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## EPA sued over flood control

### Levee board wants Yazoo Backwater Project to move forward

*Holbrook Mohr*  
*The Associated Press*

A Mississippi levee board sued the Environmental Protection Agency in federal court Tuesday in hopes of pushing through a \$220 million flood control project that dates back decades.

The lawsuit was filed in U.S. District Court in Greenville by the Board of Mississippi Levee Commissioners, which says it's trying to protect residents of the lower Mississippi Delta from flooding.

The levee board, made up of representatives from several Mississippi counties, wants to move forward with the Yazoo Backwater Project, a proposal to build a pump station to drain wetlands, farmland and forests north of Vicksburg when the Mississippi River is high.

Congress authorized the Mississippi Delta project in 1941 but didn't fully fund it. The EPA vetoed the Yazoo pump aspect of the project in August 2008, saying it would destroy wetlands, water quality and habitat for threatened species.

The lawsuit challenges the agency's authority to stop the project.

"Protection of the nation's water quality is among EPA's highest priorities," the EPA said in an e-mail. "We will review the lawsuit carefully and respond accordingly."

The U.S. Army Corps of Engineers has taken steps to control flooding upstream on the Mississippi River, and that only made flooding worse in the Yazoo River Basin.

About 900,000 acres and 1,000 residential structures were affected, said attorney Damien M. Schiff, with Pacific Legal Foundation, a legal watchdog organization that represents the levee board.

The pumps are the last integrated element of the large flood control system and are needed to pump out water trapped by other flood control measures, Schiff said in a phone interview Tuesday.

"Despite the many social and environmental benefits that the project will produce,

EPA vetoed the project, contending that the project will be too environmentally harmful," according to the 13-page lawsuit. "That is flat wrong: The project will produce significant environmental benefits, as well as flood protection."

People who supported other elements of the larger project are now suffering because the pumps aren't in place "and they feel like the victims of a very unjust political game," Schiff said.

The lawsuit also claims EPA's veto is illegal because the project was approved by Congress before the agency was given veto power under the Clean Water Act in 1977.

EPA officials have said in the past that the project doesn't meet all the requirements to proceed under the Clean Water Act, regardless of when it was authorized.

U.S. Sens. Thad Cochran and Roger Wicker, both Republicans from Mississippi, also have questioned the EPA's right to kill the project.

"The prospect of administrative nullification of a congressionally authorized project raises serious legal and policy issues," they wrote in a letter to the EPA dated July 17, 2008.

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