gov>
Subject: Meeting with Governor Bryant

Hey Britt and Jordan,

Just wanted to give you both a heads up that Governor Bryant would like to meet with Administrator Wheeler on September 18th. Our scheduler should be reaching out. This meeting is regarding the Yazoo Backwater Pump project and the section 404 (c) veto from 2008.

Whitney H. Lipscomb
Deputy Chief of Staff & Counsel

Office of Governor Phil Bryant
P.O. Box 139 • Jackson, MS • 39205
Office: 601.576.2026 • Fax: 601.359.3741

Whitney.Lipscomb@governor.ms.gov
www.GovernorBryant.com

Message

From: Walker, Mary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=WALKER, MARY S.]
Sent: 9/28/2019 3:03:48 PM
To: Brandy Hairston (hairston.brandy@epa.gov) [hairston.brandy@epa.gov]
Subject: FW: EPA Engagement October 21-22

Hi Please print. Thanks

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Wednesday, September 25, 2019 6:36 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Walker, Mary <walker.mary@epa.gov>
Subject: RE: EPA Engagement October 21-22

Mary:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Wednesday, September 25, 2019 2:01 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Subject: Re: EPA Engagement October 21-22

Mary

Ryan and I spoke about it this morning.

Lee

Sent from my iPhone

On Sep 25, 2019, at 9:06 AM, Walker, Mary <walker.mary@epa.gov> wrote:

> Please see below. I need to call MG Toy again in advance of the staff call and Lee may want to reach out to Ryan too. We can discuss tomorrow. I think they remain where they were.
>
> David, I may touch base with you before I call Toy back. Do you have time today?
>
> Mary
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Hairston, Brandy" <hairston.brandy@epa.gov>
> > **Date:** September 25, 2019 at 5:51:35 AM PDT
> > **To:** "Walker, Mary" <walker.mary@epa.gov>
> > **Cc:** "Ashbee, Blake" <ashbee.blake@epa.gov>
> > **Subject: FW: EPA Engagement October 21-22**
> >
> > FYI
> >
> > -----Original Message-----
> > From: Camillo, Charles A CIV USARMY CEMVD (USA)
> > <Charles.A.Camillo@usace.army.mil>
> > Sent: Monday, September 23, 2019 5:54 PM
> > To: Hairston, Brandy <hairston.brandy@epa.gov>
> > Cc: Young, Gary L CIV USARMY CEMVD (USA) <Gary.L.Young@usace.army.mil>

Subject: EPA Engagement October 21-22

Brandy,

Please see the attached agenda for October 22. MG Toy and Ms. Walker discussed the agenda today and committed to it. Our proposed approach to advance the effort to resolve the 2008 404(c) veto determination on the Yazoo Backwater Area Project is to prepare a separate request for a new decision based on our new scientific information developed since the original determination. One way to do that is to provide EPA with a revised 404(b)(1) analysis (the original 404(b)(1) was included in our 2007 report) along with our updated data an analysis and request a new determination. The 404(b)(1) analysis evaluates the effects to the aquatic environment (wetlands, fisheries, etc) from the placement of fill material into wetlands and waters of the U.S.. Current data suggest that the adverse effects will decrease significantly. In conjunction with this approach, we could also provide an Adaptive Management and Monitoring plan that will allow the Corps and EPA to monitor the effects of the project, compare the results to the predicted effects, and, if necessary, adapt as needed.

Some items that our staffs must accomplish via webinar or teleconference in the meantime to ensure success on October 22 include the following:

-EPA/Corps Wetland Analysis Discussion: Major points from the final determination, wetland information provided to date and level of analyses.
-EPA/Corps Wetland Extent and Location Discussion: Final determination analyses, methods and level of detail to address extent and location.
-EPA/Corps Fish and Wildlife Habitat Discussion: What is required to address?
-EPA/Corps Compensatory mitigation and Reforestation Discussion -EPA/Corps Recreation and Environmental Justice Discussion: What is required to address?

Thank you,

Charles A. Camillo
Executive Assistant
Mississippi Valley Division

Office: 601-634-7023
Mobile: 601-529-5614

<AGENDA.v3.docx>

Message

From: Walker, Mary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=WALKER, MARY S.]
Sent: 7/22/2019 4:05:14 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE:

Yes – I'll call you now. If I miss you, the rest of the day is fully booked but I'll try to catch you this evening from the airport.

