

# LOUISIANA HOUSE OF REPRESENTATIVES

116 Georgia Ave., Suite B  
Bogalusa, LA 70427  
Email: whitema@legis.la.gov  
Office: 985.730.2147  
Fax: 985.730.2149



**MALINDA B. WHITE**  
State Representative ~ District 75

COMMITTEES:  
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Colonel Christopher Klein  
District Commander  
U.S. Army Corps of Engineers, CEMVK-PMP  
4155 Clay Street  
Vicksburg, MS 39183-3435

Via email comment portal: PearlRiverFRM@usace.army.mil

June 1, 2023

RE: 2023 Scoping for Pearl River Basin MS, Federal Flood Risk Management Project, Rankin and Hinds Co.

Dear Colonel Klein:

I am writing to you to provide scoping comments for the Pearl River FRM project on behalf of Louisiana House District 75 which includes the Pearl River in Washington Parish and the towns of Bogalusa, Varnado and the other nearby communities. I attended the May 23<sup>rd</sup> Slidell public engagement meeting for scoping of the new 2023 Draft Environmental Impact Statement (DEIS) being prepared for the Pearl River Basin federal Flood Risk Management project in Hinds and Rankin Counties, MS. I spoke to the Army Corps and ASACW staff hosting the meeting and gave verbal comments for the record along with two other elected officials from Louisiana who represent the interests of communities along the lower Pearl River. I have raised objections about Alternative "C" advanced by the non-federal sponsors for Pearl River flood management since 2018 when the Rankin Hinds Drainage District published the first draft of the EIS. I personally visited the Pentagon in February of 2020 along with elected officials and NGO members from Mississippi to voice my concerns about Alt. "C" to Deputy Secretary Leach, Ms. Andrea Walker and others on the staff of Secretary James.

My constituents attended the Slidell meeting and raised questions about the fate of the Pearl River Navigation Canal, its locks and sills, and about the sedimentation, low flow, saltwater intrusion, habitat, storm surge and river flooding problems we have on the lower Pearl River in Louisiana.

A concern we voiced in 2018 and still remains is the extent of the study area for the project. It is limited to Rankin and Hinds Counties in Mississippi. The study area does not include our section of the river as it must to fulfill the WRDA points of analysis on environmental acceptability (WRDA 2007 Sec 3104) and economic justification (WRDA 2018 Sec 1176).

We in Southeast Louisiana understand that the historic flooding problems in the Jackson Metro area are the focus of the 2023 DEIS and array of alternatives shared at the Slidell and Jackson meetings. We empathize with the plight of the residents of Rankin and Hinds Counties who have endured serious floods in 1979, 1983, 2020 and 2022. I understand that they need a project that provides relief. However, as the "Pearl River Basin" appears in the title of the current project and in the project's name in the 2018 DEIS, I expect that the needs and concerns of the whole of the Pearl River Basin will be taken into consideration in any alternatives that are formulated, published, and supported by the Army Secretary. The last study under section 211 WRDA 1986 was authorized by Congress, with the expectation that the entire basin be taken into consideration. Louisiana's Congressional delegation left no doubt about this Congressional intent when Senator Bill Cassidy and Representative Steve Scalise inserted Section 1176 in WRDA 2018, requiring the Army Corps to take a hard look at downstream impacts from an additional dam and lake on the Pearl River in Mississippi.

### **Scoping Elements:**

#### Flood Risk Reduction

There were three alternatives provided at the Army's public engagement meetings of May 23-24, 2023, : C, A, and A1 and a combination of the three, and the Corps welcomed other alternatives. One alternative from 2018 was left out, a levees only comprehensive plan. This 2023 reformulation by the Army included the lake plan that downstream counties and parishes objected to in 2018. We in Washington and St. Tammany Parishes would like to see flood risk reduced for Jackson but prefer a plan that carries no risk of altering river flow or temperature from more water impoundment, especially in the months of July-October when historic low flows on the Pearl River occur. We prefer setting levees back on one or both sides of the river to widen the Pearl's floodplain through Rankin and Hinds Counties, combined with non-structural elements from alternative A or A1.

