

# Public Meeting In Re: Yazoo Backwater Meeting

Army Corps Meeting - (6 PM)

May 4, 2023

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US ARMY CORPS OF ENGINEERS

VICKSBURG DISTRICT

PUBLIC MEETING ON YAZOO BACKWATER

WATER MANAGEMENT

Public meeting held at the USACE office,  
4155 Clay Street, Vicksburg, Mississippi,  
on Thursday, May 4th, 2023,  
beginning at 6:00 p.m.

APPEARANCES NOTED HEREIN

REPORTED BY:

ELLA J. HARDWICK, CVR-M, CCR #1749

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APPEARANCES

Colonel Christopher Klein, Commander, Vicksburg  
District Commander, US Army Corps of Engineers

Mike Connor, Assistant Secretary of the Army  
(Civil Works)

Jeaneanne Gettle, Deputy Regional Administrator,  
EPA Region 4

Matt Strickler, Deputy Assistant Secretary for  
Fish and Wildlife and Parks, US Department of  
the Interior

Stacey Jensen, Acting Deputy Assistant Secretary,  
Office of Assistant Secretary of the Army

Jacob Brister, Programs and Project Management  
Division Deputy Chief, USACE Vicksburg District

Brian Frazer, Director, Office of Wetlands, Oceans  
and Watersheds

Clay Miller, US Environmental Protection Agency

James Austin, US Fish and Wildlife Service

Various Members of Governmental Agencies

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1 COLONEL KLEIN: Good evening,  
2 everybody. Welcome to the Vicksburg  
3 District Headquarters here in Vicksburg,  
4 Mississippi. I know for some of y'all,  
5 it's not your first time here. First  
6 thing I'd like to do is welcome back to  
7 the federal team coming back here to  
8 provide us an update on this project.

9 For everybody else from the public, I  
10 know some of y'all, this is your first  
11 time. Just want to let you know a couple  
12 of administrative things. I'm going to  
13 start off with the comment cards on your  
14 seat.

15 The comment cards are here on your  
16 seat. And when you signed in, over there  
17 in the back corner, there's a brown box.  
18 So whatever comments you have, you can put  
19 them on those comment cards, put them in  
20 the brown box, and the team will collect  
21 them up, they'll consolidate them and do  
22 great things with them.

23 All right. Now, for the  
24 administrative stuff, if the fire alarm  
25 goes off, it is a real fire. It's a real

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1 fire. There's no drills anymore. So,  
2 please, just exit from whence you came,  
3 right out the front door. Everybody look  
4 to your left, look to your right. All  
5 right. You're now responsible to make  
6 sure that person is in the parking lot.  
7 All right?

8 That's how we do accountability. So  
9 if you don't see that person in the  
10 parking lot, please let one of us know so  
11 we can let emergency personnel know that  
12 there might still be people in the  
13 building. So that's one.

14 Number 2 is the bathrooms and any  
15 water, you know, fill up your water  
16 bottles or anything like that, there are  
17 two bathrooms. The first one, if you go  
18 out that back door into that hallway and  
19 go right, there's a bathroom just adjacent  
20 to the front, left corner of the  
21 auditorium here.

22 The other one is out the back door on  
23 this side and down the hallway towards  
24 your back left. Okay. A little bit  
25 further. Both men's, women's. Water

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1 fountains, water bottle fillers. And I  
2 think that's all the administrative for  
3 this evening. Again, welcome, everybody.

4 And, sir and team, turn it over to  
5 you.

6 MR. CONNOR: Thank you, Colonel  
7 Klein, as always, for being a gracious and  
8 informative host.

9 So thanks to all of you for joining us  
10 here on round 2 of our engagement sessions  
11 to talk about the joint preferred  
12 approach, joint amongst a number of  
13 federal agencies for flood risk reduction  
14 in the Yazoo backwater basin.