From: Benevento, Douglas
Sent: Monday, July 22, 2019 11:18 AM
To: Walker, Mary <walker.mary@epa.gov>
Subject: Fwd:

Can we talk about this today.

Sent from my iPhone

Begin forwarded message:

> **From:** "Jackson, Ryan" <jackson.ryan@epa.gov>
> **Date:** July 22, 2019 at 10:02:58 AM CDT
> **To:** "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Wildeman, Anna" <wildeman.anna@epa.gov>, "Ross, David P" <ross.davidp@epa.gov>, "Walker, Mary" <walker.mary@epa.gov>, "Ashbee, Blake" <ashbee.blake@epa.gov>, "Benevento, Douglas" <benevento.douglas@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>
>
> I'm hoping that a public meeting in Vicksburg schedule for Tuesday can be rescheduled to accommodate higher level EPA staff to listen to and answer questions from stakeholders and residents near Yazoo.
>
> The Corps district office in Vicksburg is coming to DC next week to brief the Corps on the Yazoo pump project. I have asked Ryan Fischer for him to invite EPA to be a part of the discussion as well.
>
> He and I had a good discussion this morning about the pumps project. At the very least I need to fill you in on this after the senior staff meeting today.
>
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> Ex. 6
> jackson.ryan@epa.gov

Message

From: Calli, Rosemary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E17C62EB477B48CFA42C0CEDD631C005-HALL, ROSEMARY]
Sent: 11/26/2019 2:20:25 PM
To: Tara Houda [Houda.Tara@epa.gov]
Subject: FW: Yazoo Desk Statement?

Ex. 5 Deliberative Process (DP)

From: Jones, Erica <Jones.Erica@epa.gov>
Sent: Tuesday, October 1, 2019 3:27 PM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: RE: Yazoo Desk Statement?

Great, thanks.

From: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Sent: Tuesday, October 01, 2019 3:14 PM
To: Jones, Erica <Jones.Erica@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: RE: Yazoo Desk Statement?

I just realized that the last sentence of the statement below references "our 2008 decision" without context. So I suggest you replace that with "the EPA's 2008 Clean Water Act 404(c) Final Determination regarding the Yazoo Backwater Pump project."

From: Jones, Erica <Jones.Erica@epa.gov>
Sent: Tuesday, October 1, 2019 3:10 PM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: RE: Yazoo Desk Statement?

Thank you very much.

Erica

From: Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Sent: Tuesday, October 01, 2019 3:09 PM
To: Jones, Erica <Jones.Erica@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: RE: Yazoo Desk Statement?

Thanks Erica. I provided the following statement to James Pickney (HQ Public Affairs office) with a cc to Brandi Jenkins on September 6, in response to an inquiry from the press at that time. I think this continues to be our message to the public, and if you haven't already done so I suggest getting input from Brandi.

EPA recognizes the significant, disruptive impacts of the flooding along the lower Mississippi River and the Yazoo Backwater Area to thousands of Mississippians and to the state's economy. The EPA has been actively engaged in discussions with the U.S. Army Corps of Engineers regarding potential solutions and remains committed to working actively and cooperatively with the Corps to provide protection under the Clean Water Act while the Corps considers options for providing flood protection. The EPA and the Corps have met multiple times during the past several months and intend to continue meeting to discuss viable solutions, including a possible reconsideration of our 2008 decision.

From: Jones, Erica <Jones.Erica@epa.gov>
Sent: Tuesday, October 1, 2019 2:53 PM
To: Mcgill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: Yazoo Desk Statement?

Hi Tom and Rosemary,

Becky is speaking next week at the Interstate Council on Water Policy annual meeting in Mobile, AL. She will be on a panel called *Federal Agency Updates* where the Corps will also have a seat. It is possible she will be asked about Yazoo. Do we have, or can you create a desk statement that she can refer to if it comes up? I drafted the statement below- you can edit this or completely change. Thank you for your help.

Ex. 5 Deliberative Process (DP)

Erica

Erica Jones | Special Assistant
Immediate Office | Water Division
Region 4 | U.S. EPA
Office: 404-562-9264
Cell: 404-519-9973

RA BRIEF
YAZOO BACKWATER AREA PUMPS PROJECT

Date Updated: 01/16/2019 **Date Original Prepared:** 7/18/2019 **Priority:** 3

EPA Goal Supported: Provide for Clean and Safe Water, Rule of Law and Process

Issue: The U.S. Army Corps of Engineers (Corps) has shared new information regarding the Yazoo Backwater Area (YBA), which was subject to a Clean Water Act section 404(c) Final Determination (FD). The new information is under review and may inform whether revisiting the FD is warranted.

