P.O. Box 2245
New Orleans, LA 70176

504.525.1528
healthygulf.org

August 18, 2025

Colonel Jermiah A. Gipson
Vicksburg District Commander
U.S. Army Corps of Engineers CEMVK-PMP
4155 Clay Street
Vicksburg, MS 39183

Mr. Jason Emery
U.S. Army Corps of Engineers
Acting Chief, Environmental Branch RPEDS
CEMVN-PDS
7400 Leake Avenue, Room 136
New Orleans, LA 70110

Via email: PearlRiverFRM@usace.army.mil

RE: Comments on 2025 RDEIS for Pearl River Basin, Mississippi Federal Flood Risk Management (FRM) Project, Rankin and Hinds Counties, Mississippi

Dear Colonel Gipson and Mr. Emery:

Healthy Gulf was founded in 1994 as Gulf Restoration Network with a Mission to collaborate with and serve communities who love the Gulf of Mexico by providing the research, communications and coalition building tools needed to reverse the long pattern of over exploitation of the Gulf's resources. Healthy Gulf is concerned with the biological and physical health of the rivers and streams that drain into the Gulf of Mexico, including the Pearl River in Mississippi and Louisiana.

Healthy Gulf submits comment letters in the hope that we will be responsive to the needs of the communities we serve, respecting the interests of marginalized and oppressed people in them. We acknowledge that many Gulf South residents are confronted every day with the legacy of historical injustices as well as current environmental issues that threaten their health and well-being. We believe that the experiences, perspectives, and leadership of low-income communities and communities of color must inform our collaborative service.

Healthy Gulf commented in summer of 2024 that we opposed the plans to remove overbanks (plans CTO-D and CTO-E), but that we supported non-structural Alternative A-1 which when combined with other elements could have provided robust flood mitigation features. Healthy Gulf continues its opposition to the two alternatives D-1 and E-1 of 2025 that would remove overbanks and we continue our opposition to the plan that builds a new weir and creates a 1500 acre, 9-mile-long lake in the urban reach of the Pearl River.

In the 2025 RDEIS the main report section 3.4.1 on page 3-17 states the following about the options that the Army Assistant Secretary for Civil Works will have:

"As stated within the authority, the Secretary of the Army may select any or all of the features identified below to create a final array of features to form Alternatives D1 and E1, so long as the combined features provide the same level of flood risk reduction as the NED Plan, or better. Alternatives D1 and E1 could be any combination of the following six features:

Excavation of Main Channel

Federal Levee improvements: Canton Club Levee, McLeod Levee, Richland Levee, Cany Creek Levee.

Construction of new weir, Fish Passage (Only for Alt. D-1)

Non-Federal levee improvements (Savannah Street WWTP)

Bridge modifications

Mitigation Features

Giving the Army Secretary the leeway to choose his own array of features signals that what is presented in the RDEIS in summer 2025 is a preliminary plan – even just a suggestion of a plan – and one that can be broadly altered by a new Army Assistant Secretary for Civil Works, Adam Telle, who has strong ties to Mississippi and who is very likely to be swayed to choose Alternative D-1 which is the most environmentally damaging alternative by any objective measure. The Friday August 8th 2025 Northside Sun newspaper issue introduced Secretary Telle in its article "*Foundation envisions better quality of life with One Lake Plan*:

"Adam Telle, who once worked for former U.S. Senator Thad Cochran, was nominated for the job, which is a presidential appointment, and has gone through the U.S. Senate hearing process. A Mississippi State University graduate, Telle was confirmed to lead the Corps of Engineers on August 5."

No plan presented by the new 2025 RDEIS has been designated as the National Economic Development (NED) plan although in the RDEIS summary, the writers seem to lean toward E-1 as the NED plan:

"The Alternative E-1 without weir minimizes implementation risks, maximizes the difference between monetized benefits and costs, and satisfies the USACE Planning Principles and Guidelines (P&G) criteria of completeness, effectiveness, efficiency and acceptability. Accordingly, the Alternative E-1 without weir could be considered the preliminary NED plan." (Main Report Section 9, Summary p. 9-1)

This same section of the RDEIS summary on page 9-1 dismisses Alternative A-1 because it is claimed that significant risks are associated with implementing this non-structural plan. A reduced participation rate and the inability of residents to address ineligible project costs are cited, in addition to unusable infrastructure and emergency services when water levels from Pearl River backwater flooding cover streets.

These reasons given for dropping A-1 from consideration are disappointing because Alternative A-1 is the only alternative presented with a Benefit to Cost ration of at least 1:1 and it is the only alternative presented in the last 5 years that could be completed with the funds available so far, which come to $221 million – an appropriation that Senator Wicker obtained in 2021 from the post Covid stimulus Congressional Infrastructure Investment and Jobs Act (IIJA). Alternative A-1 would not require special Congressional action to allow a project with lower than a 1 to 1 Benefit Cost (B:C) ratio to move forward.

Alternative A-1, if it could move forward in some form with elevations, floodproofing and buyouts could best serve the mostly African American communities of Canton Club, McLeod and Parkway subdivisions in northeast Jackson, Mississippi. Compared to protected communities just north, these three are the closest unprotected subdivisions, as the crow flies, to the spillway outfall from the Ross Barnett dam's floodgates and most vulnerable to backwater flooding during reservoir water releases. These three subdivisions between Old Canton Road and the Pearl River's floodplain along the river in Northeast Jackson flood first during dam releases- before any others; and they have flooded more in the last two major floods on the Pearl River (2020 and 2022) than any other Jackson neighborhood. Dropping Alternative A-1 from consideration undercuts the Corps' 6th guiding principle 1-20 (e) 2 *Environmental Justice and Equity*, listed in ER-1105-2-103 as one of the tenets of its planning policy for conducting civil works planning studies, adopted in 2023. This RDEIS specifically excludes environmental justice as a review factor, but this subject is part of Corps policy in the recently revised and adopted ER-1105-2-103 Engineering Notebook governing civil works projects.

The Army Secretary is given great leeway (see above) to re-arrange flood plan features to suit himself and the lobbyists who have gained access to him and whose desires he will be asked to accommodate – build a new lake for Jackson. However, that same leeway to re-order flood plans has not been accorded to the residents of Canton Club, Parkway and McLeod. Avenues that would help them with non-structural solutions have been closed. This is not the "totality of government" approach that Colonel Klein wrote about in his 2024 Commander's Report.

It is necessary to look at what the Corps of Engineers lists as its guiding principles and names as "the overarching concepts the Federal Government seeks to promote through federal investments in water resources now and into the foreseeable future (CEQ 2013)" (ER-1105-2-103 Sec. 1-20, page 8)

There are six overarching concepts listed in Section 1-20 of ER-1105-2-103:

a. **Healthy and Sustainable Ecosystems**. Federal investments in water resources should protect and restore the functions of ecosystems; resilience is emphasized; ecological services have economic value. (ER-1105-2-103 page 8)
b. **Sustainable Economic Development**. Alternatives for resolving water resources problems should improve economic well-being…and management of water resources ensuring both water supply and water quality. "Sustainability" means the creation and maintenance of conditions under which humans and nature can coexist in the present and into the future. (ER-1105-2-103 p. 8)
c. **Floodplains.** Federal investments in water resources should avoid the unwise use of floodplains and flood prone areas and minimize adverse impacts and vulnerabilities. (ER-1105-2-103 p. 9)

d. **Public Safety.** Threats to people from natural events should be assessed in the determination of existing and future conditions. Alternatives must include measures to manage and communicate residual risks. (ER-1105-2-103 p. 9)
e. **Environmental Justice and Equity.** Agencies must seek alternatives that would eliminate or avoid disproportionate adverse effects on environmental justice communities. (ER-1105-2-103 p. 9)
f. **Watershed Approach.** A watershed approach to analysis and decision making is more likely to identify the best means to achieve multiple goals over the entire watershed. The watershed approach allows for consideration of upstream and downstream conditions, needs and potential impacts of proposed actions. (ER-1105-2-103 p. 10)

Several of these guiding concepts are violated by the remaining viable Alternatives D-1 and E-1 set forth in the 2025 Revised DEIS for the Pearl River FRM Project.

Floodplains.

The same Army Corps of Engineers guidance document that contains the six guiding principles also has a prohibition against land development in floodplains. Both Alternatives D-1 and E-1 promote land development in a floodplain. ER-1105-2-103 Section 4.7(h) provides the following:

"Land Development and Floodplain Management. *Projects or separable increments producing primarily land development opportunities do not reduce existing flood damages, and therefore, will not be recommended for federal participation."*

The 2025 Main Report section 7.1.3 states:

"Alternatives C and CTO would also have features to promote future development (Land Creation) within the historic 1 percent AEP floodplain. However, those areas designed such that they would no longer be located within the updated 1 percent AEP floodplain upon project completion."

Both Alternatives D-1 and E-1 inherit the 2024 CTO's features of placing new land in the floodplain using spoil generated in overbank removal. Table 3-2 on page 3-18 lists 523 acres of fill area that will be laid down as new land along the Pearl River levees and in some spoil disposal areas away from levees.