The flood risk reduction outlined in Alternative "C" is tied to the intensification of location benefits which seems to be in clear violation of Executive Order 11988 (1977) which has a prohibition against developing floodplains that are currently undeveloped batture land. We in Louisiana don't build federal levees and then allow development on top of them as Alternative "C" contemplates. I cannot think of a worse flaunting of E.O. 11988 than placing more development adjacent to a river, less than 10 miles downstream of a 38,000-acre reservoir with a dam that has three feet of "freeboard" over which to raise water levels before the dam's design capabilities are exceeded. Adding more development to the floodplain in Rankin and Hinds Counties in the form of bed and bank dredging and wetland filling contemplated in Alternative "C" doesn't solve flooding problems that have been created by the cumulative impact of 60 years of post-reservoir floodplain development.

#### Water Supply

There have been comments at the public engagement meetings of May 23-24 proposing that Alternative "C", lake dredging would somehow solve Jackson's water drinking water treatment deficiencies. This is

not true. Jackson's August 2022 drinking water crisis began when the O.B. Curtis treatment plant in Ridgeland, Mississippi adjacent to the Ross Barnett Reservoir was unable to treat the reservoir water due to turbidity and water chemistry changes caused by heavy rains and a heavier than usual sediment load in the reservoir. The Curtis facility is **ten miles upriver** from the "study area" that Alternative "C" would occupy and where Alternative "C" would dredge, widen and further dam the Pearl River. Having the One Lake plan (Alt. "C") in place would not have prevented Jackson's water crisis. Jackson also had a water crisis during the "Texas freeze" of 2020 totally unrelated to flooding when the intake structures at the O.B. Curtis plant froze and the entire water system collapsed after water towers were drained and the system could not keep up with demand.

Jackson's river/creek flooding and drinking water supply problems are related only in the sense that when it rains heavily in Jackson and its sewer mains overflow into the stormwater system, the city's urban tributaries send sewage to the Pearl River. Under these conditions, Jackson's other drinking water treatment plant (J.H. Fewell) has heavier bacteria loads to disinfect during water treatment. The entire urban section of the Pearl River has been under a Mississippi Department of Environmental Quality water contact advisory for fecal coliform bacteria for four years. Until Jackson's sewage collection system is repaired the advisory won't be lifted. The estimated cost of repairing Jackson's broken sewers and outdated Savanna Street sewage treatment plant is more than twice the \$355 million price tag of Alternative "C".

The only alternative among C, A, and A1 that has the capability and likelihood of harmful reductions in river flow (water quantity) downstream of Jackson is the lake dredging plan, Alternative "C". Evaporation from a wider, slower moving and warmer 10-mile section of the Pearl River especially in the seasonal low flow months of July-October will mean that river surface and tailwater conditions below the new weir will be warmer than current surface and tailwater conditions. A warmer, slower moving and wider river will have a higher evaporative loss than the narrower, more shaded present condition of the Pearl River through Jackson. The square 15'x15' gate in the center of the Alt. C's new weir can release water during low flow conditions but will require cooperation from the Pearl River Valley Water Supply District (PRVWSD) that manages the Ross Barnett Reservoir floodgates. The primary uses for the Ross Barnett Reservoir, built in 1960-1963, are water supply and recreation. If the PRVWSD is asked to increase reservoir discharge to accommodate Alternative "C" and associated increased evaporation and water temperature, or for any other reason, reservoir operational procedures will need alteration and statutory purposes of the PRVWSD will be more difficult to meet. The Rankin Hinds Pearl River Flood and Drainage Control District has not prioritized communication with the PRVWSD over how the Ross Barnett Reservoir operations would be combined with the Rankin Hinds District's locally preferred plan, Alternative "C". Conversations about this have been inexplicably delayed. The Army Secretary and Army Corps of Engineers should engage the PRVWSD about these subjects as it writes the next Draft Environmental Impact Statement. A discussion of how climate change would affect flood control on the Pearl River was left out of the 2018 DEIS as well, and the Army Corps of Engineers should address this deficiency.