Location: Issaquena County, Mississippi

Context:
1. Involved parties: EPA, Corps
2. Interested parties: Mississippi Governor Bryant, Mississippi Senators Wicker and Hyde-Smith, media
3. EPA issued a 404(c) Final Determination (FD) in 2008 "vetoing" the YBA Pumps Project based on unacceptable adverse effects on fishery areas and wildlife.
4. During significant flooding events impacting the YBA in 2019, the EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
5. Administrator Wheeler said at a Senate Interior Appropriations Subcommittee hearing 04/03/2019 that EPA is reviewing the 2008 veto decision

Considerations:

2008 Veto

1. In August of 2008, EPA issued a 404(c) Final Determination that impacts from the YBA Pumps Project would result in unacceptable adverse effects on fishery areas and wildlife. The FD also indicates that derivatives of the prohibited projects that involve small modifications to operational features or location of the project would also likely result in unacceptable adverse effects and would generate a similar level of concern and review by EPA.
2. The Yazoo Pumps Project was a Corps Civil Works project designed to address flooding concerns in a 630,000-acre area situated between the Mississippi and Yazoo Rivers in west-central Mississippi (Yazoo Backwater Area).
3. The primary component of this project is a 14,000 cubic feet per second pumping station that would pump surface water out of the YBA during high water events on the Mississippi River.
4. The EPA's analysis was primarily based on data and information in the Corps' Supplemental Final Environmental Impact Statement (SFEIS) for the project.

Interest from Stakeholders

5. The EPA received letters from elected officials requesting that EPA review/withdraw the 404(c) FD.
   - Letter dated 02/28/2019 from U.S. Senators Cindy Hyde-Smith and Roger Wicker
   - Letter dated 03/29/2019 from Governor Phil Bryant
   - Letter dated 09/06/2019 from U.S. Senators Cindy Hyde-Smith and Roger Wicker and Rep. Bennie Thompson
6. The EPA received letters from NGOs that expressed support of the 404(c) FD.
   - Letter dated 09/17/2019 from the National Audubon Society and Audubon Mississippi
   - Letter dated 09/17/2019 from Healthy Gulf
   - Letter dated 09/17/2019 from the National Wildlife Federation
   - Letter dated 09/17/2019 from American Rivers
7. The EPA received a letter dated 11/7/2019, signed by 14 Mississippi River protection-oriented NGOs requesting that EPA not withdraw its 2008 Yazoo Pumps FD. They also recommend a collaborative strategy for addressing issues like flood and nutrient management on a system-wide scale (rather than looking at the pumps project in isolation). OW is preparing a draft response consistent with recent responses to similar controls.
8. R4 and OW staff developed a template response for such inquiries.
9. The National Wildlife Federation (NWF) met with the DAA for OW on of 10/28/2019 and also met with OWOW staff, with WD participating by phone, to share their perspective on the YBA. The NWF offered to meet with the

RA to present their perspective if there is interest and also provided via email several attached documents that reflect their perspective that the pump would have adverse impacts to fish and aquatic life in the YBA.

