DEPARTMENT OF THE ARMY
VICKSBURG DISTRICT, CORPS OF ENGINEERS
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 391833435

REPLY TO
ATTENTION OF:

June 8, 2010

Planning, Programs, and
Project Management Division

Mr. Billy Orr, Chairman
Rankin-Hinds Pearl River Flood
and Drainage Control District
P.O. Box 320069
Flowood, Mississippi 39232-0069

Dear Mr. Orr:

I refer to your letter of May 20, 2010, stating the Rankin-Hinds Pearl River Flood and Drainage Control District (RHPRFDCD) affirms its desire to implement a flood control solution and to complete the Feasibility Study/Environmental Impact Statement.

You requested the U.S. Army Corps of Engineers, Vicksburg District, as part of resuming and completing the study, consider impoundment alternatives and recreation/economic development features proposed by the non-Federal sponsor, with specific focus on the Town Creek area.

My letter of February 10, 2010, requested your review of Policy Guidance Letter No. 36, dated October 1992, "Recreation Development of (non-Lake) Structural Flood Control and Harbor Projects," and provide those recreation features you would like considered. We have not yet received your input. Please note that we cannot study, evaluate, or propose recreation features not listed in the guidance letter nor can we study or evaluate private development features.

If RHPRFDCD wishes to pursue a lower lake, exclusive of the recommended levee plan, I suggest that you submit a permit application using established permit application procedures, as required by the Clean Water Act, Section 404, and the River and Harbors Act, Section 10, to Mr. Mike McNair, Chief, Regulatory Branch, Vicksburg District.

The Corps ability to resume the terminated study and complete the report depends on RHPRFDCD endorsement of the Corps recommended levee plan without qualification. The Corps letter of November 23, 2009, included a Decision Paper which stated the following:

> "For the purposes of NEPA and the Clean Water Act, the NED comprehensive levee plan is a less damaging practicable alternative when compared to the LLP and any of the impoundment alternatives sought to be studied by the Drainage District. Further, the LLP and any of the impoundment alternatives do not meet the criteria of §3104(c)(1) for consideration for construction by the Secretary of the Army as an environmentally acceptable locally preferred plan. It is therefore not in the Federal interest to expend more time and resources to continue studying the report, especially when there is no realistic expectation that the LLP or any of the impoundment alternatives will ever qualify as the less damaging practicable alternative. Nothing in this decision precludes the Drainage District from continuing to study the LLP and any impoundment alternative on its own, but the requirements of NEPA and the Clean Water Act will still apply."

We cannot resume the study for the purpose of considering any impoundment alternatives or private development features. I look forward to further discussions of these issues.

Sincerely,

Jeffrey R. Eckstein
Colonel, Corps of Engineers
District Commander