#### Water and Wastewater Treatment

There are two minimum flow targets to consider on the Pearl River with respect to Alternative "C" or any structural alternative to address flooding. The "contract minimum" that must be released from the Ross

Barnett Reservoir is 170 cubic feet per second (cfs). However, the practical minimum flow target is 227 cfs to meet the needs of the Savannah Street sewage treatment plant about 15 miles downriver from the Ross Barnett Reservoir on the Pearl River's west bank. The plant's Clean Water Act National Polluted Discharge Elimination System (NPDES) discharge permit requires this discharge as a bare minimum for adequate dilution of the effluent discharged into the Pearl River. The J.H. Fewell drinking water treatment plant withdraws 48 cfs from the river between the Ross Barnett Reservoir and the Savannah Street sewage treatment plant.

The St. Tammany Parish Engineering Department used United States Geological Survey (USGS) river gage statistics and daily readings over the period of record for river gages and analyzed minimum flow target (7Q10) measurements pre-reservoir and post-reservoir at several sites on the river: Jackson, Ms., Monticello Ms., the Strong River confluence and Bogalusa, La. The analysis focused on the number of days and percentages of occurrences below the minimum flow at a site, and the number of times and percentages that a minimum flow failed to meet the 10<sup>th</sup> percentile for flows over the daily flow readings. These analyses were made using USGS stream discharge records post-Ross Barnett Reservoir construction. Savannah Street had a minimum flow permit requirement of 290 cfs before 2017. From 1965 to 2017, flow at Jackson's Savannah Street was below the 290 cfs minimum there 3917 times or for 18% of readings. The Savannah Street's plant NPDES permit was changed to a lower minimum flow requirement of 227 cfs in 2017. For the post-Ross Barnett period, the river has fallen below 227 cfs on 1613 days or for 7.7% of daily readings. The St. Tammany report concluded "During the critically low-flow months of July-August, flows from the Ross Barnett are lower than pre-Ross Barnett construction (1965)" and further concluded on the basis of the 10% percentile analysis of Jackson's Savannah Street plant, "It is apparent that flow control at the Ross Barnett Reservoir is making the stream baseflow lower at least during July-August, summer critical months for NPDES dischargers, water quality, habitat, recreation, navigation and coastal interests."

Having a river discharge fail to meet minimum requirements on 7.7% of daily readings at the location where a sewage plant's effluent meets the receiving stream is something that the Army Corps should be concerned about because of anti-degradation rules and because of the 2015 Total Maximum Daily Load (TMDL) report for nutrients. The heated surface waters of a dredged lake (Alternative C) will generate more evaporation in the warm months of the year than the Pearl River currently experiences in the 10 mile "study area" reach. Warmed, nutrient rich surface water from the lake will flow over the weir and meet the Savannah Street plant's nutrient-laden effluent in what will likely be a very impaired location on the Pearl River. Mississippi already reports the water in the Ross Barnett Reservoir and the urban section of the Pearl as eutrophic (nutrient over-enriched) in the 303(d) and 305(b) water quality reports it sends to EPA.

Low flow problems on a regulated river like the Pearl begin with the often insufficient amount of water discharged from the Ross Barnett Reservoir. Adding a second lake (Alternative "C") to the Pearl in Jackson causing further evaporative loss, particularly in July-October will decrease water quantity problems. A second lake on the river will compound existing compliance challenges with the Savannah Street NPDES permit and cause problems for downriver dischargers with permits subject to the limits governed by the 2015 nutrient TMDL. Downstream stakeholders, permit holders, and recreational users don't need any of these additional problems that lake construction brings with it.

Washington and St. Tammany Parishes don't need the low flow problems upstream to be any more complicated than they are now. A water budget has not been offered for the entire river so far in a DEIS. Our Louisiana Parishes would like to see a water budget written with and without Alternative "C" developed and shared as part of the 2023 DEIS by the Army Corps. This must account for existing impairments, climate change, warmer water temperatures from a lake plan, evaporation and the 2015 TMDL report's non-point source pollution Best Management Practices that were enumerated but have never been implemented.

#### Existing Waste Sites

There are three toxic waste sites that will be disturbed if Alternative "C" is chosen: The Gulf States Creosote Plant site in Flowood, Rankin County would become part of the eastern bank/shore of the lake; The former LeFleur's Landing or Jefferson Street landfill is on the west bank, and the former Gallatin Street Dump site is on the west bank of the lake dredging and widening project. (Fig. 1 Alt. C and HTRW Site, from 2018 DEIS) Five more known toxic waste sites are close to the footprint of the lake but would be outside of the dredged floodplain wetlands.