Army Corps employee David Day in a personal communication to me at the early afternoon Jackson MS public meeting at St. Philip's Church on Thursday July 31st explained that if the Corps scrapes up and moves soil and riverbank material during the "overbank removal" and places it against levees or in spoil disposal areas, but does not compact it or perform geo-technical site preparation, then the Corps considers that it has not spent federal resources on land development. In this way it can be argued by Mr. Day and the Corps that Section 4.7(h) above is not being violated. If this is Corps practice, then it is a gross deception, and is in blatant disregard of good reasons that land development is not encouraged in floodplains. If we are to be persuaded by Mr. Day, it means that the federal government can plan, fund and execute two of the three steps needed to create new land in the floodplain, but also claim that scraping up and re-depositing sand and riverbank materials in a new place does not amount to land building or land development. The Corps is doing 2/3 of the work toward land building, describes its activity "Land Creation in the 1 percent floodplain" (clearly a land development opportunity), but gives itself an excuse for violating its own regulation. This does not pass the "straight-face" test.

The U.S. Army Corps of Engineers (USACE) policy in Engineer Regulation (ER) 1105-2-103 section 4.7(h), which states that projects producing primarily land development opportunities are not eligible for federal participation because they do not reduce existing flood damages, **is crucial for several reasons**:

Focus on Public Benefit: The primary mission of USACE civil works projects, including those for flood risk management, is to provide a public benefit, such as reducing flood damage and protecting lives and property. Projects whose main or partial purpose is land development prioritize private gain (e.g., increased property values or commercial opportunities) rather than addressing the core problem of existing flood hazards.

Fiscal Responsibility: Federal funds for civil works projects are intended to address critical public needs and provide a significant return on investment in terms of damage reduction and increased resilience for communities. Funding projects that primarily drive development in flood-prone areas could be seen as misallocating taxpayer money, especially if it leads to increased future flood risks and potential demands for more federal assistance.

Discouraging Risky Development: This policy discourages land development in areas where existing flood damages are high and the project wouldn't effectively address those existing risks. By not providing federal funding for such development, the policy incentivizes more responsible land use and development patterns, potentially leading to fewer properties and infrastructure in harm's way over time.

Fairness and Equity: Focusing on reducing existing flood damages ensures that federal resources are directed toward communities and individuals already facing the burden of flooding, rather than subsidizing new development that could exacerbate flood risks or disproportionately benefit certain interests.

Sustainable Flood Risk Management: The policy aligns with broader goals of sustainable flood risk management, which increasingly emphasizes avoiding and minimizing development in floodplains, according to the U.S. Environmental Protection Agency. By not funding projects that exacerbate flood exposure, the policy encourages a more long-term and sustainable approach to managing flood risks.

In essence, the rationale behind ER 1105-2-103 section 4.7(h) reinforces the USACE's commitment to using federal resources strategically and responsibly to address real and existing flood damage problems, while avoiding actions that could incentivize or facilitate development in hazardous areas without a clear and demonstrable flood risk reduction benefit.

The Corps could make use of these good and sensible reasons above to restrict land development in floodplains like the one along the Pearl River in Rankin and Hinds Counties in the Jackson Metro area, but seems committed to cherry-picking its way around the prohibition using pure fiction about which of their federally funded activities constitute land building.

If the Corps can look at what the non-federal sponsor has done and written and communicated since 2013 when scoping for this project began, it can find overwhelming evidence of what is desired: new land created alongside existing levees and in new spoil disposal areas on both sides of the Pearl River. It is willful self-deception or the part of the Corps of Engineers not to understand that riverfront development is what is desired by the non-federal interest (Rankin Hinds Pearl River Flood and Drainage Control District) and all of its partner organizations that have been fundraising and promoting their vision during the DEIS process over 15 years: The LeFleur Lakes Foundation, The Pearl River Vision Foundation, The Great City Foundation and the newest booster for a Jackson MS lake plan, The Pearl River Revitalization Coalition.

Another citation from the Northside Sun newspaper Friday August 8th, 2025 article on the One Lake Plan explains: “TREE Urban Design & Landscape took the D-1 footprint and expanded it into a comprehensive vision that integrates flood control with public parks, greenways, access points, and **mixed-use development zones.”**

TREE Urban Design & Landscape is a design firm that has been hired by the Pearl River Vision Coalition to create images for the Great City Foundation’s website which features an urban lake on the Pearl River as the centerpiece of its plans to revitalize Jackson Mississippi.

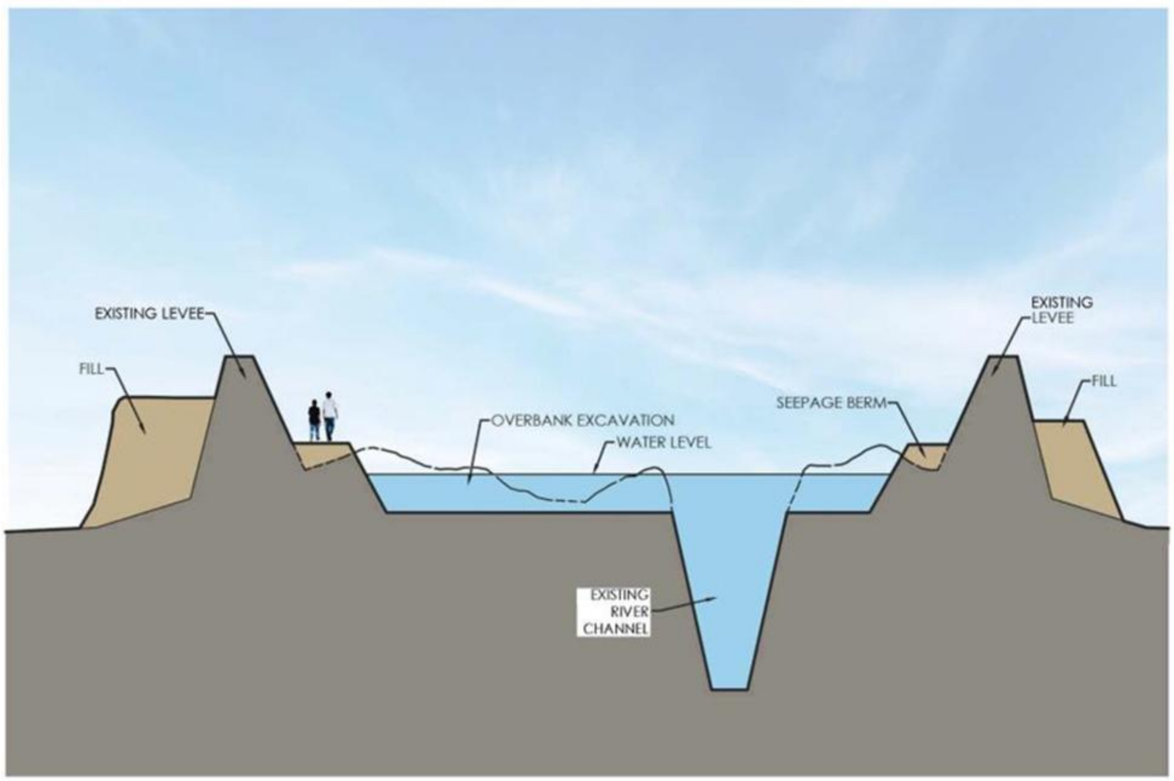


Figure 3-6 Main Report. Titled “Channel Improvements with a Relocated Weir” page 3-23. This plan depiction lacks the scale to show the width of the fill-augmented levees that can be as wide as 1000 feet. Fourteen areas, evenly divided on both sides of the river, will total 523 acres of fill as new land created in the Pearl River floodplain.

Great City Foundation Jackson, MS 2024 promotional video (screenshot) of Belhaven Beach after weir/lake creation. See YouTube. https://www.youtube.com/watch?v=i7QvHY6cAWs The Belhaven Beach site is one of the two largest fill areas on the Hinds County (Jackson, MS) side of the Pearl River according to Figure 3-3 in the main Report.

Environmental Justice and Equity

Main Report page ES-xv contains the following statement about Executive Order EO 14173:

Environmental Justice considerations have been removed from this RDEIS in accordance with President Trump's EO 14173, titled Ending Illegal Discrimination and Restoring Merit Based Opportunity."

As a result, the reader is told there can be no discussion about this topic. However, the Corps' own P&G Notebook that governs the planning for the Pearl does specifically cite Environmental Justice and Equity as one of its six guiding principles in ER-1105-2-103. Agencies must seek alternatives that would eliminate or avoid disproportionate adverse effects on environmental justice communities. (ER-1105-2-103 p. 9)

There are certainly reasons having to do with equity that are persuasive against building land in the floodplain when the residents of the three neighborhoods that flood first and worst from reservoir releases of Pearl River floodwater don't benefit from land creation downstream. The land building that will take place downriver from Canton Club, Parkway and McLeod subdivisions will not benefit them and certainly won't solve their flooding problems. Activities that the Corps could offer these three subdivisions to improve their situation are: building ring levees around them, cleanouts and restorations of the urban tributaries near them that form a major part of the surface drainage system, refurbishment of interior street drainage and ditches, elevations, floodproofing and buyouts of properties that repeatedly flood. At the recent public meetings in Jackson about the Pearl River FRM RDEIS, there were comments given to the Corps that some residents want to pursue buyouts. It is equitable to offer people options that they bring to the Corps meetings in the form of comments.