15 So I will start, as I always do, in  
16 the second, third multiple sessions, which  
17 is apologizing to those of you who have  
18 sat through the first round and will hear  
19 basically the same spiel tonight. But I  
20 do think it's appropriate to recognize  
21 Peter, who I think has been in every  
22 session that I've ever done and is getting  
23 the gold star for attendance. So that's  
24 probably a testament to perseverance or  
25 something to that effect.

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1           This is a return engagement from the  
2           public engagement sessions that we had  
3           back in February. As I relayed to all of  
4           you at that point in time, early in  
5           January, I had signed a joint  
6           collaborative memorandum with my  
7           counterpart at EPA, Radhika Fox, the  
8           Assistant Administrator for Water, and  
9           that had pledged a five-month timeframe,  
10          as well as a commitment to work through a  
11          number of issues that had long been in  
12          contention between the Army Corps and EPA  
13          to try and develop what it is we're going  
14          to be talking about tonight, which is this  
15          preferred approach for flood risk  
16          reduction that would address not just  
17          flood risk that exists, obviously, in the  
18          basin, but that also would address  
19          environmental needs, concerns, other  
20          issues that people had raised in previous  
21          public engagement sessions.

22                 Bottom line is, we were committed to  
23                 working through those issues, coming up  
24                 with a joint approach, and to do it on a  
25                 timeframe that, you know, represented

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1 progress from you-all's perspective,  
2 recognizing that 40-plus years has been  
3 not the progress, but at least we could  
4 take the most recent set of issues and try  
5 and keep to a tight timeline. And that's  
6 what we've been trying to do.

7 So I will just note as a threshold  
8 matter, as I told folks earlier when we  
9 put together the collaborative memorandum,  
10 when we rolled it out, I wasn't quite sure  
11 the reception it would get from folks here  
12 about another government-wide process.

13 But I tried to explain it was  
14 different this time, because it wasn't  
15 just the Army Corps moving forward with  
16 another approach and then hoping that it  
17 would pass muster with our friends at  
18 other agencies who are responsible for  
19 permitting aspects, ensuring compliance  
20 with certain environmental laws.

21 But you all are a very savvy crowd and  
22 have long been getting into the details of  
23 the issues involved, and I think  
24 recognized that there was value to this  
25 collaborative process upfront, as opposed



1 to individual agencies trying to work  
2 through these issues on their own guessing  
3 what the other agencies might say.

4 So I really appreciated that feedback  
5 at that point in time. And in addition to  
6 that, it was obvious to all of us the  
7 impact of the flooding events, not just in  
8 2019, but in other years that you all have  
9 dealt with, and that conveyed the urgency  
10 of needing to move forward with a flood  
11 control plan, but also what form that  
12 should take.

13 We were seeking input on that, what  
14 are the different features. So your input  
15 at that point in time was informative. It  
16 was impactful. And by "impactful," I mean  
17 it just gave urgency to the need for us to  
18 press forward and adhere to this  
19 timeframe.

20 And as I said in the earlier session,  
21 I think it hit home to all of us. We hear  
22 about the devastation that you've dealt  
23 with because of the flooding situation,  
24 and then we all pay attention to the news  
25 in late March, and we hear about this

1 second round of disasters that cut through  
2 this particular part of the country,  
3 particularly Sharkey County, and just, you  
4 know, makes your heart hurt.

5 And from that standpoint, just want to  
6 express my condolences, everybody, on  
7 behalf of everybody, that a lot of  
8 devastation, obviously loss of life, to  
9 compound on previous disasters. We can  
10 only imagine the need for moving forward  
11 in some aspect on some things that can  
12 address some of those issues.

13 And I know tornado response and  
14 emergency response is handled by our  
15 friends, FEMA, and other parts of the  
16 government. We're here to talk about  
17 flood risk management, which is in our  
18 charge and is something that we can  
19 address.

20 And so, to cut to the chase, we took  
21 the input from those previous public  
22 meetings, the technical team that had  
23 already started working on this preferred  
24 approach, and we're talking about  
25 different concepts as ways we could move

1 forward to provide flood risk reduction,  
2 as well as address environmental issues.