Eight million dollars were allocated in the 2018 DEIS for remediation or cleanup of these toxic waste sites and listed as a budgeted item used in the calculation of project total cost and Benefit: Cost ratios. On March 20, 2023, Clyde Woodward of Environmental Management Services Inc. met with Assistant Deputy Secretary of the Army Jaime Pinkham and expressed his professional opinion that the cost estimate was too low by an "order of magnitude." It is hard to understand why the cost estimate for toxic site remediation and cleanup was ten times too low in the Rankin Hinds Drainage District's 2018 DEIS report and appendices.

Choosing an alternative such as A, A1 or a combination that does not disturb toxic waste sites should be a priority for the Army Corps of Engineers. Disturbance of toxic sites like the old creosote plant upstream of the J.H. Fewell water treatment plant's intake pipe would put Jackson's drinking water at risk. The writers of the 2018 DEIS have already stated that lake construction will make the Pearl River so turbid that the J.H. Fewell plant would need to stop withdrawing water to protect its filtration and water purification equipment. In this situation the Drainage District stated that Jackson would need to find a temporary alternative source of water for 3 years during construction - to replace 30% of Jackson's drinking water provided by the Fewell facility. The representative of the Army Assistant Secretary for Civil Works, Ms. Collossimo, stated at the Jackson meeting on May 24<sup>th</sup> that the Army Secretary would not support a project that interrupted Jackson's drinking water supply for any reason. The toxic components suspended by dredging and disturbing the three sites will also send polluted water downstream to the lower Pearl River counties and parishes. Washington Parish would like to avoid this situation.

#### Cultural Resources

Because of the need for confidentiality of site locations, the cultural resources appendix created by the Rankin Hinds Drainage District has not been made public. However, using a Mississippi public records request, a redacted version was released by the Mississippi Department of Archives and History directly to Pearl Riverkeeper (PRK). When PRK published the redacted cultural resources report on its website,

the Rankin Hinds Drainage District's attorney sent a "cease and desist" letter the next day to PRK with threat of legal action if the report was not taken down immediately from the website. Pearl Riverkeeper complied.

There are many Native American sites listed in the Drainage District's cultural resources appendix and dredging and disturbing between 1800 -2400 acres of floodplain forest, including low ridges scattered in the floodplain, which could be Native American middens or mounds, will certainly disturb or destroy some of them. This seems to be a "sore spot" with the non-federal project sponsor – one that it would like to keep out of the public eye and public discussion. Washington Parish and St. Tammany Parish do not support any flood management plan that requires disturbing Native American cultural sites and artifacts in the Pearl River floodplain.

### Transportation

The only flood control option that would cause disruptions to transportation during construction and implementation is Alternative "C", a plan to dredge the Pearl River deeper and wider over 10 miles. There are nine (9) road and rail bridges that cross the study area of Alternative "C". A letter from Director Melinda McGrath of the Mississippi Department of Transportation dated 9/5/2018 cited bridge failures on the nine bridges if sediments were dredged away from bridge support footings during project construction for Alternative "C". The cost of replacing or repairing bridges was omitted from the Drainage District's 2018 Draft EIS. Replacing just the prestressed concrete decks of nine bridges would cost at least \$100 million dollars. It is hard to explain why such a major cost was left out of the budget for Alternative "C". Neither alternative A nor A1 contemplate de-stabilizing bridge infrastructure this way.

### Downstream Impacts

Downstream impacts are directly related to two of key points of analysis that the Army Secretary is statutorily required to perform by Congress, as discussed above: **environmental acceptability**, and **economic justification**.

The downstream impacts of this flood risk management project must be environmentally acceptable and must not negatively impact the economies of downstream towns, counties, and parishes. The first town downstream of Jackson directly on the Pearl River is Monticello, Mississippi. Columbia, Mississippi, and Bogalusa, Louisiana are the other two cities directly on the Pearl River in its middle section. These three towns have sewage plants that discharge to the Pearl River, and Monticello and Bogalusa have paper mills that discharge to the Pearl River. Employment in them and their surrounding counties/parishes is largely tied to the paper mills and the industrial support services for the mills. The community of Varnado, Louisiana, is also on the river. Picayune, Mississippi is not on the Pearl River, but its sewage treatment plants discharge to the Pearl, so effluent dilution in the Pearl River is an economic and public health matter to these cities.