The increments or separable elements of this plan that build land in the floodplain do nothing for the residents of Canton Club, Parkway and McLeod subdivisions and it makes sense that the federal government not fund any part of the land building as it does nothing to solve flooding in these northeast Jackson neighborhoods. The 523 fill acres (land building) placed on either side of the Pearl River downstream in Rankin and Hinds do nothing to advance equitable treatment for people living in these subdivisions upstream in northeast Jackson who flooded as recently as 2020 and 2022.

Another equity matter is the induced flooding that will come from water in the project area moving faster through Jackson in either Alt. D-1 or E-1 and causing a six-inch modeled rise in floodwaters for places like Richland and the neighborhoods near Cany Creek. Adding more water to areas that already flood counts as a disproportionate and unwelcome impact downstream of the project area.

Until the Corps removes environmental justice and equity from ER-1105-2-103, it must consider whether what it is planning to do favors an equitable treatment of communities that already suffer from flooding along the Pearl River. And it should consider that the results of D-1 and E-1 modeling show that Alternatives E-1 and D-1 will induce new flooding for downstream residents. Induced flooding can be viewed through the lens of equity and environmental justice or it can be viewed as a fact – one that a civil works project should try to avoid or reduce.

Watershed Approach

When this project's first Draft EIS was published in 2018, it was titled "Pearl River Basin, Mississippi Federal Flood Risk Management Project, Hinds and Rankin Counties, MS."

The inclusion of "Pearl River Basin" in the title remains in the 2025 version of the project. However, there has been a consistent effort by the non-federal interest (NFI) to exclude important parts of the Pearl River Basin from the project – to limit the geographical reach of the project so it only serves areas that the non-federal sponsor wants it to serve. For example, the non-federal sponsor has taken pains to insert its interpretation of the difference between the Study Area and the Project Area into the current version of the RDEIS:

"Per the NFI Section 211 Report, the Study Area denotes the area that implementation of the project would potentially impact, which is different from the Project Area, the actual size the project would occupy." (Main report Section 1 Introduction page 1-4).

In both 2020 and 2023, several groups opposed to the lake version of the project made trips to Washington D.C. for meetings at the Pentagon with the staff of Assistant Secretary R.D. James and later with Deputy Secretary Pinkham and his staff. One of the March 2023 meeting attendees, Dr. Scott Crawford specifically presented the tributary flooding effects in his neighborhood along Cherokee Road in Hinds County. It was clear that the photos of flooded streets, photos of Scott's flooded wheelchair ramp and water from Eubanks Creek under his house made an impression on Deputy Secretary

Pinkham. Scott impressed upon Sec. Pinkham that solving flooding along the 9 urban tributaries to the Pearl River in Jackson is a necessary part of any flooding solution in Jackson because tributary flooding happens with river flooding but also in the absence of river flooding. The Pearl River's tributaries flood Jacksons streets, homes and schools consistently, several times a year. All of us in the 2023 Pinkham meeting were hopeful that at least the tributary flooding was elevated as a problem and explained in detail to the staff at the Army Assistant Secretary for Civil Works. Mr. Pinkham ended the Pentagon meeting saying that he wanted to know true costs of the project and wanted there to be better public participation as the ASACW office took over the DEIS process from the non-federal sponsor.

By the time the next version of the Draft EIS was published, flood relief activities along the Pearl River tributaries had been removed from the scope of the Pearl River FRM project. It was explained in the summer 2024 version of the DEIS for the Pearl River FRM project that other federal programs from USDA NRCS and other agencies would fund flood management on the tributaries in Jackson. The amount of money allocated to the first 5 urban watersheds being studied for flood relief is $25 million, which would mean $5 million applied to each tributary. This is likely much less money that could have been focused on the tributary problems with the full funding of the Pearl River FRM project.

What happened between 2020 and 2024? It is fairly clear that the non-federal sponsor does not like the idea that any of the money appropriated to the Pearl River FRM project should be spent on addressing tributary flooding away from the main channel of the Pearl River. The non-federal sponsor has jealously and tenaciously guarded the first $221 million appropriated in 2021 to the Army Corps for this project and does not want any of that money solving problems on the tributaries.

The non-federal sponsor is the Rankin Hinds Pearl River Flood and Drainage Control District – a small state agency formed as a levee board under state flood control statutes listed in the Mississippi Code. It has jurisdiction over drainage in Rankin and Hinds Counties where all nine of the Pearl River's urban tributaries can be found, but this non-federal sponsor divorced itself from supporting any flood control work on tributaries. It has worked through lobbying and government relations channels in Washington D.C. with the help of the state's Congressional Delegation to compartmentalize the tributary flooding and place the responsibility for addressing tributary flooding on USDA and agencies other than the Corps of Engineers. This was a deliberately avoided chance to serve its own constituents who pay taxes to the district.

Dropping the tributaries from the project is not a watershed approach. All of the 9 urban tributaries are located clearly within the Study Area in Rankin and Hinds Counties described by all three editions of the DEIS for this project. All of the urban creeks are within the jurisdiction or service area of the non-federal sponsor – the Rankin Hinds Drainage District that doesn't consider tributary flooding to be within its mission. The residents who flood don't share this same point of view.

In 2024, Colonel Christopher Klein wrote a Commander's Report to coincide with the release of the 2024 version of the Pearl River FRM DEIS. It was in the "Opportunities' section of the 2024 DEIS.

"A comprehensive study of the Pearl River is necessary to fully understand the basin's hydrology, hydrodynamics, and ecosystem. The scope of the study should be from the headwaters to the terminus at the Gulf of Mexico. A watershed study would inform disposition of legacy federal infrastructure, opportunities for sustaining and managing flowrates through the basin, and enhancement of habitat for

the basin's wildlife, flora and fauna. Authorization via a Water Resources Development Act is required." (2024 DEIS p. 91)

Again in 2025, the "Summary" section 9 of the RDEIS states that a comprehensive watershed study would be highly beneficial. Under Colonel Gipson's leadership at the Vicksburg Corps, the RDEIS team again suggests a watershed study:

"To fully understand the hydrology and hydrodynamic conditions of the Pearl River Basin, a Watershed study under Section 729 of the WRDA of 1986, would be highly beneficial. A watershed study would facilitate an understanding of local, state, and Federal actions under consideration in the Pearl River Basin" (2025 RDEIS Sec. 9.1 page 9-2)

For several years the commenters and interests downstream of Jackson have asked that downstream impacts be fully investigated. These commenters include the St. Tammany Parish Engineering Department, the Louisiana Congressional Delegation in WRDA 2018 Sec 1176, and the Louisiana Legislature that passed a few different resolutions against the lake plan. There have been riparian landowners who commented in 2024 and 2025 in both Monticello, MS and Slidell, LA public meetings about riverbank land loss, low flow issues, channel shallowing, and saltwater intrusion. A comprehensive watershed study would make downstream recreational, commercial and municipal interests much more confident about how the river works in its impounded, regulated condition. The Pearl has been a regulated river since the Ross Barnett Reservoir and dam were completed and filled six decades ago. A comprehensive watershed study could help with river restoration efforts downstream. Healthy Gulf learned in a summer meeting with Colonel Gipson in Vicksburg that Congress is not interested in funding 729 watershed studies.

It was not clear if this meant that all of Congress is opposed to 729 studies or if it is just the Mississippi Congressional delegation that is opposed to funding a 729 study for the Pearl River. Healthy Gulf suspects that Senator Roger Wicker, Senator Cindy Hyde Smith and Representative Michael Guest are the ones opposed to any more studies because their friends and campaign contributors in Mississippi desire a waterfront development on the Pearl River in Jackson.

It is obvious but perhaps still necessary to point out that the Pearl River is an interstate river and its final 60 miles are shared with Louisiana as a common border between the two states before it empties into the Rigolets tidal pass and the estuary. The Pearl River is the fourth largest source of fresh water to the Gulf, east of the mouth of the Mississippi River, and is the largest single source of fresh water for the estuaries of Hancock County, MS and St. Bernard and St. Tammany Parishes in Louisiana. The Pearl River has a greater discharge of fresh water to the Mississippi Sound and southeast Louisiana estuaries than the combined flow of all of the rivers that terminate along the north shore of Lake Pontchartrain.

A true watershed approach to this project would require Congress to find a way to fund a 729 study and use the best available science to figure out how the river functions as a biological and physical system and a very important Gulf coastal plain river – and accomplish all of this BEFORE any more alterations are made to its channel, its sediment load, flow and its ecology. Some of the best river scientists in the United States are at ERDC in Vicksburg MS, and there is no question that a study could be completed with the available scientific talent working there. In the absence of a study, either plan that modifies the channel and banks is an open-ended experiment with the physical and biological functions of the Pearl River.

