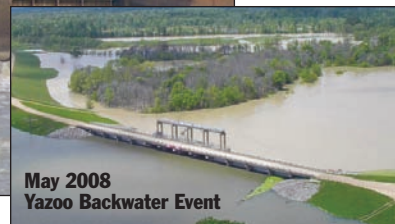


UNBELIEVABLE!! EPA VETOES THE YBW PROJECT

*EPA kills project that would have enhanced the environment in every way!
EPA vetoes pumps despite the fact that the project is exempt from a 404(c) veto!*

The Vicksburg District officially released the Final Report for the Yazoo Backwater (YBW) Project on November 16, 2007. On November 29, 2007, the Vicksburg District hosted a public meeting at the Issaquena County courthouse in Mayersville. Over 200 people attended and 44 speakers made statements. 34 speakers supported the project with only 10 speakers against the project.

Before the release of the Final Report, the EPA Regional Administrator from Atlanta who had worked very hard to make EPA staff work closely with the Vicksburg District on all the issues, recused himself from the project. EPA picked Larry Starfield, the Deputy Administrator from Region 6 to replace Region 4 as the decision maker. The Levee



May 2008 Yazoo Backwater Event

Board and Vicksburg District gave Starfield a YBW Project briefing and tour on January 17, 2008. The comments of the Final Report were due January 22, 2008. EPA wrote an eight page comment letter on January 22nd with several negative comments but stated since the deadline for a CEQ Referral had been extended until November, 2008, they "may provide additional project

comments within this extended time period." EPA stated that they were concerned that the Recommended Plan may significantly degrade wetland resources, will result in the removal of over 26,000 acres of wetlands from Clean Water Act (CWA) regulation, will impact an additional 40,700 acres of wetlands, and uncertainties with the mitigation plan. EPA stated they will review whether to proceed with a CEQ Referral or a 404(c) veto.

On February 1, 2008, a mere ten days later, Starfield wrote a letter

notifying that under its veto authority found in Section 404(c) of the Clean Water Act (CWA), EPA intends to issue a public notice of a proposed determination to prohibit the discharge of fill material at the YBW project site. EPA also stated they "believe" there is a project that will provide flood protection and will be less environmentally damaging. The Levee Board and the Vicksburg District met in Atlanta on February 29, 2008 to offer a modified Plan 6 as an alternative to the Recommended Plan. EPA stated

that they did not like the assumptions that the Corps made in the Wetland models. The Corps and EPA agreed to meet the next week to go over these assumptions and re-run the wetland models. The EPA and Corps had a conference call on March 6, 2008 and went over the assumptions, but due to the lack of key personnel on the call, they decided to do another conference call the next week. The next day, before a second confer-

See VETO on Page 7 ➔



EVIDENCE PROVES THAT THE YAZOO BACKWATER PROJECT IS EXEMPT FROM AN EPA 404(C) VETO!

Senators Thad Cochran and Roger Wicker provide March 28, 1983 letters proving that the 1982 EIS was submitted to Congress

U.S. Senators Thad Cochran and Roger Wicker sent a letter on July 2, 2008 to the Congressional Research Service (CRS) asking for a legal opinion on whether EPA has the authority to veto the Yazoo Backwater Project under Section

404(c) of the Clean Water Act (CWA). CRS wrote, in its opinion, on July 16th that it appears that this project is exempt from an EPA 404(c) veto by Section 404(r) - if it was officially submitted to Congress prior to funding by Congress and



Senators Thad Cochran and Roger Wicker construction. The Levee Board met with EPA HQ on July 25th emphasizing

ing that the project is exempt under 404(r)!

When the EPA issued its "veto" on Sunday, August 31, 2008, it stated that the Yazoo Backwater Project could be exempt if there was proof that the original 1982 Final Environmental Impact Statement (EIS) had been submitted to

See EVIDENCE on Page 7 ➔

2008 MS RIVER HIGHWATER EVENT

Fourth highest event since 1927

Levee performs admirably—only minor problems found

In early February, heavy rainfall events over the Mississippi River Basin resulted in a 20' rise in 14 days along the Lower Mississippi River. Additional heavy rains occurred in mid-March pushing the Mississippi River to crest above flood stage along our levee system. This high water event required the initiation of a Phase I and Phase II flood fight. This major highwater event caused seepage and sand boils that required action by our crew.