There are many environmental and economic impacts to towns in the lower Pearl River Basin from a river dredging and lake construction project in Jackson. Recreational and commercial fishing are still important downstream of Jackson, and in Washington Parish people fish with hoop nets and slat traps for subsistence, sharing catches with family and community, and selling catch in local markets. The ability to navigate the river in small outboard powered skiffs is important to these users. Shoaling and extreme

low water events in July-October make using the river very difficult. Land loss due to collapsing, sloughing banks and the associated sedimentation in the Pearl River's channel are effects on the local economy that come from the current operation of the Ross Barnett Reservoir. Landowners are losing land to the river, yet often are still paying property taxes when their land becomes part of a public navigable waterway. Different counties handle this taxation problem in different ways.

When an industrial accident happens during low flow periods on the Pearl River, such as the Temple Inland Corporation's release of "black liquor" from treatment ponds into the Pearl River at Bogalusa more a decade ago, the resulting impact was catastrophic. There was a total fish/mussel kill in the river in Washington Parish and for dozens of miles downstream. Turtles were sickened, and the small population of Gulf sturgeon in the Pearl was significantly reduced in the space of two days. A project such as Alternative "C" that impounds water during critical low flow periods will only make ambient water quality conditions in the Pearl River worse in the face of an industrial accident or discharge of effluent in excess of NPDES permit limits for pH temperature, dissolved oxygen, biological oxygen demand, total solids, ammonia, and other permit limit parameters.

The Army Corps needs to be deliberate and clearly explain its work in responding to WRDA 2018 Section 1176 which requires that the agency take a hard look at likely adverse impacts downstream. Alternative "C" was named in the September 2018 comments of the US Fish and Wildlife Service as the "most environmentally damaging" alternative of the four that were presented. It is still the most environmentally damaging of Alternatives A, A1 and C; the current NEPA alternatives array.

As Dr. Stanford Owen, a Levee Board commissioner from St. Tammany Parish related in his comments at the Slidell, La May 23<sup>rd</sup>, 2023, scoping meeting, the health of the estuaries, bays and marshes of both Mississippi and Louisiana need to be taken into account at the mouth of the Pearl and in the coastal waters that receive the Pearl river's freshwater discharge. St. Bernard Parish and Hancock County Mississippi have at least \$100 million dollars of BP Restore Act projects focused on oysters, marsh restoration, beneficial use of spoil to build land and shoreline protection. Any harmful changes in freshwater discharge volume or seasonality from an upstream freshwater depleting project like Alternative "C" need to be fully investigated and explained as required by Section 1176 of WRDA 2018. Decreasing the discharge of fresh water or changing its timing can undo the restoration efforts undertaken by both states if salinities increase in the estuary and marshes at the mouth of the Pearl River.

A Coastal Zone Consistency Review must be performed by Louisiana Department of Natural Resources, focused on the modeling and sampling done so far in the writing of the 2018 DEIS and subsequent work that have elevated Alternative "C" as the locally preferred alternative. The region that finds this alternative attractive only includes Hinds and Rankin Counties. Downstream counties and parishes would name it the least preferred alternative. Because the Pearl's flow affects salinities and the productivity of marshes and bays, a consistency review by the Coastal Zone Management Program in Louisiana is necessary.

#### Recreation Access and Opportunities

Speakers at the May 24<sup>th</sup> public engagement meeting in Jackson complained about the lack of public access to the Pearl River in urban Jackson. There is public access to the river in Jackson for canoes, kayaks and small boats. There is access on public land to trails along oxbow lakes and riverbanks in LeFleur's Bluff State Park on the Pearl River just downstream of the Hwy. 25/Lakeland Bridge over the river. A boat ramp at the Ross Barnett Reservoir spillway and a boat ramp at Lefleur's Bluff State Park have provided a launch and take-out point for 15 years.