3 Took that input and pressed forward to  
4 come up with what I'll describe as the  
5 preliminary preferred approach that we've  
6 got that we're going to roll out in more  
7 detail with a technical presentation is  
8 really a water management plan and a  
9 solution that's comprehensive and that it  
10 addresses, I think, the fundamental needs  
11 and the fundamental issues, but also  
12 includes other features and approaches  
13 that I think the bottom line is to ensure  
14 we have a plan that protects people, that  
15 protects the local economy, and that  
16 minimizes impacts and protects fish,  
17 wildlife, and wetlands.

18 And I add that last part not just to  
19 talk about the need from an environmental  
20 compliance perspective to do that, but I  
21 think that also resonated from the earlier  
22 engagement sessions that we had about how  
23 much you all want that and how much you  
24 all care about those same issues and how  
25 sustained, prolonged flooding had impacted

1           those same environmental values that we're  
2           all trying to integrate into a solution  
3           here. So very much appreciated that  
4           aspect.

5           As I mentioned, we've got a great  
6           technical team here to do a presentation.  
7           I just want to take a moment to introduce  
8           all of the federal officials here that  
9           you'll be hearing from. I don't even  
10          think I introduced myself when I started.

11          So Mike Connor. I'm Assistant  
12          Secretary of the Army for Civil Works. It  
13          wasn't in my talking points. So I failed  
14          to introduce myself. Joined by Jeaneanne  
15          Gettle, who is the Deputy Regional  
16          Administrator for Region 4 at EPA.

17          Matt Strickler from the Department of  
18          Interiors, the Deputy Assistant Secretary  
19          for Fish and Wildlife and Parks. On the  
20          Army Civil Works team, Stacey Jensen, who  
21          is our Acting Deputy Assistant Secretary  
22          for policy, legislation, and everything  
23          else that gets assigned to her.

24          Jacob Brister, who is with the  
25          Vicksburg District Office here, an

1           incredibly valuable member of our team.  
2           Brian Frazer from EPA headquarters back in  
3           DC. Clay Miller with EPA, who you'll hear  
4           a lot from. James Austin from the Fish  
5           and Wildlife Service, who's going to be  
6           part of this.

7           And I'll just add, the collaborative  
8           memo was initially between EPA and Army  
9           Civil Works, but we immediately pivoted to  
10          add our friends at the Department of the  
11          Interior. They have a very significant  
12          role in this basin, not just from the  
13          facilities they have, but from a  
14          regulatory standpoint, also.

15          And, then, of course, we are joined by  
16          our friends and colleagues from other  
17          agencies who have an interest in the  
18          basin, a role in the basin or services,  
19          resources to address an array of issues.

20          And you'll hear in the presentation,  
21          we've got infrastructure. We've got  
22          operations to try and deal with  
23          environmental issues. But there are other  
24          needs there that we hope to integrate as  
25          part of a whole of government solutions.

1                   So between agriculture, Forest  
2                   Service, FEMA, DOT, we're all interested  
3                   in pooling our resources, whether it's as  
4                   part of this plan or for the interests and  
5                   needs of individuals in the basin.

6                   And that includes, I think, in this  
7                   morning's workshop, there was good  
8                   discussions about a followup from the  
9                   tornadoes and how we could be of  
10                  assistance in the federal government  
11                  level.

12                  So with that, I'll just reiterate the  
13                  commitment to we're going to roll out a  
14                  preferred approach, but we're going to be  
15                  strongly committed to taking your input,  
16                  to moving towards a final agreed-to  
17                  approach that we will lay out by the end  
18                  of June.

19                  And our goal is to do what we have  
20                  talked about from the get-go, provide that  
21                  flood risk reduction, address the issues  
22                  you've been dealing with, do it in a way  
23                  that fully complies with all the  
24                  environmental laws that apply and give  
25                  people options, too, even as we have a

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1 plan that there still may be risks.