These stages were the highest on record since 1941 for mid-April. The Greenville crest of 57.4 was the fourth highest crest following 1927 (64.1), 1937 (61.6) and 1973 (58.2). The 2008 high water event was only 0.8' below the 1973 high water event and proved to be a good test of our levee system.

Members of the Vicksburg District Corps of Engineers, the Mississippi Levee Board staff and individuals from the Yazoo Mississippi Delta Joint Water Management District met at the Levee Board office on March 24, 2008 to organize the Phase I activities. Daily patrols Monday through Friday were initiated on March 25th when the Mississippi River at Greenville reached 49'. On April 7th the Mississippi River at Greenville reached 55' which initiated Phase II flood fight activities. At Phase II, the levee is closed to the general public and requires two daily

patrols of the levee system seven days a week.

The Mississippi River crested at Greenville at 57.4' on April 17th. The River stayed above 57' for 10 consecutive days and then began to significantly drop. Phase II daily patrols stopped April 28th and Phase I patrols resumed until May 2nd. Daily patrols were performed for 39 consecutive days.

We would like to commend the Vicksburg District Corps of Engineers and the Yazoo Mississippi Delta Joint Water Management District for loaning us employees and vehicles to perform these vital

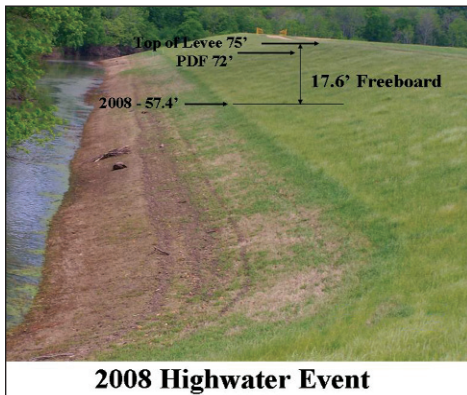
Greenville where it parallels the levee north of Upper Lake Ferguson Road. In 2002 and 2005, our crew constructed a sandbag weir at the same location opposite Station 3650 of the Mainline Mississippi River Levee. This weir was still in place and our crews added 18" of sandbags to the top of this weir and cut-off the bypass that had formed around the weir.

At Buck Chute, the Vicksburg District had installed three 14" diameter relief wells in the Summer of 2007. These are in between the six 6" diameter relief wells that were installed in 1997 near Station 130 of the Brunswick Extension Levee (BEL). This area had no sand boils and all the relief wells were flowing. Approximately 1,000' downstream of this area (Station 140 BEL) and approximately 1,500' from the levee, inspectors discovered numerous sand boils along Eagle Lake. Levee Board crews built numerous sandbag ring levees around large boils and placed several barrels around smaller boils.

Several sand boils appeared at the toe of the landside seepage berm in the vicinity of Stations 130-151 of the Mainline Mississippi River Levee above Francis, MS. Levee Board crews built two sandbag ring levees around large boils and placed barrels around smaller boils. The Levee Board will be seeking permanent solutions for these three problem areas.

The Yazoo Backwater Area experienced a backwater flood. The landside of Steele Bayou Structure was at 84.0' when the gates were closed on March 13th. The riverside of the Steele Bayou Structure crested on April 24th at 100.1'. This was just below the 1973 crest of 101.4'. Below average rainfall over the Mississippi Delta pushed the backwater up to 92.2' on May 8th when the gates were opened. At this point 344,000 acres in the Yazoo Backwater Area were flooded including 121,000 acres of agricultural land. Had normal rainfall occurred over the 57 days when the Structure was closed, the Yazoo Backwater would have reached 94.5'. With above average rainfall, the Yazoo Backwater could have reached up to 100.1'.

Levee Board crews had to again fill in the cut of the Brunswick Circle Levee because Steele Bayou begins to back into the protected area north



2008 Highwater Event

daily patrols of our levee system. We would also like to thank the Greenville Port Commission for allowing us to use their crew for two weeks while the Port was closed due to high water.

