

## United States Senate

WASHINGTON, DC 20510-2402

October 27, 2014

Ms. Regina McCarthy  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, Northwest  
Washington, D.C. 20460-0001

Dear Administrator McCarthy:

I am writing to request that the U.S. Environmental Protection Agency's (EPA) Office of Water conduct an independent peer review of EPA Region IV's recommended determination in 2008 to veto the final components of the Yazoo Backwater Area Project. I would also appreciate the EPA becoming more actively engaged in meaningful discussion with the U.S. Army Corps of Engineers and local stakeholders in seeking an adequate flood control solution for the residents of the lower Mississippi Delta.

The need to provide improved flood protection for the citizens of this area should not be ignored. More than six years have passed since the EPA vetoed the project, which was proposed by the U.S. Army Corps of Engineers to provide flood protection on more than 630,000 acres in the backwater area of the Yazoo River Basin. Although the Agency has expressed willingness to work with its federal partners and residents of the Delta to propose and evaluate alternatives, I am not aware of any significant proposals by EPA Region IV that are capable of adequately protecting flood-prone areas in the basin.

Those at risk deserve clarity from the EPA regarding its concerns about the project's potential impact on certain waters of the United States. Also, the public deserves certainty that EPA was correct in its estimates. Given the Corps' lack of progress with the EPA in finding any alternative solutions, Brigadier General Peter DeLuca, former Commander of the Mississippi Valley Division, sent a letter on August 28, 2014, to EPA Regional Administrator Heather Toney requesting that Region IV conduct an independent review of the determination. Last week, Water Protection Division Director James Giattina responded to Brigadier General DeLuca's letter, but failed to directly address his request for a review. It is deeply concerning that the Southeastern Regional Office is unwilling to allow independent experts who were not associated with the determination to provide a

fair and objective reevaluation of the 2008 determination. The U.S. Army Corps of Engineers – one of the world’s largest and most advanced construction agencies specializing in the design and construction of flood protection systems – continues to affirm the vetoed proposal is the option most capable of protecting Mississippians from devastating flood damages while creating opportunities for environmental protection and enhancement.

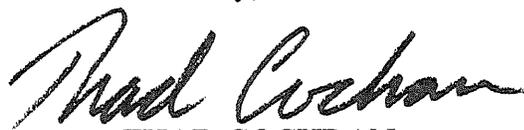
The overall magnitude of the project and the existing flood risk in the basin further justifies an additional, independent review process. The Yazoo backwater area comprises roughly 926,000 acres in west-central Mississippi, and has historically been subject to extensive backwater flooding. The Yazoo Backwater Project was authorized in the Flood Control Act of 1941 and the Corps has been working for decades to construct the project’s various components and integrate its advanced system of levees, connecting channels, drainage structures and pumping stations in order to reduce flooding in the region.

Although the project’s existing features have brought a significant degree of flood protection to Mississippi, the Yazoo backwater area continues to be affected by periodic flooding due to the Corps’ inability to construct the final phase in the manner it has proposed. As we learned from the Mississippi River Flood of 2011, excessive amounts of water in the backwater area can have devastating effects on the region’s economy and people. Agriculture is the project area’s top economic engine, yet thousands of acres of crops were lost in 2011. The Yazoo basin also includes some of the nation’s most economically disadvantaged communities, which have a far more difficult time overcoming flood damages than other American communities.

Despite the various challenges and differences of opinions regarding this issue, citizens of the lower Mississippi Delta still need the flood protection the federal government has promised since 1941. It is imperative that your Agency look further into Region IV’s veto determination, and begin proposing viable alternatives of its own until the EPA and the Army Corps of Engineers can agree on an effective solution.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Thad Cochran". The signature is fluid and cursive, with the first letters of "Thad" and "Cochran" being significantly larger and more prominent than the rest of the letters.

THAD COCHRAN  
United States Senator