LeFleur's Bluff State Park has the Mississippi Museum of Natural Science on its grounds, and the park and museum share a 2-mile trail system including the Museum's "purple" trail along the Pearl River that ends at the park's public boat ramp and parking lot at the river. Boy Scout canoe trips have used the section of the Pearl River between the reservoir and the park for 15 years. Sport and trot-line fishermen have launched in this section for the same amount of time. The Pearl Riverkeeper has planned and hosted annual river cleanups since September 2017 on the urban section of the river, using the LeFleur's Bluff State Park boat ramp on the river as a starting point for river clean-up days.

**There is public access to the Pearl River** and there is demonstrated use of the river by the public. The Mississippi Museum of Natural Science built its science education program around the state park, using wetlands and floodplain forests along the Pearl River to teach thousands of students and to train hundreds of teachers at Project WET and Project Wild workshops. The Museum reached its first million visitor mark by 2010 and is one of Jackson's award-winning tourism and educational attractions. It moved from Jefferson Street downtown to LeFleur's Bluff State Park in 1999 specifically to be able to use the Pearl River's wetlands, floodplain forests and river habitats in its educational programs which serve a statewide audience. The Museum's indoor exhibits interpret the Pearl River swamp, including its largest freshwater fish tank – the Pearl River tank, and its swamp terrarium, built in a greenhouse, showcases animals and plants native to the Pearl River and its floodplain.

The Alternative "C" project will dredge away many acres of LeFleur's Bluff State Park along the Pearl River trail and would reduce the quality of the park experience. A riverbank lined with mature 90-year old hardwood trees and a network of floodplain sloughs and oxbow lakes with mature cypress and tupelo gum trees in the park would be removed by dredging and replaced by banks devoid of trees and a shoreline stabilized by sheet piling, concrete or limestone rip-rap.

The impact of Alternative "C" to recreational opportunities in downstream counties and parishes has been described above in the "downstream impacts" scoping section. Small boat access to the river is already a problem downstream of Jackson when the river is at low flow July-October. Landowners are losing riverbank to erosion. The swamp tour business in St. Tammany Parish and in Hancock County Mississippi also needs to be considered. Low water reduces access to swamp areas off of the river's main channel, and causes tour boats to hit bottom with their outboard motor propellers. Even kayak tours in the Honey Island Swamp along the Pearl River are hampered by seasonal low water events. No tour guide on the lower Pearl has any confidence that low flow problems will improve if Alternative "C" is built.

Before the COVID pandemic, the economic impact of Pearl River swamp tours was over five million dollars annually. This robust and popular nature-based tourism industry, featuring the Pearl River's Honey Island Swamp, exists in St. Tammany Parish, Louisiana generating approximately \$3.1 million per



year in tour fees alone. A total of 122,400 tourists per year at \$25 per person is a conservative estimate of the annual activity of the three largest swamp tour companies. The \$3.1 million does not include canoe and kayak tour company fees. Also, the Honey Island Swamp has many other recreational users: campers, hunters, fishermen and canoers whose activities aren't captured by this revenue estimate. The 2015-2019 Louisiana Tourism Forecast prepared by U.N.O. for the Louisiana Department of Culture, Recreation and Tourism reported 2015 induced tourism spending as 68% of direct tourism spending. This means that the 122,400 people who travel to St. Tammany Parish, paying \$3.1 million in tour fees to see the Honey Island Swamp would spend an additional \$2.1 million dollars a year in the local economy on fuel, food, lodging, and other travel related needs.

Recreation access and opportunities on the Pearl River are not limited to the 10 miles of the urban section of the river in Jackson, Mississippi. Any objective study of recreational uses of the Pearl River must contemplate recreation in the entire basin and include the swamp tour business in Louisiana.

### Community Impacts

Community cohesion, general happiness, and freedom from fear of flooding are as important in Washington and St. Tammany Parishes as they are at any other community along the Pearl River. Having a river with caving banks, and a channel that cannot move its increased sediment load in low flow conditions doesn't make riverside landowners and residents happy or support community cohesion. Landowners downstream of Jackson in several counties and parishes are being charged property tax on more land than they have due to streambank failure and land loss because of reservoir operations upstream. They are accustomed to the loss of land and timber in the lower Pearl Basin. And when Jackson is releasing water from the Ross Barnett dam in anticipation of heavy rains from tropical storms and hurricanes two or three days away from impact in central Mississippi, Washington and St. Tammany Parish and Hancock County face storm surges from the Gulf on top of a rising Pearl River. The anxiety of a rising river and back-flooding along urban tributaries in Hinds and Rankin Counties is real, but residents along the lower Pearl River must face a storm surge on top of a river flooded by pre-storm water releases from the Ross Barnett 180 miles upstream – a situation out of their control and in which their parish and the State of Louisiana have no voice. This creates short term anxiety and long-term resentment as community impacts.