Our levee system was monitored for seepage and sand boils. Three problem areas required action by our crew. Sand boils again appeared in Black Bayou Cut-Off north of



March 24th Phase I Organizational Meeting



Highwater Sandbagging Operations



Sandbag Ring around Sand Boil at Buck Chute



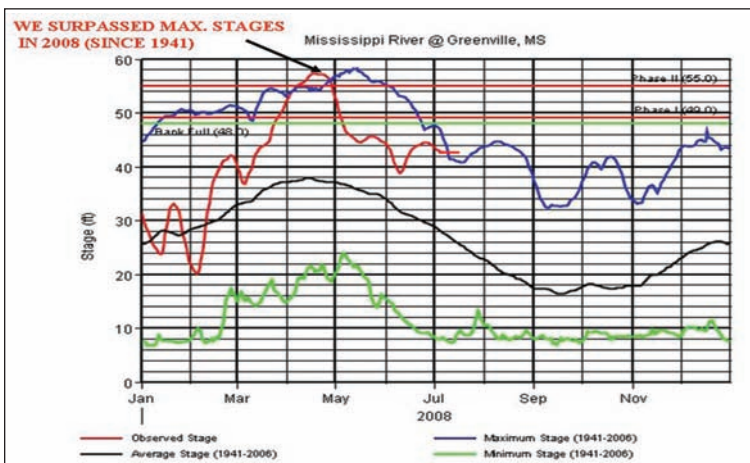
Highwater Inspectors



Highwater Resolutions of Appreciation: Doug Kamien, Lamar Jenkins, Greg Belford, Tommy Hart and Nimrod

of Eagle Lake at 91'. The portion of Hwy 465 located on the unprotected side of the levee between Hwy 61 and the Yazoo Backwater Levee went under water when the Vicksburg gage reached 46.5' on April 4th. The residents at Eagle Lake started traveling 10 miles of the Yazoo Backwater Levee to get to their homes. Hwy 465 was re-opened by MDOT on May 6th.

The Mississippi Levee Board is pleased to report that the levee system performed very well during this major high water event. There were a few problem areas but these were considered minor and were not jeopardizing the integrity of the levee. The Levee Board will work with the Vicksburg District to correct these problem areas.



HURRICANE GUSTAV CAUSES GREENVILLE FLASH FLOOD

Greenville experiences the 100-year Rainfall Event



Flooded Home on Tampa Drive



Cars stranded on California Street

Hurricane Gustav moved through the Greenville, MS area and sat still for a day and a half. On September 2nd it rained 2.1" and on Sept. 3rd it rained 8.6" officially in 24 hours. The 100-year event is 9" for a 24-hour period, 11" for a 48 hour period and 5.25" for a 3-hour period. Greenville received 8" to 12" of rain on September 3rd. WXVT-TV reported 12" of rain in 24 hours! WABG-TV reported that Greenville had 5" in 3 hours. The Greenville Airport officially had 8.64" in 24 hours. They had 4.91" over 3 hours (7-10 p.m.).

Many roads were underwater (Main Street, Reed, Bowman, Union, Colorado, Lake Lee, Archer Range, Abide, Simpson, Hwy 438, Flanagan,

Swiftwater, Darlove). All of the streets between Main Canal and Colorado were under water. The Washington County EMA reported that over 1,450 homes were reported flooded in Washington County! Lots of homes were flooded in Lake Manor and White Oak Subdivisions. The City of Greenville used buses to evacuate flood victims to the Washington County Convention Center. The Corps of Engineers confirmed that the flow lines in Main Canal matched the 100-year flood levels! If Main Canal hadn't been enlarged due to the completion of the Upper Steele Bayou Project in 1999, we would have had 2 to 3 more feet of water in Greenville!



Flooded Homes in the White Oak Subdivision



Several Businesses had considerable Flood Damage



Clean up begins after waters recede

J.T. KERR RETIRES FROM CORPS OF ENGINEERS

Kerr worked as an inspector for over 35 years



Kerr proudly displays his Retirement Gifts given to him by the Mississippi Levee Board

Long time Corps of Engineers Inspector J.T. Kerr retired November 21, 2008. Kerr

worked for the Corps of Engineers for over 35 years. Kerr is a native of Tallula, MS and still resides there in his retirement. Kerr spent most of his career inspecting flood control projects in the Mississippi Levee District.