Communications with the Corps

10. The Corps issued EPA a letter dated 01/25/2019, to request continued dialogue on solutions to flooding issues using new scientific information.
11. EPA Region 4 and the Corps met on March 19, 2019, in Vicksburg, MS, where they toured the YBA, and agreed to review and consider any new data and information.
12. On 05/15/2019, the Corps met with EPA in Atlanta to provide a general overview of new data they have been collecting over the last decade regarding the YBA.
13. On 06/03/2019, the Corps submitted a 118-page draft manuscript on the new data, which they believe indicates that approximately 75% of the wetlands in the YBA are hydrologically driven by precipitation, not flooding.
14. The Corps also stated they had additional data which they believe indicates that sustained flooding in the YBA has adverse impacts to water quality and fish habitat.
15. On 07/12/2019, the Corps also submitted a 6-page preliminary assessment of wetland functions for the Yazoo Backwater Area, which EPA understands is based on data collected and modeling conducted by the Corps following the issuance of their 2007 Final Supplemental Environmental Impact Statement (FSEIS). The Corps' preliminary wetland function assessment appears to suggest that a significantly lower acreage of wetlands would be impacted by pump operations than estimated in their FSEIS. The technical data to support the Corps' assessment, including modeling assumptions and results, has not been provided by the Corps.
16. An EPA internal technical review team (Technical Team) has evaluated the technical merits and implications of the hydrology manuscript (see below), routing their review comments via the Office of Science Policy to formalize them.
17. In a meeting between EPA and the Corps in DC on 08/02/2019, the EPA emphasized the need for more supporting data, information and analysis regarding our review of information provided by the Corps during the past few months and committed to send the letter to the Corps to specifically describe our needs by 08/09/2019. A letter to the Corps signed by the RA was transmitted 8/22/2019.
18. In response to an invitation from the Corps WD, legal and WPD staff met with the Corps and toured the YBA on 08/19/2019.
19. Administrator Wheeler met with Mississippi Governor Bryant 9/18/2019.
20. On a 10/08/2019 webinar with the Corps, EPA presented questions for technical discussion concerning the new wetland hydrology data, preliminary wetlands assessment, and next steps as far as any approach proposed by the Corps. The EPA also transmitted ORD's review comments to the Corps, per their request, after the meeting.
21. EPA staff traveled to Vicksburg and met with the Corps on 10/10/2019 to discuss various aspects of the technical data and information being used by the Corps in their current analysis of the YBA. Modeling staff with EPA met with the Corps in Vicksburg on 10/15/2019 to learn details of the FESM model that is being used by the Corps in their technical analysis.
22. The RA and the Deputy AA for OW hosted a public meeting/listening session in Rolling Fork, MS on 10/21/2019 and heard directly from various stakeholders and dozens of citizens regarding their perspective on the 2019 flood and the pump project.
23. The EPA and the Corps met in Vicksburg on 10/22/2019, where the Corps indicated they are considering a new project involving the pump that may include differences in the location for the pump, operational features and adaptive management provisions.
24. EPA staff held a call with the USFWS 10/29/2019 to initiate discussions about the USFWS's current perspective on the potential effects of the pump, in consideration of the currently available data and information including the recent perspectives shared by the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP) and ERDC. FWS indicated that they will review any new project submission from the Corps, and shared that two additional issues would affect their assessment: 1) the Louisiana Black Bear has been removed from the list of endangered/threatened species; and 2) climate change has increased flooding frequency. EPA staff provided PowerPoint presentation files to the FWS, which were developed by MDWFP and ERDC and sent by the Corps.

Status and Next Steps:

25. Ex. 5 Deliberative Process (DP)

    The Corps also clarified that they would make decisions regarding their next steps on NEPA following their submission of the 404(b)(1) analysis.
26. The Corps and EPA agreed to hold weekly teleconferences to check-in regarding the status of their progress and efforts, which will begin on 11/7/2019.
27. The Corps provided draft technical documents to the EPA on 11/25/2019, which we understand are intended to support a 404(b)(1) analysis that the Corps intends to provide by 12/20/2019. On two separate calls with the Corps held on 12/5/2019, EPA managers verbally communicated comments. On 12/6/19, the EPA followed-up with an email that also communicated our comments.
28. R4 and OW staff are reviewing a document transmitted by the Corps on 12/20/19, which includes a pump project proposal and a 404(b)(1) analysis based in part new data and information relative to the data and information available when EPA issued the 2008 FD.
29. Ex. 5 Attorney Client (AC)
30. The Corps met with EPA in Atlanta on 1/15/2020 and gave a presentation regarding the 404(b)(1) document they submitted on 12/20/19. EPA committed to communications regarding a timeline and process for the path forward by 2/1/2020.

Message

From: Mills, William T. [mills.williamt@epa.gov]
Sent: 5/14/2019 12:13:19 AM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Re: Fwd:

Flag: Follow up

If I can help, let me know. I can get more information to fill in for questions. The Hyde-Smith staff called me today. I'm happy to go over it tomorrow if you have time or think we need to.