Healthy and Sustainable Ecosystems

Rankin and Hinds Counties

The habitat damage that would happen in the Jackson reach of the Pearl River in Rankin and Hinds Counties includes a footprint of disturbance of up to 954 acres. A reported 9.38 million cubic yards of riverbank and bed soils and alluvium along 8 miles of river will be bulldozed and moved to fill floodplain and batture lands on the river side of existing levees. Wetlands make up 744 acres of this total. Critical habitat for the Ringed sawback turtle, protected with “Threatened” status by the Endangered Species Act (ESA), would be destroyed in Jackson as basking logs and snags would be removed and sandbars used for nesting areas would be dredged or submerged in the project footprint as the river’s bed and banks are cleared and excavated to widen and deepen the river.

Also, we know the threatened Gulf sturgeon, also protected by ESA migrates through the urban reach of the Pearl River described as the “study area” in Rankin and Hinds Counties – radio tagged sturgeon have been recorded since 2018 swimming past monitoring receivers in LeFleur’s Bluff State Park, upstream of the weir at the JH Fewell drinking water treatment plant. Mitigation for the sturgeon in the form of a fish ladder or fish passage device has been proposed, but the environmental conditions in the lake itself may be unacceptable for the sturgeon.

Gulf sturgeon captured in the Pearl River in 2018 near the mouth of the Strong River by catfish hoop nets, and subsequently released.

Adult Ringed sawback turtles, with a juvenile basking on a log in LeFleur's Bluff S.P. Credit: Wesley Shoop, Ph.D.

An updated Biological Opinion (B.O.) from the U.S. Fish and Wildlife Service (USFWS) is one of the documents that is promised for later publication as the Biological Opinion available now was completed after the 2024 DEIS, but before the changed alternatives (D-1, E-1) that have been presented in the 2025. Before the 2025 RDEIS was begun a new turtle species, the Pearl River Map turtle, was designated as a threatened species under the Endangered Species Act, joining the Gulf Sturgeon and the Ringed Sawback Turtle with ESA protections. The designation of critical habitat for the Pearl River Map turtle could happen soon. Also, relatively recently, two additional species found in the Pearl River could receive protection under the Endangered Species Act: the Louisiana pigtoe mussel, and the Alligator snapping turtle. The Pearl River could be found to be critical habitat for at least one of these animals.

How many other rivers around the U.S. have three already protected species under ESA: Gulf sturgeon, Ringed sawback turtle, Pearl River map turtle and two additional candidates for protection: La. pigtoe mussel and Alligator snapping turtle? And how many other rivers around the U.S. have Congressional delegations who are doing as much as ours is to rush approval for a civil works project that will build a new dam and lake and drastically alter habitat for this many protected species?

Some observations on the 2019 Biological Opinion's characterization of the status of the Ringed Sawback Turtle were about reproduction and survival of turtles and assumptions made about survival at age in a lentic vs a lotic habitat. In particular, we have questions about the assumptions on nesting success (x number of nests produce x number of juvenile turtles with x rate of mortality from predators) on sandbars in the project area We have questions that remain from 2019 on these subjects and will have to wait for a revised 2025 B.O. to see if more information is available. Healthy Gulf has questions about any claimed increased survival rate in a lake project area after disturbance from dredging and impoundment, an assumption that had very little explanation in 2019. The presence or absence of sandbars in the lake created by a weir in Alternative D-1 , and the slow velocity of an impoundment will need better investigation as they relate to habitat affinity, food resources and reproductive success of both species of protected turtles, the Sawback and the Pearl River map turtle.

A velocity study or model is still missing from the 2025 DEIS and is promised later during pre-construction engineering and design (PED). About the attenuation of river flow caused by an impoundment, the 2019 B.O. stated that flow would be normal for six months out of the year and would be low for six months but stated that this was nonsignificant for the purposes of its turtle habitat and population health analysis. Flow velocity has implications for turtle feeding, and for the animals' preference for lotic habitats. The velocity study, promised later in PED, is necessary to clarify these 2019 statements.

The 2018 Draft EIS reported poor water quality in the Pearl River after heavy summer rainstorms when urban creeks had their stagnant water flushed suddenly into the Pearl River. No sampling of Pearl River water quality has occurred since that time. This condition was discovered during actual sampling. Hot water and low dissolved oxygen conditions were found after these rainstorms in both the tributaries and the river itself, yet the Biological Opinion predicted no effect from these low oxygen conditions on the turtle's prey items. More data on this subject is needed. The 2025 DEIS makes predictions about possible stratification and anoxic conditions in version D-1, and sediment oxygen demand at the bottom of the impoundment created by a weir. Stratification separates the water column into a top layer, (epilimnion) with adequate dissolved oxygen and a bottom layer, (hypolimnion) with very low dissolved oxygen levels. This is a new insight, that seems to update and contradict the discussion of the 2019 Biological Opinion. The velocity study that comes later in PED can possibly offer clarification on the extent of stratification likely in an impoundment here.

Without an updated B.O. and the lack of a Pearl River velocity study in any DEIS so far, many aspects of biology for both the threatened Ringed sawback turtle and the newly protected (ESA threatened status) Pearl River map turtle are difficult to comment on.

Eight miles of the river will be changed from lotic habitat to lentic habitat which will affect the sturgeon and a suite of other river-dependent fish species – those that need flowing water for either their feeding or reproductive or life-cycle requirements. Because all the riparian vegetation that currently shades the Pearl River for parts of the day will be removed, the surface water temperature in the dredged section of the river can be expected to rise, compared to pre-project conditions. Lining the shores of the lake with limestone rock or concrete bulkhead will likely be required for soil stability during high flow events. Indeed, 98,000 tons of rock armoring are called for in table 3.2 from the 2025 RDEIS. Engineered shorelines like these absorb solar energy and radiate it into water, which will also make the temperature of lake water warmer than the river's current conditions.

The 954 acres of wetlands and forest that would be removed along the riparian areas in Jackson contain mature hardwood bottomland forest, which is very good habitat for wildlife, particularly for birds. The shade from trees also keeps water temperatures moderate in the river. LeFleur's Bluff State Park has been designated as an Important Bird Area by the National Audubon Society and its birdwatching checklist has 211 species with 75 that breed in the park. Beyond the 392-acre state park, the floodplain forests on both sides of the Pearl River on private and public land make a corridor through which birds and wildlife can move, feed, migrate and use for nesting.

This habitat corridor has remained largely intact in the years since the building of the Ross Barnett Reservoir because it is a floodway. There is a lot to be said for cities that possess mature forests with good wildlife habitat within them. Evapotranspiration by trees processes stormwater, and carbon is stored in tree trunks. Wetland soils allow percolation of water into shallow groundwater which provides a source of flow to streams - these are ecological services provided in an urban space, and their value can be quantified. Trees moderate climate and cycle moisture from the ground into the atmosphere during the growing season. Trading a portion of this green corridor through Jackson for a developed urban riverfront hardened landscape with many acres of impervious concrete would mean the loss of well used habitat and environmental services for both wildlife and people.

The Corps emphasizes in its revised P&G Notebook, ER-1105-2-103 (2023) that:

"Healthy and resilient ecosystems not only enhance the essential services and processes performed by the natural environment but also contribute to the economic vitality of the Nation."

Prothonotary warbler, LeFleur's Bluff State Park. Credit: Wesley Shoop Ph.D. The Jackson Audubon Society has maintained nest boxes for Prothonotary warblers in the park for 28 years and has monitored nesting success for the last 8 years.

Downstream environmental/ecological issues

On river systems with decades-long reductions in flow, the health of floodplain forests has declined. This has happened in the Flint/Chattahoochee/Apalachicola system, and it can happen on the Pearl River system too. Dr. Helen Light, a USGS research scientist, documented a long-term decline in forest health correlated with declines in river discharge in that river system in Alabama, Georgia and Florida. Since Dr. Light's work was first published, a decline in the number of Tupelo gum trees in floodplain forests and a corresponding decrease in "Tupelo honey" production based on this tree species were reported as being tied to long term reductions in the amount of fresh water. Apalachicola Bay' s oyster population is so unhealthy now that this fishery was closed for commercial harvest. Mississippi's ambitions to create more dams and lakes on the Pearl River can lead it down this same path. The oyster harvest in both Louisiana and Mississippi is tied to the freshwater discharge of the Pearl River. The health of the hardwood forests of the Honey Island Swamp and Pearl River National Wildlife Refuge along the Lower Pearl River in Louisiana are also vulnerable to changing flow conditions.

The swamp eco-tourism businesses in St. Tammany Parish host 250,000 annual customers annually providing boat tours of the Pearl River's Honey Island Swamp and its habitats, with direct economic impact of over $8,500,000 annually without counting induced economic benefits – the money tourists spend on hotels, food and fuel. Low water levels in the lower Pearl River hinder the swamp eco-tourism businesses because the shallow-draft, flat-bottomed skiffs used by the tour businesses cannot safely operate during extreme low water periods on the Pearl River. The skiffs' outboard motors constantly hit bottom and their propellers strike sunken logs and stumps. Revenues decrease when tour boats cannot navigate to reach the preferred swamp tour areas.