2 So thanks to all of you for your  
3 participation. I will turn it over to  
4 Jeaneanne for her opening thoughts and  
5 comments.

6 MS. GETTLE: Thank you, Mr. Connor.

7 Good evening. And I just wanted to  
8 say, on behalf of myself and Assistant  
9 Administrator Fox, thank you for having us  
10 back.

11 We are fully committed, along with our  
12 federal partners, to the process that  
13 we've undertaken here to address flood  
14 control, to provide flood control. We  
15 recognize the need for it here in the  
16 Yazoo backwater area. I also just want to  
17 take a second to personally recognize the  
18 devastation that the tornadoes caused here  
19 in Mississippi and elsewhere, but  
20 particularly here in the loss of life, and  
21 extremely sorry about that and hope that  
22 you all continue to recover from that  
23 horrible situation, as well.

24 EPA is steadfast in working to find a  
25 sustainable solution here. We have come

1 to the table and developed our shared goal  
2 to develop a project that is consistent  
3 with the Clean Water Act and other  
4 applicable environmental laws and  
5 regulations.

6 We're very pleased to be here tonight  
7 with the Corps, with the Department of the  
8 Interior to talk about what we can do in  
9 this and to hear your feedback.

10 Personally, I'm very encouraged by the  
11 progress that we've made, and I'm looking  
12 forward to the next steps in this process.

13 We are absolutely confident that with  
14 continued engagement and your input, we  
15 can find the sustainable solution that  
16 we've been talking about and address it  
17 here in the Yazoo backwater area. So  
18 thank you very much.

19 MR. STRICKLER: Thanks, Jeanine.

20 I'll be very brief, because I think  
21 the most important thing for us to be  
22 doing is hearing from you all and  
23 listening and learning and getting your  
24 feedback this evening. But I will just  
25 say a couple of things quickly.



1           The Yazoo Basin is a very special  
2           place for fish and wildlife, and that's  
3           evidenced by the multiple national  
4           wildlife refuges we have here, and the  
5           Fish and Wildlife Service has a really  
6           important role in the community to  
7           conserve those resources. The resources  
8           that are important for people who like to  
9           hunt and fish out here, and they're just a  
10          big part of the quality of life in this  
11          part of the world.

12          And we're very encouraged by the  
13          approach that the Army Corps and EPA are  
14          taking and bringing us in as partners and  
15          consulting with us on, yes, of course, the  
16          resources we have at the refuges and  
17          listed species, but also just generally  
18          wildlife and habitat around the basin and  
19          making sure that those things are  
20          accounted for in this whole process.

21          We're very encouraged by what we've  
22          seen and are happy to play a role in this.  
23          So thanks for having me.

24          MR. CONNOR: Okay. I think with that  
25          we're ready to provide a presentation to

1 discuss what it is you all came to hear  
2 about, what is the preferred approach  
3 proposal on the table, what are all the  
4 elements.

5 So, Jacob, take it away.

6 MR. BRISTER: Thank you, Mr. Connor.

7 Okay. Welcome to Vicksburg District.  
8 Again, my name is Jacob Brister, Deputy  
9 Chief of Programs and Project Management  
10 Division here. My two colleagues, which  
11 are now really close friends of mine, will  
12 be also briefing. So I'll go first, and  
13 I'll hand it over to Clay Miller from EPA,  
14 and then we'll turn it over to James  
15 Austin, Fish and Wildlife.

16 So next slide, please.

17 So for probably 99, if not 100,  
18 percent of the people in this room, you've  
19 seen the illustration on the left. So I'm  
20 going to walk through that. It's probably  
21 a tad elementary, but just to make sure  
22 that we're all on the same page before we  
23 go forward and kind of describe what the  
24 plan will be.

25 So this is the Yazoo Basin, which is

1 depicted right here. What we're talking  
2 about in this meeting and this meeting  
3 alone is this area right here where the  
4 bathtub is, the Yazoo backwater area.