"J.T.'s experience and knowledge will be greatly missed," said Chief Engineer Peter Nimrod. "The Mississippi

Levee Board has been lucky to have valuable Corps inspectors such as J.T. Kerr and David Bell. We have not had to worry about construction of our projects because we knew that these inspectors were on the job and the job would be constructed as planned and specified." Kerr inspected such projects as Upper Steele Bayou, Steele Bayou Sedimentation Reduction Project, and the Levee Enlargement and Berms Project. The Mississippi Levee Board presented a 1927 shovel and framed receipt to Kerr for his

years of service on inspecting Mississippi Levee Board projects. The Board wishes to congratulate J.T. Kerr on his retirement and wishes him a long, healthy and happy retirement.



LEVEE BOARD ATTENDS MEETINGS IN WASHINGTON D.C.

Board seeks Appropriations for Flood Control Projects and provides ongoing project updates to the Mississippi Congressional Delegation

The Mississippi Levee Board traveled to Washington, D. C. and met with the Mississippi Congressional Delegation during March 31-April 2, 2008. This annual trip provides the delegation with a status update of ongoing flood control projects in the Mississippi Delta and it is an opportunity for the Levee Board to discuss funding requirements for U. S. Army Corps of Engineers projects in the Mississippi Delta.

During the visits with the Congressional Delegation, Chief Engineer Peter Nimrod, provided updates on the existing Mainline Mississippi River Levee Enlargement & Berms project, the status of the Big Sunflower River Maintenance Project, Steele Bayou Sedimentation Reduction Project and the Yazoo Backwater Project, and funding requests for projects within the Mississippi Delta.

On Wednesday, April 2, the Mississippi Levee Board contingent attended the Mississippi River Congressional Caucus Hearing in the U.S. Capitol with Rep. Marion Berry (Arkansas), Rep. Leonard Boswell (Iowa), Rep. Mike Ross (Arkansas) and Rep. Russ Carnahan (Missouri). Chief Engineer Peter Nimrod gave testimony for Mississippi.

On September 16-17, 2008, President Fred Ballard, Nimrod and Assistant Engineer Bobby Thompson traveled to Washington, D.C. to meet with Senators Thad Cochran and Roger Wicker and Rep. Bennie Thompson and updated them on FY 2009 Appropriations and provided project updates.



Sen. Roger Wicker with Peter Nimrod and Fred Ballard



Karis Gutter (Congressman Thompson) with Fred Ballard, Thompson and Nimrod



Levee Board and Greenville Port in front of U.S. Capitol



West Higginbotham (Senator Cochran) with staff, Levee Board and Greenville Port

MISSISSIPPI LEVEE BOARD COMMISSIONERS RE-ELECTED

Ballard, House & Nichols retain their seats



Fred Ballard



Jimmy House



Roy Nichols

Levee Board elections were held June 3, 2008. Fred Ballard, Jr., James House, Jr. and Roy Nichols were all re-elected as Levee Board Commissioners. Ballard has served as a Washington County Commissioner since 1988 and has been the President of the Board since 1998. House has served as one of the Bolivar County Commissioners since 1994. Nichols has served as Issaquena County Commissioner since 1996. All the commissioners were unopposed.

Board President Fred Ballard stated, "we are proud to have all of our Commissioners re-elected. This is a great board, we all work together to provide the best for the Mississippi Levee District. The issues facing this Board are carefully and thoughtfully considered before a decision is made. We are all proud to be able to continue to serve the Mississippi Delta."

The other three seats on the seven member board will be up for re-election in 2010.

CORPS ANNUAL LEVEE INSPECTION

The Vicksburg District Corps of Engineers inspected the levee system maintained by the Mississippi Levee Board on October 21 and 23, 2008. The 212 mile levee system consists of 163 miles of Mainline Mississippi River Levee, 13 miles of Brunswick Extension Levee, 28 miles of Yazoo Backwater Levee, and the 8 mile Greenville Harbor Dike. Members of the inspection team included Corps of Engineers employees Andy Hardy and Paul Keene. Chief Engineer Peter Nimrod and Assistant Engineer Bobby Thompson were also in attendance.



2008 Annual Levee Inspection: (L to R) Andy Hardy, Paul Keene and Chief Engineer Peter Nimrod

2008 ANNUAL BUS INSPECTION



Members of the 2008 Annual Bus Inspection take a photo in front of the Harlow's Casino & Resort near the Hwy 82 Greenville River Bridge

On November 4, 2008, the Mississippi Levee Board hosted its Annual Levee Inspection. This year's trip started at Magna Vista, MS and proceeded upstream to Greenville. The inspection included some of the levee enlargement work along the Mainline Mississippi River Levee in Issaquena County. Lunch was served at Harlow's Casino in Greenville, MS.