The Pearl River provides fresh water to the estuary end of the system at the Rigolets tidal pass and Lake Borgne. The Hancock County Marshes just east of the Pearl River's mouth and the Biloxi Marsh Complex of St. Bernard Parish are both showing signs of erosion are in need of land-building sediment. The Pearl River's discharge delivers fresh water to these marshes and provides sediment to them. There aren't very many good sources of sediment for land-building in these estuarine areas, other than the Pearl River, so sediment entrainment by another impoundment upstream is not good news for the coastal marshes. A sediment study has been left to PED or a later stage in the EIS process, so the effects on sediment of either Alternative D-1 or E-1 hasn't been modeled and can't be discussed with any level of certainty. An examination of direct indirect and cumulative impacts as required by the National Environmental Policy Act is not possible without modeling sediment transport and velocity through the project. Leaving modeling studies until PED means that NEPA requirements cannot be satisfied at this point in time.

The oyster growing areas in the western Mississippi Sound St. Bernard Parish have historically been very productive and have suffered repeated recent ecological disasters: Hurricane Katrina, The BP Deepwater Horizon spill, and repeated openings of the Bonnet Carre Spillway. The oyster beds in both Mississippi and Louisiana waters are in a state of rebuilding and restoration and need the moderate salinities that are created when the Pearl River's discharge meets saltier Gulf waters in the Mississippi Sound and the Rigolets tide pass.

Pearl River Hancock County Marsh view looking south toward the Rigolets and Lake Borgne from the Hwy 90 Bridge at Pearlington, MS.

The following landings and values of oysters provided by trip-ticket data from the Louisiana Department of Wildlife and Fisheries for St. Bernard Parish oyster growing areas predate the 2019-2020 extended opening of the Bonnet Carre Spillway opening. Mississippi River flood water, shunted through Lake Pontchartrain into the Rigolets and Lake Borgne, lowered salinities to near zero parts per thousand (ppt), created harmful algae blooms and low dissolved oxygen conditions that caused almost complete mortality to oyster reefs in affected areas of southeast Louisiana and the nearby western Mississippi Sound. Oysters have been slowly recovering since 2020, but recovery could be slowed, and harvests reduced if the Pearl River's freshwater flow to coastal estuaries decreases, causing unseasonably high salinities and an influx of oyster predators. High salinities cause oyster mortality due to increased numbers of oyster drill snails, and other marine oyster predators.

12,481,594 (meat pounds) of oysters were landed during 2012-2017 in fishing areas of Southeast Louisiana influenced by the freshwater inflow from the Pearl River. An average of 2,080,594 meat lbs. per year were harvested over 6 years. The weight (meat pound) trend was stable and above 2,000,000 lbs. annually 2015-2017.

$92,701,373 (dollar value) of oyster harvest 2012-2017 in fishing areas of Southeast Louisiana influenced by the freshwater inflow from the Pearl River. Average value of $15,450,229 per year over 6 yrs. Harvest dollar value trend was above $12,000,000 annually.

The Pearl River has excellent biodiversity for a river that has been impounded for 60 years and has a canal system and several cross-channel weirs that make it fragmented with respect to populations of fish and invertebrates that would migrate if not for blockages. To condition riverine restoration at the river's lower end on allowing the most ecologically destructive alternative D-1 to be built in Jackson seems to be a Devil's Bargain, and we hope that the interests downstream on the Pearl River will not entertain such a trade-off.

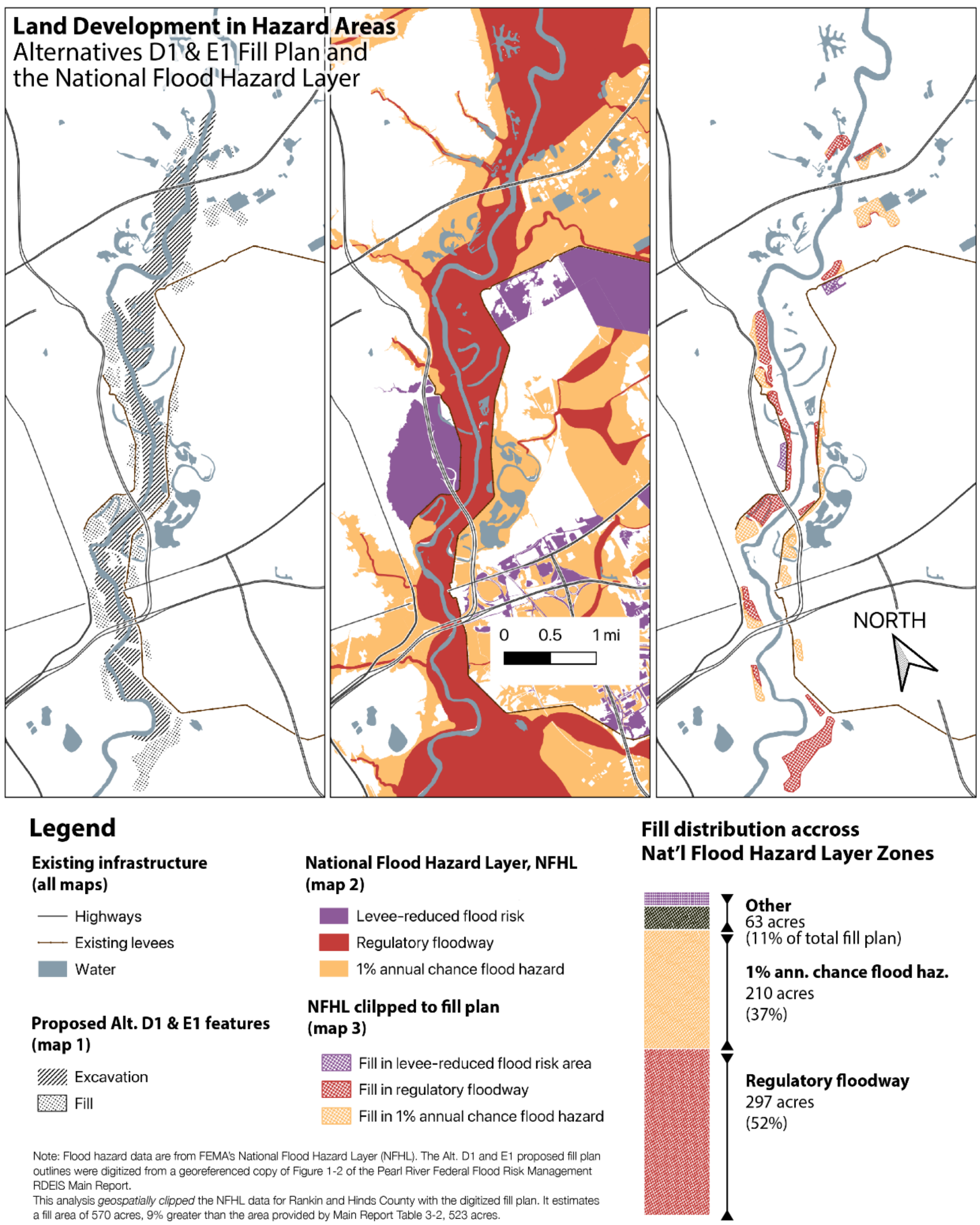
Public Safety

The overall purpose and need for flood risk management along the Pearl River in Jackson, MS is due to one main problem: The fact that the Pearl River Valley Water Supply District must release Pearl River flood water through the Ross Barnett Reservoir dam floodgates without causing excessive back flooding on downstream tributaries, while also avoiding overtopping levees through Jackson or pushing the Reservoir dam beyond its design capabilities.

Public safety is a concern every time the Ross Barnett Reservoir water levels rise past 297.5 feet above sea level. The Reservoir's emergency spillway begins to release water at 300 feet above sea level and will make any flooding emergency worse.

Another public safety threat to the integrity of the Ross Barnett Reservoir dam is an earthquake. Any shaking severe enough to destroy the integrity of the earth filled dam there could cause a dam breach induced by an earthquake and a flood through Jackson's urban reach. The pulse of water through a breached dam would be a greater flooding catastrophe than any Pearl River flood on record. On November 11th, 2024, an earthquake measured at 2.5 on the Richter Scale was recorded at 5km deep in the earth, 12 km southeast of Canton, MS. This location would be very close to the upper end of the Ross Barnett Reservoir. The USGS "Latest Earthquakes" website records show 132 earthquakes in Mississippi since 1931. Most are below 3.0 on the Richter Scale. The maps that the USGS presents on this site reveal a cluster of earthquakes around Jackson.

These two conditions make it unwise to deliberately locate more development in the floodplain downstream of the Ross Barnett Reservoir. Alternative D-1 and E-1 both call for filling in areas along the Pearl River that are now either regulatory floodway or within the 1% annual exceedance probability zone. Two hundred and ten acres (210 ac.) or 37% of the filling activities are in the 1% annual exceedance probability area and two hundred ninety-seven acres (297 ac.) or 52% of the fill would be placed in the regulatory floodway itself.