### Economic Opportunities

It was clear that economic opportunities were on the minds of many of the speakers at the Army Corps' May 24<sup>th</sup>, 2023, public engagement meeting at the Mississippi Agriculture and Forestry Museum auditorium. Socrates Garrett, a businessman, contractor, and Hinds County political veteran explained the need for an economic boost to Jackson's economy and was frank in his assessment that Jackson has nowhere to grow to the North, South or West, so the only place to grow is to the East **into** the Pearl River Flood Plain:

Garret said: "The only potential for growth is in that footprint of the river - the only chance for Jackson to grow and get a new tax base - Develop this river - it's underutilized." This comment could not have been

more clear about interests in Jackson seeking economic opportunity through development in the footprint of the river - its floodplain.

Garrett said it took years to convince Hinds and Rankin Counties to work together on this lake project, and cited many trips to Washinton D.C. to persuade Senator Cochran, Senator Wicker, Leland Speed (Miss Devel. Authority) and other elected officials to support the lake. He cited the time and money contributions of many people who supported the effort.

It was a strange juxtaposition between speaker and listener considering that the Army Corps of Engineers, a federal agency that is acutely aware of the function of floodplains - was being lectured about growth by someone who has supported Alternative "C" for years with the message that the only hope for growth in Jackson is to put more development in the floodplain.

This message is squarely in conflict with Executive Order 11988 which contains a presumption against floodplain development.

Executive Order 11988 of 1977 is cited in the Engineer Notebook from 2000 that governs NED analysis for this project: "This floodplain management order, made during the Carter Presidency, has the intent of avoiding flood plain development, reducing hazards and risk associated with floods, and restoring and preserving natural flood plain values. In the event there is no alternative to construction in the flood plain, as is the case with (some) flood control projects, the Corps is required to minimize the adverse impacts induced by the construction of the project. In considering adverse impacts, the following should be addressed:

- (1) Induced new development in the flood plain or induced improvements to existing development in the floodplain that would increase potential flood damages; and,
- (2) The detrimental effect of induced activities on natural flood plain values."

Army Corps of Engineers notebook ER 1105-2-100 Section III paragraph (I) on Location Benefits outlines rules to follow that consider E.O. 11988.

Alternative "C" of this project finds a significant amount of its economic justification, in "location benefits" and "intensification benefits", both of which are derived from developing land that is currently in the flood plain on the river side (unprotected side or batture) of existing levees in both Hinds and Rankin Counties. These lands flood at least once each year. Table B-16 of the 2018 DEIS report's Appendix B lists \$10.2 million in benefits that are described as Location Benefits (Land New Use) for alternative C, lake dredging. The Drainage District, in fact, relies heavily in its calculation of project benefits upon the \$10.2 million derived from developing land that is currently active floodplain when it chooses Alternative "C" over Alternative "B" (levees only) based on benefit to cost ratio comparison.

The Executive Order above is meant to steer development out of floodplains, but if there is no alternative, the development's induced impacts to flood plain lands must be minimized.

The areas to be developed are downstream of the Ross Barnett Reservoir, and under current operating plans, the floodgate managers must have the ability to raise the Pearl River 10-12 feet in the urban reach of the river in 24 hours at any time to protect the structural integrity of the reservoir dam. The discharge

of the Reservoir travels 7 miles and goes through the project area of the lake dredging plan, so any development placed along the banks of the river in the ten miles of project area should be expected to accommodate the river rising quickly by up to 10 feet. It is important to note that the Draft EIS predicts future development including the construction of an urban landscape along the raised, filled river banks in the project area. Not allowing the construction of the lake alternative and thereby keeping people and property improvements out of the floodplain would be one way of “minimizing induced impacts”. Setting levees back on the east side of the Pearl River could be a better approach and, in fact, Army Corps staff commenting in the “Plan Formulation” section of the 2020 Agency Technical Review (ATR) pointed out that the first incremental benefit to test was the levee setback component, as it held the greatest benefit. Other commenters pointed out that the lake design adds no floodwater storage to the 10 mile section of the Pearl River, unless the lake excavation is kept dry except during large flows.