COMMISSIONERS:

FRED A. BALLARD, JR., PRESIDENT, *Washington County*
KENNETH RODGERS, VICE-PRESIDENT, *Humphreys County*
JOHNNY ROBINSON, *Washington County*
JAMES W. HOUSE, JR., *Bolivar County*
NOTT WHEELER, JR., *Bolivar County*
ROY NICHOLS, *Issaquena County*
LAURANCE CARTER, *Sharkey County*

STAFF:

PETER NIMROD, *Chief Engineer*
ROBERT M. THOMPSON, *Assistant Engineer*
CHARLES S. TINDALL, III, *Attorney*
JUDY B. ROSS, *Treasurer*
GINGER MORLINO, *Secretary*
PATRICK BOLLS, *Maintenance Superintendent*
RICK BOYD, *Engineering Technician*

STAFF PROFILE

MATTHEW TAYLOR, *Operator*

Matthew Taylor has been an operator for the Mississippi Levee Board since 1996. Matthew likes to fish and rabbit hunt in his spare time. He has 4 beagles who accompany him while he is chasing the elusive rabbits. Matthew was born in Grapeland, MS in Bolivar County. He enjoys listening to gospel music and attends Living Word Church with his wife Mary Alice. Matthew has nine children and numerous grandchildren. Friends have nicknamed him "Slim". Matthew is known for his quiet demeanor and gentle nature. He is also known for his large selection of driving caps that he wears everyday. In fact, no one has ever seen Matthew without a cap on his head. Matthew's only regret is that he didn't start working for the Levee Board earlier in his career. The Mississippi Levee Board is lucky to have Matthew as an employee.



Taylor

BOARD MEETING RECAP

APRIL: The Board of Mississippi Levee Commissioners took the following action at the April 7, 2008 regular board meeting: reviewed bids and awarded general liability, automobile and property insurance to Bill Andrews Insurance Agency, 3/4-ton 4-wheel drive pick-up truck to All-Star Chevrolet, 1-ton 4-wheel drive service truck from England Motor Company, a mule ATV to Wholesale Power Sports; authorized advertisement of bids for helicopter application, work boat and bank depositories; concurred with permits issued to AT&T Southeast for an optical cable crossing under Steele Bayou, and Texas Gas Transmission for a 36" natural gas pipeline crossing under the Big Sunflower River and the Bogue Phalia; passed a resolution honoring the life and work of the Greenville Port Director Harold Burdine who passed away in February; and received status reports on the Mississippi River Highwater event and all ongoing projects in the Mississippi Levee District and meetings attended.

JULY: The Board took the following action at the July 14, 2008 regular board meeting: re-elected Fred Ballard as President and Kenny Rodgers as Vice-President of the Board; adopted 2008-2009 budget; set ad valorem tax rate of 2.40 mils (same as last year); selected Planters Bank to serve as depository; concurred with permits issued to Denbury Onshore for a 20" CO2 pipeline to be constructed under the Yazoo Backwater Levee, Connecting Channel and Steele Bayou and over the Brunswick Extension Levee; received Chief Engineer's Annual Report on the levee, interior drainage and on all ongoing projects in the Mississippi Levee District; accepted bid on helicopter application work by Provine Helicopters from Greenwood, MS, 24' long work boat from Buckshot Marine, and the sale of the 1963 Starcraft ski boat to Frank Stuart, Jr.; agreed to loan 1927 flood artifacts to the B.B. King Museum and Delta Interpretive Center in Indianola, MS; agreed to lease a 1-acre fee tract to Frank Stuart, Jr.; concurred with signing a 6-year extension of lease with JBMS Jubilee Casino for the Greenville Inn & Suites located in the former Levee Board building; and received a report of the Mississippi River Highwater Event.