Thomas

Sent from my iPhone

> On May 13, 2019, at 7:31 PM, Frye, Tony (Robert) <frye.robert@epa.gov> wrote:
>
> Thanks chief
>
> Tony
>
>> On May 13, 2019, at 7:16 PM, Mills, William T. <mills.williamt@epa.gov> wrote:
>>
>>
>>
>> Sent from my iPhone
>>
>> Begin forwarded message:
>>
>> From: "Ulmer, Daniel (Hyde-Smith)"
<Daniel_Ulmer@hydesmith.senate.gov<mailto:Daniel_Ulmer@hydesmith.senate.gov>>
>> To: "Mills, William T." <mills.williamt@epa.gov<mailto:mills.williamt@epa.gov>>
>>
>> I am providing you with some additional information about the Yazoo Backwater Pumps project. As you know Mississippians are yet again suffering from catastrophic flooding for the 10th time since EPA's 2008 veto. Why? 1) The area is bound by levees to the south, east and west; 2) Rainwaters are backing up (on the protected side of the levee) behind floodgates, which are normally open, but closed during times of high water on the MS river; and 3) There is no means to remove the trapped water – pumping facilities – despite being authorized by Congress in 1941 as part of a comprehensive, systematic flood control plan for the South MS Delta. The 2008 EPA Veto prevented construction of the pumps, which were the last step in the integrated flood damage control project.
>>
>> Attachment 1 prepared by the U.S. Army Corps of Engineers provides a thorough background, history, and justification for the final element of the ongoing Yazoo Backwater Area project. It is a 22 page summary describing the project that was vetoed by EPA.
>>
>> With Respect to ongoing discussions about Yazoo Backwater flooding, and specifically with regard updated wetlands data/analysis conducted by the Corps, please see the following:
>>
>> · Attachment 2 – third-party assessment of updated Corps wetlands impact analysis/data on proposed Yazoo Backwater Area project.
>>
>> o Summary: The Corps has wetland data collected over the past 10 years which shows that the wetlands in the Backwater area are sustained by rainwater and saturation, not inundation from periodic high-water flooding. As a result, the adverse impacts to wetlands from removal of periodic flood water will likely drop dramatically. This is "highly relevant" with respect to factors associated with any potential EPA veto modification or withdrawal.
>>
>>
>> Information on EPA's website shows that EPA has vetoed 13 projects over the course of history. Of those, 3 have been modified, and, only 2 projects vetoed by EPA have been Federally authorized Corps of Engineers Civil Works flood control projects – 1 of which has been modified. We understand that EPA has used the same process for modifying vetoes as it has for issuing them (40 C.F.R. Part 231). The regulations establish a straightforward process to address changed circumstances that warrant modifying or withdrawing an EPA Veto.
>>
>> I hope that this information is helpful to you.
>>
>> Daniel Ulmer
>> Deputy Chief of Staff
>> Senator Cindy Hyde-Smith

>> 202-224-1512 (direct)
>>
>> <Corps Backwater Pump Project Summary.pdf>
>> <Changes to Pumps Impacts from New Wetland Data (May 13).docx>

United States Senate

WASHINGTON, DC 20510

February 28, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Wheeler:

Thousands of Mississippi residents are yet again experiencing severe flooding, and National Weather Service forecasts indicate the problem will be much worse in the coming weeks. We write to bring this urgent matter to your attention, and to request swift action by your agency to prevent devastating flooding in the future.

On August 31, 2008, the U.S. Environmental Protection Agency (EPA) issued a veto pursuant to Section 404(c) of the Clean Water Act preventing construction of the Yazoo Backwater Area Pump Project, a federally-authorized U.S. Army Corps of Engineers Civil Works project designed to reduce flooding in a 630,000-acre area in west-central Mississippi. As result of EPA action, the area has suffered more than $377 million in damages from nine separate flood events between 2008 and 2018. We understand that revisiting the veto has been raised by the U.S. Army Corps of Engineers and trust that your agency is reviewing this matter carefully. We believe continued flood impacts, combined with updated information about the wetland habitats, warrant withdrawal of the EPA veto.

The alluvial lands of the Yazoo Backwater Project Area have historically been subject to Mississippi River flooding. The primary purpose of this project, which has been authorized and funded by Congress, is to reduce flooding on the protected side of the Mississippi and Yazoo River levees. During periods of high water, floodgates at two structures in the levee system are closed, necessitating removal of water trapped in the interior following excessive rains. Without a pumping station, these interior floods will continue to affect public roads, bridges, homes, schools, churches, and thousands of acres of agricultural and timberland.

Nearly 400,000 acres are already inundated with water, displacing residents, destroying homes, blocking roads, and preventing farmers from preparing for the new crop season. Should forecasts hold true, roughly 500,000 acres in the south Mississippi Delta will be under water by March 21. Unfortunately, this is a reoccurring problem, but this problem can be prevented by allowing the Corps of Engineers to move forward with its recommended flood control plan.

We respectfully request that you visit the Yazoo Backwater Area during the week of March 18 to observe this problem first-hand. Thank you for taking this important matter into consideration.

Sincerely,

CINDY HYDE-SMITH
United States Senator

ROGER WICKER
United States Senator