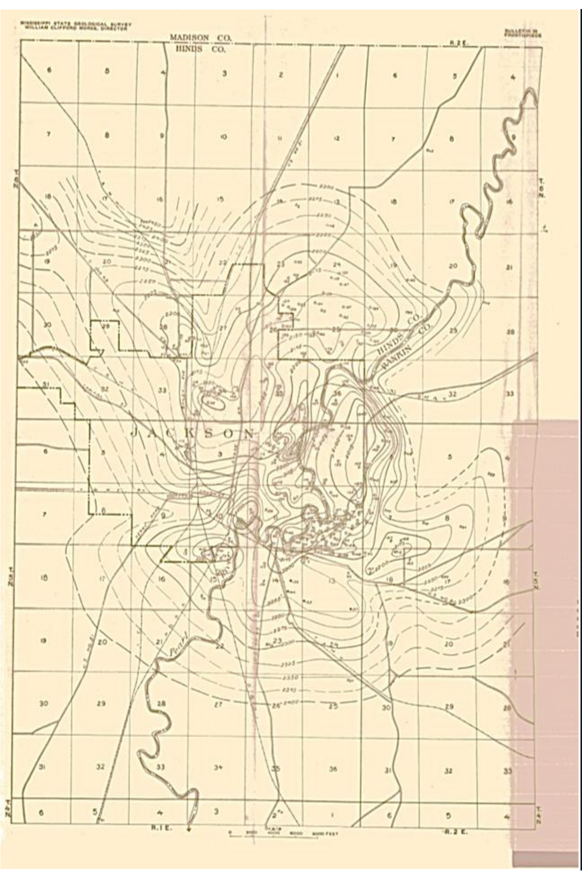


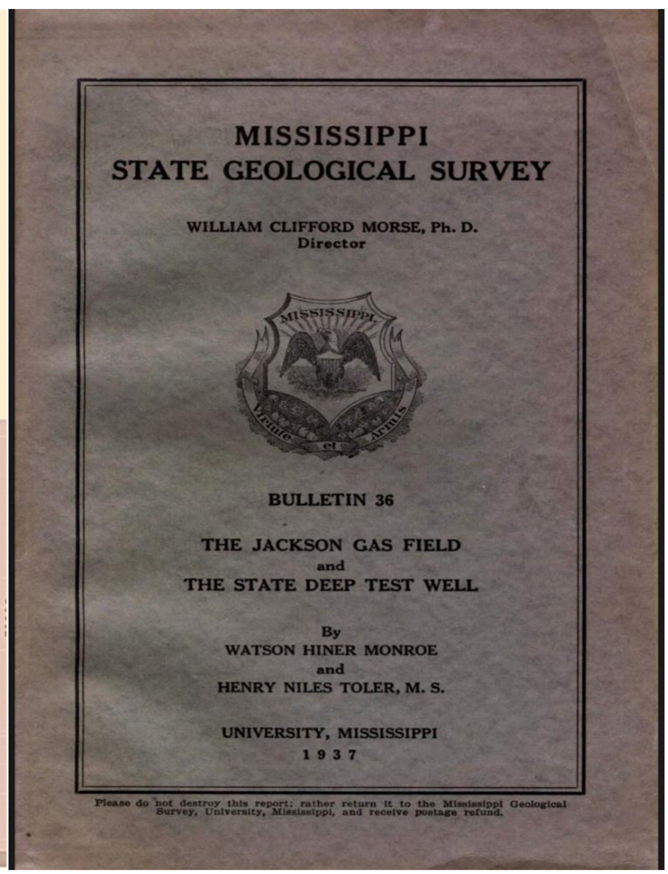
Healthy Gulf is concerned about high water events leading to dam breaches at the Ross Barnett Reservoir. The threat to life is typically low because the floodplain is not occupied except for campers at LeFleur's Bluff State Park. Park personnel diligently watch water levels and communicate with the floodgate operators so that campers and vehicles are evacuated from the camping areas there when fast rising waters are expected on the Pearl River due to necessary water releases from the Reservoir.

If either Alt. D-1 or E-1 brings unwise development in the floodplain that is vulnerable to large releases from the Barnett Reservoir Dam there will be more property and people in harm's way from dam releases or a dam failure. Building on top of augmented levees (multi-purpose levees) made from overbank spoil is unwise development in a dynamic floodplain 8 miles downstream of a 60-year-old dam with very little capacity to hold back flood waters.

Whether these spikes in discharge will still be possible without creating unacceptably high downstream water levels or threatening damage to any improvements built as part of the project in Alt. D-1 or E-1 needs to be investigated. The RDEIS document is deficient because the writers have not communicated with the Pearl River Valley Water Supply District about safety downstream in a floodplain where development will ensue after the project in either Alt. D-1 or E-1.

Abandoned and orphaned gas wells, and a few old oil wells exist in the project area and will likely be encountered during overbank removal if either Alternative D-1 or E-1 is chosen.





MISSISSIPPI
STATE GEOLOGICAL SURVEY

WILLIAM CLIFFORD MORSE, Ph. D.
Director

MISSISSIPPI
Virtute et Armis

BULLETIN 36

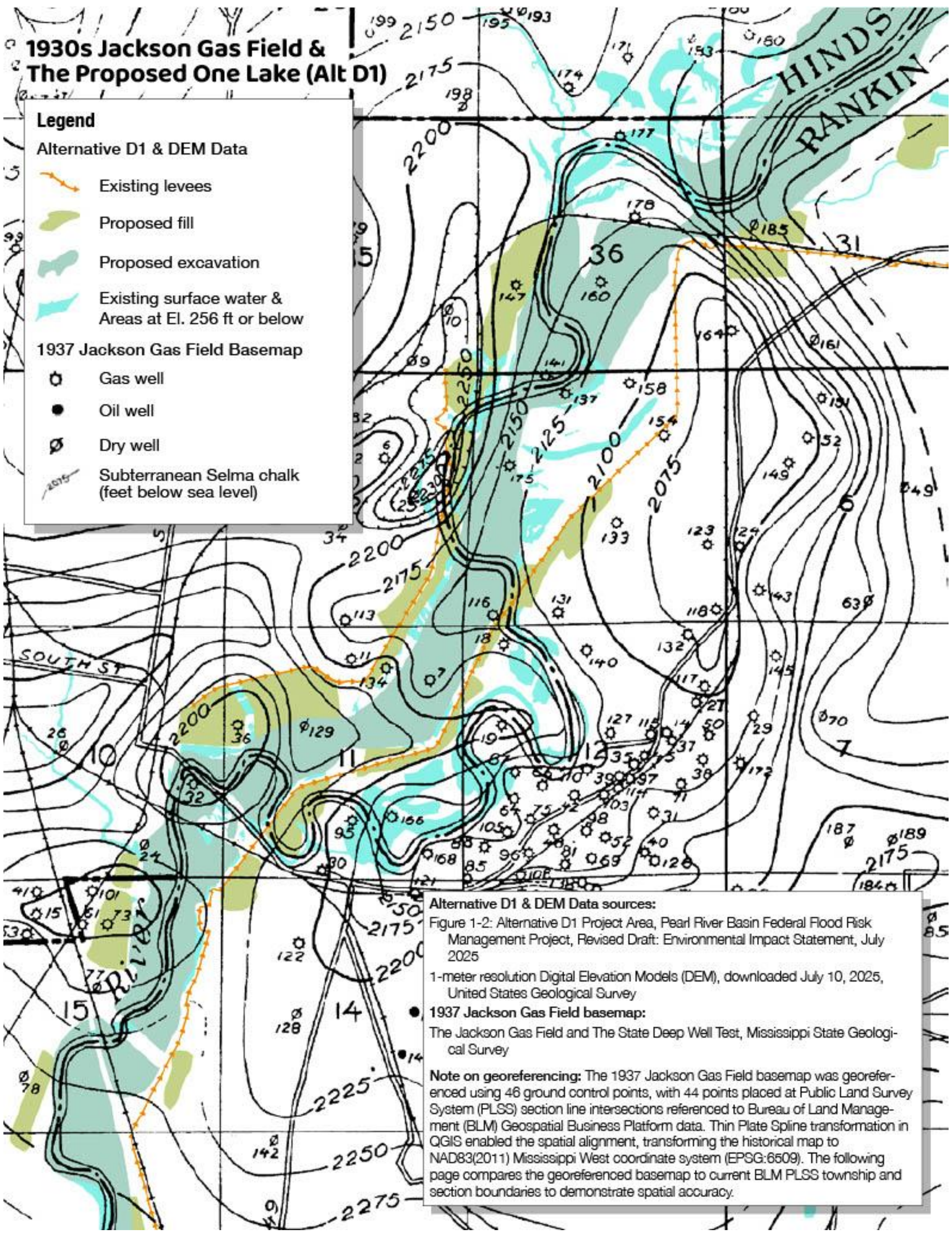
THE JACKSON GAS FIELD
and
THE STATE DEEP TEST WELL

By
WATSON HINER MONROE
and
HENRY NILES TOLER, M. S.

UNIVERSITY, MISSISSIPPI
1 9 3 7

Please do not destroy this report; rather return it to the Mississippi Geological Survey, University, Mississippi, and receive postage refund.