OCTOBER: The Board took the following action at the October 6, 2008 regular board meeting: authority was given to advertise for worker's compensation insurance; concurred with permits issued to Tennessee Gas and Texas Eastern for pipeline relocations on the Mainline Mississippi River Levee where the levee has been recently enlarged; November 4, 2008 was set as the date for annual levee inspection trip; authorized an appreciation luncheon on October 10th for those agencies and individuals who assisted the Levee Board during the 2008 Mississippi River Highwater Event; received and approved audit by Joel B. Cunningham for the fiscal year ending June 30, 2008; agreed to sign a MOA and join as a cooperator for the Cooperative Weed Management Task Force to oversee the attack of invasive noxious weeds in Mississippi; agreed to loan 1927 flood artifacts to the Greenville 1927 Flood Museum; received report from the Chief Engineer on all ongoing projects in the Mississippi Levee District.

2008 GRAVEL SUPPLY CONTRACT



Levee Board Equipment spreading Limestone



Unloading Limestone

Each year the Corps of Engineers allocates funding for maintenance gravel for the various levee boards within the Vicksburg District. This year, \$605,000 was allocated to the Mississippi Levee District. A gravel supply contract is awarded to a contractor who delivers the gravel to the levee where Mississippi Levee Board personnel and equipment spread the gravel on top of the levee. The gravel supply contract was awarded to Demolition & Construction Management of Vicksburg. Limestone was placed on 9.2 miles of levee within the Mississippi Levee Board District. Four stretches were surfaced with limestone: Stations 2200 to 2287 near Benoit, MS, Stations 2479 to 2699 near Catfish Point, Stations 4219 to 4292 near Greenville, MS, and Stations 454 to 557 YBWL at Hwy 61 near Redwood. The placement began September 29th and finished November 20th.

PROJECT UPDATES

LEEVE ENLARGEMENT PROJECT UPDATE:

Completed Work:

- 23.2 miles. Items 477L, 496L & 502L

On-going Construction:

- Item 488L, 8.8 miles, 99% Complete
- Item 474L, 3.4 miles, 31% Complete

Work to be Advertised in 2009:

- Item 468L, 4.7 miles

Future work remaining:

- 28.9 miles

STEELE BAYOU SEDIMENTATION REDUCTION PROJECT UPDATE:

Completed Work:

- Phase I – 11 sites

On-going Construction:

- Phase II – 14 sites, 62% Complete

Work to be Advertised in 2009:

- Phase III – 12 sites



2008 HELICOPTER APPLICATION

In 1950, the Mississippi Legislature authorized the two (2) Mississippi Delta Levee Boards to participate as local sponsors of Corps of Engineers projects within the Yazoo Basin. The Corps of Engineers began work on the Big Sunflower River & Tributaries Project in 1947. This project included channel improvements to over 700 miles of interior streams located within the Mississippi Delta. These streams provide the outlet for flood water in the Delta. The Mississippi Levee Board is responsible for minor maintenance for 350 miles of interior streams within the Mississippi Levee District.

To perform this much needed maintenance, the Mississippi Levee Board contracts with a helicopter applicator to spray a portion of the interior streams each year. A mixture of aquatic herbicides is sprayed on the underbrush and privet that is encroaching into the required clear width of the channel. This required clear width must be maintained to ensure the streams have adequate flood storage

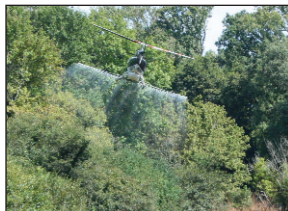


Aquatic Herbicide is loaded for Application

and passage capacity.

This year the Mississippi Levee Board treated 150 miles of its interior streams. This included 840 acres of interior streams located in the southern half of the Mississippi Levee District below MS Hwy 12 in Washington, Sharkey, Issaquena, Humphreys and Warren Counties.

The helicopter application was awarded to Provine Helicopters from Greenwood, MS. Provine sprayed on October 14-20, 2008. Streams treated this year included parts of the Big Sunflower River, Ditchlow Bayou, Twin Lakes, Dowling Bayou, Little Sunflower River, Steele Bayou and Valewood Ditch. The Connecting Channel and Holly Bluff Cut-Off did not need spraying.



Spraying Dowling Bayou



Spraying Privet and Underbrush

LEEVE ENLARGEMENT

Construction begins on Item 474L



Building Levee Base Enlargement

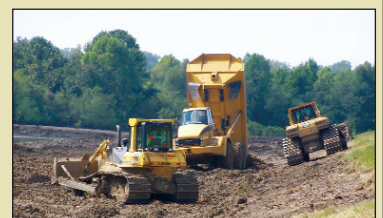
Work on the Levee Enlargement and Berms Project continues to proceed. The Tallula to Magna Vista, MS Levee Enlargement and Berms Project (Item 474L) was awarded to Quinn Construction from Faulkner, MS. This is a 3.4 mile levee enlargement project being constructed under a \$5.43 million contract. No landside berm is required because relief wells were installed along the landside toe in 1998.

