

EPA OFFICE OF WATER AND REGION IV

Internal deliberative pre-decisional - FOR USE BY 2024 PRESIDENT-ELECT TRANSITION TEAM MEMBERS ONLY

ISSUE SUMMARY:

The Yazoo Backwater Study Area (YSA) is a 926,000-acre area situated between the Mississippi River and Yazoo River in west-central Mississippi and is subject to periodic flooding, including significant events that occurred in 2019 and 2020. In 2007, the Army Corps of Engineers (Corps) issued a Final Supplemental Environmental Impact Statement (FSEIS) pursuant to the National Environmental Policy Act (NEPA) that assessed alternatives for reducing flood risk in the YSA, including various alternatives for a pumps project. In 2008, EPA issued a Clean Water Act (CWA) Section 404(c) Final Determination (“veto”) prohibiting 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 due to unacceptable adverse effects on fishery areas and wildlife. During the first half of 2023, the Corps engaged EPA and the U.S. Fish and Wildlife Service (FWS) to identify flood risk reduction solutions for the YSA. The Corps, the EPA, and FWS jointly conducted public meetings with impacted residents and other interested parties during February and May 2023. On July 6, 2023, the Corps filed a Notice of Intent to prepare an environmental impact statement (EIS), analyzing a new water management solution for flooding in the YSA. The EPA and the FWS are serving as cooperating agencies pursuant to NEPA and accordingly have provided the Corps input and recommendations regarding the development of the draft EIS. The Corps issued the draft EIS for public review and comment in June 2024, anticipates issuance of the Final EIS in November 2024 and Record of Decision in January 2025.

KEY POINTS:

- Flooding in the YSA is a significant problem for residents and agricultural areas, and the EPA recognizes the disruptive impacts of the flooding on the day-to-day lives of Mississippians and the economy of the area.
- The EPA is committed to continue working with the Corps and all partners to provide flood risk relief to people, communities, and property in the YSA.
- The EPA is serving as a cooperating agency on the Corps’ YSA project and is looking forward to the Corps’ issuance of a draft EIS for public review.

ONGOING/UPCOMING REVIEWS FOR FY2025:

- The EPA will continue to serve as a cooperating agency throughout the NEPA process and accordingly may receive the Corps’ final EIS for review and comment during FY2025 prior to the Corps finalizing a Record of Decision for the project.

KEY EXTERNAL STAKEHOLDERS:

<input checked="" type="checkbox"/> Congress	<input checked="" type="checkbox"/> Industry	<input checked="" type="checkbox"/> States	<input type="checkbox"/> Tribes	<input type="checkbox"/> Media	<input checked="" type="checkbox"/> Other Federal Agency
<input checked="" type="checkbox"/> NGO	<input checked="" type="checkbox"/> Local Governments	<input checked="" type="checkbox"/> Public			

MOVING FORWARD:

- Following the Corps’ consideration of comments received from the public on the draft EIS, the EPA, the FWS and/or the other cooperating agencies anticipate that the Corps will continue to engage the agencies

regarding any final decisions regarding the project. EPA will continue to review the project for consistency with the CWA, NEPA, and any other applicable laws and regulations.