5 So you've got the Mississippi River on  
6 the left side of the screen, and you've  
7 got the Yazoo River, which drains the four  
8 north Mississippi lakes. This is the MRL  
9 levee, the Mississippi River mainline  
10 levee, and this is the Yazoo backwater  
11 levee.

12 So you've got the bathtub there, and  
13 at the very bottom of it, you got the  
14 Steele Bayou control structure. So the  
15 way that that operates is, when the  
16 Mississippi River rises due to rain,  
17 whatever it is, starts backing up the  
18 Yazoo River and starts going through those  
19 gates, filling up the backwater.

20 So the way that we operate that  
21 currently is, when the Yazoo River starts  
22 backing in there and it gets higher than  
23 the backwater area, we'll close the gates,  
24 and vice versa. So when the backwater  
25 area here is higher than the Yazoo River,

1 we open the gates. Okay?

2 Next slide, please.

3 So why are we here? So I'm going to  
4 read this. "The recommended approach  
5 provides flood risk reduction for  
6 communities and the local economy. Flood  
7 risk reduction will target primary  
8 residences, also the roads isolating them,  
9 schools, infrastructure, commercial  
10 properties, and prime farmland, all while  
11 minimizing the environmental losses."

12 Next slide.

13 Okay. So I think this is why we're  
14 all here. So the proposed water  
15 management solution. So a couple of  
16 things about this slide. So the first  
17 thing you see up there is a pump, 25,000  
18 CFS pump. So how are we going to manage  
19 this backwater flooding?

20 So for starters, the pump, the 25,000  
21 CFS pump will be located at the original  
22 site near the Steele Bayou gate structure.  
23 So that's where it's going to be. We're  
24 going to operate it seasonally. So what  
25 does that word "seasonally" mean?

1           There's going to be two seasons.  
2           There's going to be a non-crop season, and  
3           there's going to be a crop season. So the  
4           dates of those, the first -- the second  
5           bullet, the five-year floodplain, that's  
6           going to be the non-crop season. So  
7           during non-crop, we're going to manage  
8           that water elevation to the five-year  
9           floodplain, which is approximately 93.

10           So the previous meeting I said the  
11           same thing, right? So "approximate" and  
12           "maybe" are a lot of words you're going to  
13           hear. The reason that is is because we're  
14           in the middle of this stage, right? So by  
15           the end of June, we'll nail down a lot of  
16           these numbers. So non-crop, five-year  
17           floodplain, approximately 93.

18           The dates of that for non-crop are  
19           going to be November 1st through March the  
20           24th. Okay? November 1st through  
21           March 24th is non-crop.

22           Two-year floodplain is going to be  
23           during crop season. So the other dates  
24           for that is going to be March 25th through  
25           October 31st. We're going to manage that

1 to the two-year floodplain, which is  
2 approximately 90.

3 So there's a three-legged stool here,  
4 right? So you've got the pump, you've got  
5 the non-structural alternatives, and we've  
6 also got several agreements at the bottom  
7 that we'll talk about.

8 So moving into the non-structural. So  
9 modify Steele Bayou gate management to  
10 benefit fisheries. So the current  
11 management of the Steele Bayou structure  
12 is when the Yazoo River comes up, starts  
13 filling the backwater. The way we  
14 currently do it is, when that elevation  
15 gets to approximately 70 in the backwater  
16 area, we're going to close the gates.

17 Now we're not going to do that. We're  
18 going to let it fill a little bit farther.  
19 Okay? We don't know what the number is.  
20 Probably somewhere between 4 to 8 feet.  
21 So going to 74 to 78, which we'll nail  
22 that down before June, but that's a  
23 modification of the way we're currently  
24 doing things.

25 So that's going to give more fresh

1 water. It's going to give more capacity.  
2 It's going to give more connectivity. So  
3 that's our second change.

4 The fourth thing that's going to be a  
5 little bit different with this plan is  
6 we're providing options for buyouts, ring  
7 levees, home elevations, potentially even  
8 road elevations.