The bid opening was in mid-February but the notice to proceed was not issued until June because of the highwater on the Mississippi River. This project will get us to the north end of Highway 465. Item 468L will be the first item on Highway 465 and will be 4.7 miles long to Goose Lake Road and will be awarded in 2009.

Re-evaluation of the project design flood following the 1973 flood resulted in 69 miles of deficient levee within the Mississippi Levee District. 23.2 miles of enlarged levees have been completed while another 12.2 miles are currently under construction.



A Backhoe loads Borrow Material



Borrow Material is unloaded on the Levee Base

VETO from Front page

ence call could be scheduled, EPA called the Vicksburg District to set up a conference call between Starfield and Col. Michael Wehr on March 11, 2008. On March 11th, Starfield told Col. Wehr that EPA was going to officially start their Proposed Veto Notification and start the public process. EPA's Proposed Veto Notification was officially published on March 19, 2008 in the Federal Register.

EPA hosted a public meeting at the Vicksburg Convention Center in Vicksburg, MS on April 17, 2008. Over 500 people attended with the vast majority in favor of the project. EPA opened up the meeting with their review of the YBW Project, the 404(c) process, and their reasons to veto the project. The Vicksburg District gave an outstanding presentation that rebutted all the EPA reasons

to veto the project. The Corps pointed out that there has been an 80% reduction of wetland impacts from the 1982 plan to today. **EPA did not pursue a 404(c) veto in 1982—why now?**

The Corps explained how there is only a 1.6% loss in Wetland functions with the pump and a 19.8% increase in wetland functions with the large scale reforestation component. The

Corps pointed out that the pump will add only 1 inch of water to MS River at Vicksburg which is 100' deep. There were lots of public officials, including representatives of Governor Haley Barbour, Senator Thad Cochran and a host of County officials who made statements in support of the project. There were 64 speakers who made statements, of which 34 were in support of the project and 30 were against the project. Only one of these opponents lived in the project area. The meeting was over 5 hours long. The proponents made great points why the South Delta needs the pumps. They keyed on the environmental benefits with being able to manage the water with a pump. They explained how the environment is getting damaged because we do not have a pump. Opponents praised EPA for vetoing this project and re-stated misinformation about the project. They do not like the fact that this project is 100% Federal with no cost share requirement. All opponents, except one, came from outside the Mississippi Delta. American Rivers, Sierra Club, National Wildlife Federation, Gulf Restoration Network, Audubon



Ben Grumbles (center), Greg Peck and Jimmy Palmer tour the Yazoo Backwater area in 2005



Society, Environmental Defense Fund, and several college students from New Orleans were in attendance.

A mass e-mail campaign by the extremist environmental groups resulted in over 47,600 comments being submitted to EPA. Over 46,500 comments were generated by spam e-mails, approximately 1,000 comments were personalized e-mails, and only 100 comments had any significance. Starfield sent the Regional Recommendations to EPA Headquarters on June 23, 2008. This Recommended Determination prohibits the construction of the pump and any future project that includes a pump.

Ben Grumbles released the Final Determination on August 31st officially vetoing the YBW Project. Grumbles stated that there was no documentation that the 1982 EIS was submitted to Congress, therefore, a 404(r) exemption did not apply to the project. Grumbles host-

ed a conference call with the media on September 2nd where he said the following quotes: *"Great Day! Big Win for wetlands and the environment! Historic Decision—only 12th time used! We continue to support flood protection for the Mississippi Delta. Project designed to protect agricultural land. Controversial project. Dinosaur of a project. We worked very closely with the USFWS on this decision. We worked closely with the ASA for Civil Works on Wetland Jurisdiction. MS Delta is a natural treasure! This proves that flood protection and the environment are mutually attainable!"*

The Mississippi Levee Board is extremely disappointed with EPA and believes that the EPA's Final Determination reflects a biased, misunderstanding of the environmental impacts of the Project, and an arbitrary and capricious application of the Clean Water Act.