The Jackson Gas Field from the 1930s lies partly in the project area along the Pearl River that will undergo overbank scraping and removal and/or further impoundment of the Pearl River. Many old test wells, developed oil and gas wells and abandoned/orphan wells exist in the Pearl River floodplain and their condition is not well understood. One 1937 publication by the State of Mississippi attempted to catalog and locate the wells. No version of the DEIS has discussed what will happen if old oil and gas wells in the Selma chalk are encountered during channel and floodplain modification operations.



This georeferenced map was made combining the 1937 Journal and Bureau of Land Management Public Land Survey System maps by Juan Fernandez.

Sustainable Economic Development

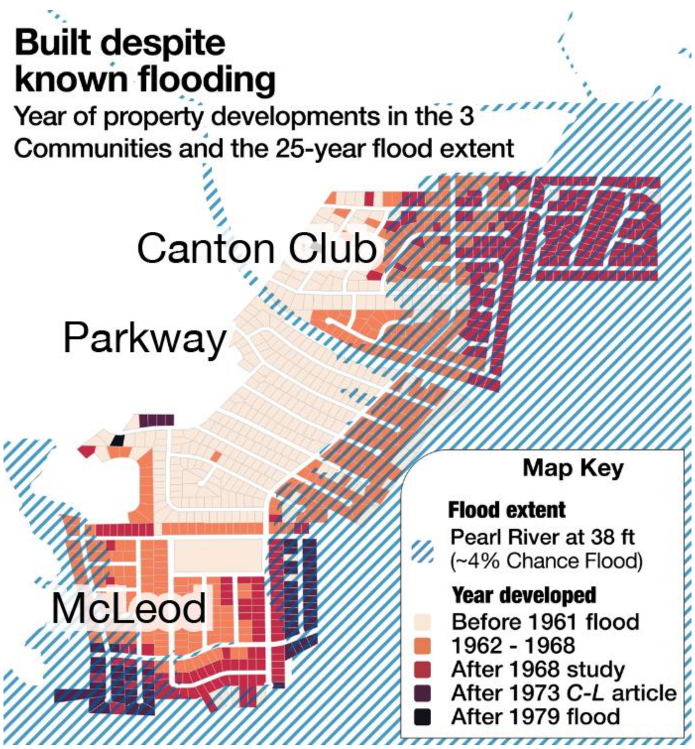
"Federal investment in water resources should encourage sustainable economic development. Alternatives for resolving water resources problems should improve the economic well-being of the nation for present and future generations through the sustainable use and management of water resources ensuring both water supply and water quality. Sustainable in this context means the creation and maintenance of conditions under which humans and nature can coexist in the present and into the future. Federal investments in sustainable economic development contribute to the nation's resiliency." (ER-1105-2-103, Sec. 1-20 (b) "Guiding Principles")

On the same page of the guiding principles as the "Floodplains" discussion, two paragraphs ahead, the second point of emphasis reads:

"Unwise use of floodplains is any action or change that has an unreasonable adverse effect on public health and safety, or an action that is incompatible with or adversely affects one or more floodplain functions that leads to a floodplain that is no longer self- sustaining." (ER-1105-2-103, Sec. 1-20 (c) 2.)

The questions for the Corps and for Congress are whether the type of use of a floodplain contemplated in D-1 or E-1 will improve the economic well-being and contribute to resiliency to flooding or whether it is an unwise use of the currently undeveloped land along the Pearl River in the project area in Rankin and Hinds Counties.

There are already subdivisions built in northeast Jackson east of Old Canton Road in the Pearl River's flood plain that flood periodically. Life here has been interrupted by flooding for decades.



Map by Juan Fernandez: A Pearl River flood at 38 ft at Jackson gage, superimposed on the Canton Club, Parkway and McLeod subdivisions which flood first during large reservoir releases to the Pearl River.

As shown in the illustration above, Jackson already has neighborhoods built in the floodplain, all having cyclical histories of flooding, damage, and rebuilding after floods with great stress and economic hardship placed on residents. All but a few of the houses in the McLeod S/D depicted in the illustration above are within the contour of the 4% chance flood – a 38-foot river flood as measured on the Jackson gage. The flooding in these areas should be addressed before any other activity is undertaken.

Before the Ross Barnett Reservoir was built, the land in the three subdivisions above was all bottomland hardwood forest along two small creeks. Building houses in this area in the 1960s and 1970s depended upon a misplaced reliance that the “new” (1965) Ross Barnett Reservoir dam would solve the recurrent flooding in this part of northeast Jackson. This was unwise floodplain development five decades ago and the Canton Club, Parkway and McLeod subdivisions remain vulnerable to river back-flooding and tributary headwater flash flooding. Real Estate agents showing properties in these areas today have a legal duty to disclose to home buyers that this area has a history of flooding as recently as 2020 and 2022 and that flood insurance is required by banks and other money lenders.

Building new land in areas downstream along the Pearl River that are currently batture or riparian wetland forest using either Alternative D-1 or E-1 will invite additional unwise development in the floodplain that neither promotes resilience nor conditions under which humans and nature can coexist in the present and into the future. Jackson and Flowood have a history of unwise development in the floodplain and given the opportunity, they will continue. The Army Corps of Engineers should not encourage more floodplain development.

Other Economic Considerations

Uncertainty about costs is built into this project at this RDEIS stage. There is a large contingency factor (47%) built in to cost predictions for Alternatives D-1 and E-1, and there are many missing studies and investigations about water quality, sediment transport, bridge modifications, mitigation, consultation with USFWS on protected species, HTRW surveys and more all left to the PED stage. Other missing pieces at this time are: water velocity analysis, costs of moving utilities, Real Estate Plan, Railway bridge modifications, fish passage design, borrow area analysis, impacts to existing levees and the need for seepage berms, historical and cultural site assessments, impact assessment on tributary flooding, impacts of a pool held at 256 above sea level on the wet areas of the Ross Barnett dam and flood gates, a stormwater pollution protection plan, and NEPA cumulative impacts analyses on sturgeon, turtles, bats and freshwater mussels. We don’t have cost estimates for those studies until the PED stage after the Army Secretary for Civil Works signs his record of decision, likely accepting Alt. D-1.

The class 4 cost estimates herein represent a level of engineering completeness well below 35%. At recent presentations to Congress, the Army’s Chief of Engineers has stated that he will not present projects to Congress for authorization at less than a 35% level of plan maturity, and this plan at class 4 is not close to having a 35% design maturity.

During congressional hearings this year, Lt. General Butch Graham (USACE Chief of Engineers) committed to 35% design maturity on a project before asking for authorization to build it. In his opening statement at the U.S. House Appropriations (Energy and Water) Oversight Hearing State of the Civil Works Program on February 25, 2025, LTG Graham stated:

"Getting the engineering, right, our cost estimates must be based on sufficiently mature engineering designs, at least 35%. As you'll hear today, we've allowed projects to be authorized with engineering well, well below that 35% threshold. In these instances, it wasn't so much the cost of increases rather, it was that our initial estimates were way, way too optimistic. My pledge to this Committee is that I will only sign chief's reports where I'm convinced that we've got the engineering right with sufficient maturity, our second control will focus on areas to get the project management, right, we must improve our ability to stay in control of our projects by setting realistic schedules"

Those reading and commenting on this RDEIS document are working with a document that has gaps in many areas of analysis including an imprecise set of cost estimates that clearly will not pass muster in its current state with Chief of Engineers Lt. Colonel Butch Graham at the Corps. According to his testimony, he will not ask Congress to appropriate money to a project at this level of detail – less than 35% maturity threshold. A document that has been in the works since project scoping began in 2013 – twelve years ago – should be much more complete and trustworthy than this DEIS.

The people of Monticello Mississippi and Slidell, Louisiana during public meetings in June of 2024 and July and August of 2025 were 100% opposed to any project Alternative that created a lake on the Pearl River. Comments this year from areas on the Lower Pearl River in Mississippi and Louisiana have been in favor of re-opening the analysis of Alternative A-1, and in avoiding the damage to the Pearl River that D-1 or E-1 would cause. Commenters have been consistent in defending their local economies.

The Georgia Pacific paper mill in Monticello has a permit to withdraw water from the Pearl River and any alteration to the quantity or temperature of the water there will force the mill to spend money to further treat the water it uses. For instance, the company has stated that it will need to install $10 million worth of treatment equipment to bring water temperatures down when they are too high in the river. The town and the paper mill would like to avoid that situation. Temperature of water exiting a 9-mile lake with its banks lined with limestone rip-rap will be higher than the water currently flowing through the 9 miles of Pearl River with natural banks and shading trees along them. Limestone rip-rap absorbs heat from the sun and radiates it to adjacent waters. This radiant warming happens on the Main Harbor Jetty in the Ross Barnett Reservoir. Lake water along this jetty is warmed by radiant heat, and fish like crappie are known to spawn earlier in the spring along this jetty and along other rock lined features than in upper parts of the reservoir where there are no rock jetties or rock-lined banks to warm the water. Assurances must be made that river water temperatures as far downstream as Monticello will be acceptable to this industrial permit holder if either alternative D-1 or E-1 elevate water temperatures in the project area and downstream. Ninety-eight thousand (98,000) tons of rock are in the budget to stabilize the banks of Mayes Lake and the Fewell Waterworks either project D-1 or E-1, and rock armoring is listed in the operation and maintenance budget in Table 3-2. Radiant heating of water in the project area from this rock will contribute to higher water temperatures in the Pearl River.