The lake sponsors have so far claimed that deepening and widening the river in the ten-mile dredged area would reduce the 10 foot rise caused during reservoir water releases. To what degree this may occur has been modeled, but these models don’t remove the basic problem of the large upstream reservoir water releases sent directly through the project area both during construction and afterwards. Allowing this project to be permitted by the Corps seems to be a predictable way to increase potential flood damage and to violate EO 11988. There isn’t a more blatant way to contradict the intent of EO 11988 than the development contemplated by Alternative “C” for the Pearl River floodplain in Hinds and Rankin Counties.

The areas along the Pearl River under consideration for filling and development by the Drainage District are mostly now riparian wetland forest areas and are subject to annual flooding. They now do have natural flood plain values of attenuation of floods, interception of rainfall, soil storage of water, shallow groundwater contribution to river flow, settlement of suspended sediments, and evapotranspiration of water, which functions would all be lost if they were dredged and removed under Alternative “C”.

Regarding the relationship between the Rankin Hinds District and the authority in charge of the floodgates at the Ross Barnett Reservoir; as recently as February of 2020, the Drainage District had not met with the Pearl River Valley Water Supply District that operates the dam flood gates to discuss how water releases would be cooperatively managed if a second lake was built on the Pearl River downstream of the Ross Barnett Reservoir. The scoping process began in 2013, ten years ago, and no dialogue has been publicly offered by the sponsors of how the two waterbodies would cooperate in releasing water through Metro Jackson. To allow the violation of this Executive Order in the absence of a clear understanding of lake operations (such as high and low flow plans) between the two agencies would seem to overlook concern about economic intensification from post-project floodplain development and openly mock the intent of EO 11988.

It is not economically justified to permit a project that violates EO 11988 by deliberately inviting induced development in a floodplain when there is no attempt to minimize obvious impacts or avoid hazards and risks associated with floods. Those hazards, risks and impacts to downstream communities have been explained well in this comment letter.

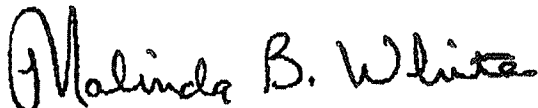
The Army Corps which has taken over authorship of this DEIS doesn’t lack alternatives to floodplain development in solving the urban Jackson and Rankin and Hinds Counties flood management problems.

Alternatives A, A1 and a combination have been offered in the current scoping period as possible alternatives in addition to Alternative "C", lake dredging. The destruction, risk and impact of Alternative "C" should require that it is the **least preferred choice** on the list of alternatives for the Army Corps. Inducing development (as in (1) above) in the flood plain is clearly a motivation behind Alternative "C". Other speakers on May 24<sup>th</sup> alluded to Alternative "C" as a spark for economic progress in Jackson but no speaker explained it as frankly as Mr. Garrett.

The Army Corps of Engineers is in a difficult position as it has taken over authorship of the Draft EIS for this flood management project. The entire federal cost share, \$221 million, has been appropriated in the bipartisan infrastructure act (IIJA) and placed in the budget of the Corps for Pearl River flood risk reduction. The Corps leadership and the Assistant Secretary both know that the United States Senators from Mississippi and the elected officials, Black religious community leaders, chambers of commerce, state legislators representing the Metro Jackson area, and even the Mississippi Children's Museum director support Alternative "C", yet this project is the most destructive to the environment, has the most potential to impact the physical and biological health of the Pearl River and is opposed by downstream towns, industries and even by a joint resolution of the Louisiana Legislature.

The Army Corps should follow its own rules and directives regarding E.O. 11988 and find a flood management solution that is less environmentally disruptive and that is acceptable to Washington and St. Tammany Parishes and all downstream interests.

Sincerely,

A handwritten signature in black ink that reads "Malinda B. White". The signature is written in a cursive, flowing style.

Malinda B. White

State Representative, District 75