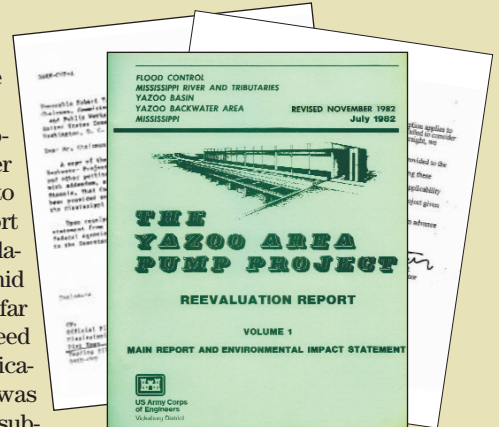
Board received through a FOIA request to the Corps of Engineers copies of letters dated March 28, 1983 from Corps HQ to the Senate & House Committee chairmen showing that the FEIS was officially submitted to Congress. This is the "smoking gun" proving that all the requirements for a 404(r) exemption are met!

Senators Cochran and Wicker sent a November 19, 2008 letter to John Paul Woodley (ASACW) detailing that the 1982 EIS was submitted to Congress on March 28, 1983. The Senators have asked the Corps if these documents were provided to EPA; any response by EPA regarding these documents; any analysis by the Corps regarding the applicability of 404(r);

and the Corps' plan of action on the Yazoo Backwater Project given the 404(r) exemption.

For many years, opponents of the Yazoo Backwater Project have not hesitated to misrepresent and even distort the facts. This latest revelation, that the government hid critical documents, is of a far greater magnitude. EPA agreed that the "key issue" for application of the exemption was whether the 1982 EIS was submitted to Congress. The Corps had documents reflecting that this occurred. Yet the EPA Final Determination imposing the "veto" does not even mention these documents. The Board finds it hard to believe that this was a benign oversight.

The Mississippi Levee Board is



grateful that Senators Cochran and Wicker have again advised the Bush Administration that the Yazoo Backwater Project should be exempt from the Environmental Protection Agency (EPA) "veto" under the Clean Water Act (CWA).

EVIDENCE from Front page

Congress in advance of appropriations for construction. However, EPA said that, after consultation with the Corps of Engineers, it found no evidence that the 1982 EIS was submitted to Congress.

However, the Corps of Engineers provided documents to the Mississippi Levee Board showing that the 1982 EIS was submitted to Congress. These key documents were ignored by EPA. The Levee

Delta Democrat Times
Greenville, Mississippi
MONDAY • ddtonline.com • DECEMBER 1, 2008 • 5 CENTS

Yazoo pump supporters hope to revive project

Sens. Cochran and Wicker work to keep flooding plan alive

GREENVILLE — Supporters of the Yazoo pump have received documents that they hope will revive the defunct project.

The Senate released a report from the Congressional Research Service earlier this week that says the project would benefit from wetlands and riparian habitat. The report also says that the project would create jobs and provide a source of income for the area.

Sen. Cochran and Sen. Wicker announced in August that they would reintroduce legislation to fund the project. The legislation would provide \$100 million for the project over the next five years.

The report also says that the project would create jobs and provide a source of income for the area. It also says that the project would provide a source of income for the area.

GREENVILLE 1927 FLOOD MUSEUM

The City of Greenville has completed renovations on the old Carriage House located behind the Wetherbee House on Washington Avenue. This building will be used to house a museum for the 1927 Flood. Brad Jones, Greenville Public Works Director, has been instrumental on the Carriage House renovation project. Warren Harper did the construction work. Benji Nelken has been instrumental on creating displays, videos, photographs and museum display layout.

The Mississippi Levee Board



has loaned many artifacts from the 1927 Flood for display including shovels, kerosene lanterns, mess kits, a camp stove, a cast iron kettle, carbide lanterns, travel trunks, cot bed frames, a block & tackle, a pump, sickles and burlap sandbags. Professional displays have been made, a video has been produced, and photographs have been enlarged and are on display. The Greenville 1927 Flood Museum opening is planned for January 2009 and private tours will be available. Please contact (662) 335-5802 or (662) 334-2711 for a tour.

Greenville 1927 Flood Museum – 118 S. Hinds Street



Benji Nelken and Brad Jones



Visit us online at: www.msleveeboard.com



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