The swamp tour companies in St. Tammany Parish already see seasonal low water periods in July-October and they don't want to see any lower water levels that cause them to reduce the extent of their swamp tours when the tour boats strike bottom as the river and swamp depths decrease. St. Tammany Parish government has consistently opposed the lake plan and has asked for a comprehensive river study leading to better water level management in the lower Pearl River.

In Mississippi and Louisiana in the Pearl River Basin, there are just over 100 holders of Clean Water Act NPDES discharge permits to the Pearl River or its tributaries. Those permits depend on adequate flow for proper dilution of effluents. The Pearl is a working river with many industrial dischargers regulated by MDEQ, and any alterations to water quantity or to seasonal low-flows by Alt. D-1 will be detrimental to these permitted industrial and municipal users.

The RDEIS Impacts Analysis Does Not Comply With NEPA

In comparing and analyzing potential alternatives, the DEIS must examine the direct, indirect, and cumulative environmental impacts of the different alternatives, the conservation potential of those alternatives, and the means to mitigate adverse environmental impacts. 40 C.F.R. § 1502.16. A robust analysis of project impacts is essential for determining whether less environmentally damaging alternatives are available.

Alternatives D-1 and E-1 remain unjustified by the traditional USACE benefit-cost analysis. In both the main body of the Pearl River FRM RDEIS, and in the 2024 Commander's Report, many impacts and costs of elements of Alternatives D-1 and E-1 are simply missing or are identified for later analysis during pre-construction engineering and design (PED) after the Army Secretary makes his choice of alternatives in a Record of Decision. Deciding to approve an alternative first and then performing the necessary analyses to evaluate the appropriateness of the alternatives second is the wrong order for any decision and was described in one Slidell public meeting comment as "putting the cart before the horse".

The missing items that would be produced during PED include the habitat mitigation plan, a sediment study, a study of water velocities (needed to determine habitat impacts), and a Clean Water Act Section 404 b (1) analysis.

Other missing items include: an economics appendix that shows how the Corps arrived at its benefit and cost conclusions, an analysis of construction costs of countermeasures to protect bridges, costs of digging up, remediating or stabilizing toxic HTRW sites in the project area, an analysis of tributary back-flooding for D-1 and E-1, impact of D-1 weir at high flows, determination of whether the D-1 weir is a high hazard dam, water quality impacts, water supply impacts, borrow area analysis for suitability, formal ESA consultation, and an updated Biological Opinion from the US Fish and Wildlife Service on wildlife habitat and mitigation issues caused by D-1 and E-1 plans. The USFWS identified 26 recommendations in their 2020 Fish and Wildlife Coordination Act about Alternative C, so surely with a slightly smaller lake project in in 2025 contemplated in Alternative D-1, the Service will have suggestions about avoiding or compensating for the land lost to dredging and the changed riverine habitat function along the Pearl River.

The DEIS also lacks the cumulative impacts analysis required by NEPA. Direct impacts are caused by the action and occur at the same time and place as the action. Indirect impacts are also caused by the action, but are later in time or farther removed from the location of the action. 40 C.F.R. § 1508.8. Cumulative impacts are:

"The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” 40 C.F.R. § 1508.7

On a river system that has been dammed for 63 years, having cross-channel weirs in three places, an abandoned barge canal project and a failed water diversion structure at Walkiah Bluff there is good reason to look at cumulative impacts and how placing a new weir and impoundment changes the Pearl River. Without information on the most basic of physical stream characteristics, such as: a sediment study, updated water quality information and a velocity study (all missing from this DEIS) the Corps cannot make predictions on the cumulative impact of further impounding of the Pearl River caused by CTO-D, or of the effects of dredging without creating a lake as in CTO-E. There is no mention, let alone analysis, of how construction of any of the alternatives will impact far downstream communities, such as Slidell. Acting to approve any structural alternative in the absence of this information is wrong because it goes against the intent and letter of NEPA. Readers of this 2025 document expected to be able to make insightful comments on a complete set of information have also been disappointed by the missing information – the aspects of this study that have been improperly left until the PED stage.

Also lacking is any comprehensive watershed study, as noted above, that the Corps itself recommends as a needed source of information but does not plan or mandate.

Cultural Resources in Project Area in Danger of Destruction

There are Native American mounds, and earthworks from various historical periods in the floodplain batture along the banks of the Pearl River in the project area. Attempts to share a redacted Cultural Resources report by Pearl Riverkeeper were met with threats of lawsuits – injunctions – by the board attorney for the non-federal sponsor, Rankin Hinds Pearl River Flood and Drainage Control District. The Riverkeeper received a redacted report from Mississippi Archives and History Department with location information of mounds, burial areas and other cultural sites in the Pearl River floodplain blacked out so that the sites could be protected. The state agency did not impose any publication restrictions on Pearl Riverkeeper. The attorney for the Drainage District clearly did not want any publicity being focused on the destruction of Native American sites. His threats to the Pearl Riverkeeper were met with compliance. The redacted report was removed from the PRK website.

Most of the Native American cultural sites probably belong to the Choctaw tribes. If Alternative D-1 or E-1 is approved, it is unavoidable that cultural sites in the floodplain woods will be dug up and bulldozed and moved to fill areas. This unavoidable destruction needs to be mitigated. One of the schematic architectural drawings offered by the Great City Foundation on its website shows a large newly constructed mound along the river on the Hinds County side that commemorates the Jackson Volcano that underlies the city. It would be much more appropriate to honor the Choctaw and other Native American tribes with a cultural monument after the project unavoidably destroys their burial sites, middens, mounds and other earthworks.

It would be good to know what the comments of the tribes have been about the likely scraping and bulldozing of their cultural sites. The consultations with the tribes, required by federal law, have been faithfully carried out according to the RDEIS, but we have never heard any feedback from the tribes on what their mitigation or compensation preferences may be. If the tribes are amenable to memorializing the destruction as a way of honoring their dead and their cultural sites, it would be vastly better to memorialize this human history than to build a monument to an extinct volcano.

Conclusion

According to Planning Guidance ER-1105-2-103 Section 2.4 (d) Step 4, there are four formulation and evaluation criteria: **Completeness, Effectiveness, Efficiency, and Acceptability.**

Acceptability. This document that gives the choice of Alternatives D-1 and E-1 to solve flooding problems on the Pearl River is not acceptable. These plans have been presented in Jackson, and Monticello, Mississippi and in Slidell, Louisiana. Both plans were unacceptable to audiences in Monticello and Slidell. In Jackson there were more comments in favor of D-1 and E-1 than opposed, but some commenters in Jackson found D-1 unacceptable. Participants at two thirds of the public meetings found D-1 unacceptable. A lake plan such as D-1 is unacceptable to the Louisiana Legislature, to the La. Coastal Protection and Restoration Agency, to the La. Oyster Task Force, to La. Dept. of Wildlife and Fisheries and to both Washington Parish and St. Tammany Parish governments. County Boards of Supervisors in Copiah, Lawrence, Marion, Pearl River and Hancock Counties in Mississippi have passed resolutions against a lake plan for Pearl River flood relief in Jackson.

Efficiency. Both Alternatives D-1 and E-1 have a benefit to cost ratio of less than 1:1 and by definition, neither one is efficient. Without further action by Congress that lets the Corps build a project at a less than 1:1 benefit to cost ratio, neither of these projects can move forward.

Completeness. Considering the number of studies left to the PED stage, noting in particular the lack of a sediment study or water quality study, plus about a dozen other planning components, this is not a complete plan. Not one of the three DEIS studies in 2018, 2024 or 2025 for this project identified the presence of wells of the Jackson Gas Field in the project area where land digging and scraping will take place.

Effectiveness. The neighborhoods that are closest to the outfall of the Ross Barnett Reservoir and that flood first and most severely over the past few years during Reservoir flood gate openings are well upstream of the section of the Pearl River that will have channel modifications and overbank removal. These neighborhoods are also well upstream of the spoil disposal areas in the Rankin and Hinds Counties floodplain/batture areas and on the landward side of levees. These land building features in D-1 and E-1 are not effective to help the residents of the Canton Club, Parkway or McLeod subdivisions with their flooding problems.

For these reasons, Healthy Gulf opposes Alternatives D-1 and E-1 and asks the Army Corps to re-visit Alternative A-1, also re-visit the idea to include tributaries in this project, and the need for a WRDA Section 729 watershed study. We include, rely on and incorporate by reference the comments of Pearl Riverkeeper, Audubon Society, National Wildlife Federation and Center for Biological Diversity. Healthy Gulf appreciates the opportunity to provide comments on this project.

Sincerely,

Andrew Whitehurst

Andrew Whitehurst, M.S, J.D., Water Program Director, Healthy Gulf,
Madison, MS