9 Then the last thing there, you see the  
10 federal agreements. So this is kind of a  
11 big deal. It's kind of a big change for  
12 the Corps of Engineers. So we're going to  
13 actually sign agreements that will provide  
14 assurances for water control manuals,  
15 meaning the Corps of Engineers can't just  
16 go change the way we operate, right?

17 We're going to have to work with EPA.  
18 We're going to have to work with DOI  
19 together to be on the same page. Same  
20 thing with monitoring. We're going to  
21 have agreements that spell out how we're  
22 going to monitor this and what's going to  
23 happen if the monitoring suggests  
24 different things.

25 Same thing with mitigation. We're all

1 going to be on the same page with what  
2 type of properties we're going to be  
3 looking at. Okay? That's all for me.  
4 I'm going to turn it over to Mr. Clay  
5 Miller.

6 MR. MILLER: Thank you, Jacob.

7 As you just heard from Jacob, he was  
8 describing this project purpose, and it's  
9 multifaceted. And one of the components  
10 of that project purpose --

11 Can we go to the next slide, please?  
12 I'm sorry.

13 One of the components of the project  
14 purpose was to reduce flood risk to  
15 residents, the primary residents within  
16 the Yazoo backwater area. As outlined by  
17 Jacob, also in the water management  
18 solution, for those residents that are  
19 above the five-year flood elevation, a  
20 pump would be operated to provide that  
21 risk reduction to those primary residents.

22 For residents within the five-year  
23 flood, which is depicted on the map here  
24 as pink, other solutions than a pump --  
25 other than a pump would have to be taken



1           into consideration. So, first, we had to  
2           identify where these primary residents  
3           were within the five-year flood.

4           The Corps undertook a few-month  
5           operation where they went and did a field  
6           survey, and during that field survey, they  
7           identified not only the location of  
8           primary residences within that five-year  
9           floodplain, but the elevation of those  
10          residences and whether or not there was  
11          already existing or presence of flood  
12          proofing already done.

13          So if there was any alterations  
14          already done to those residents, for  
15          instance, the home's already elevated or  
16          there was a ring levee in place. On this  
17          map, you'll see a few -- within the pink  
18          area, a few stars.

19          Well, this is just our preliminary  
20          field assessment where we've identified  
21          some of these residents. There's up to  
22          maybe two dozen or more residents within  
23          that five-year flood. Again, this is just  
24          preliminary. We're still engaged in  
25          trying to gather information on this, and,

1 in fact, we would welcome any input or  
2 feedback that the public has as to primary  
3 residences within the five-year  
4 floodplain.

5 So as far as those residents within  
6 the five-year flood, they're going to be  
7 directly impacted by backwater flood  
8 events that occur seasonally. And as  
9 Jacob mentioned, during the non-crop  
10 season, the water would be allowed to go  
11 to the top of the five-year floodplain.  
12 So there would be water coming back up  
13 into those areas.

14 We recognize that we're going to have  
15 to do something there, and those type of  
16 solutions will not involve a pump. They  
17 would have to do non-pump solutions, and  
18 those could be buyouts to willing sellers,  
19 elevation of those homes, if they're not  
20 already elevated, and/or the construction  
21 of ring levees.

22 Also, we want to make sure with  
23 respect to these primary residents that we  
24 do not create a situation where, during  
25 that seasonal backwater flooding, that it

1 is cutting off the access to those homes  
2 where they -- so we want to ensure that  
3 there is access to go to and from those  
4 primary residents.

5 So that may involve the elevation of  
6 roads. And so, that's one of the  
7 solutions that we're looking at that is  
8 non-pump related. And then, finally, we  
9 also are very aware of the fact that some  
10 of these primary residents, or many of the  
11 primary residents within the Yazoo  
12 backwater area, implement or use septic  
13 fields or septic systems for your  
14 wastewater treatment, or they may actually  
15 be on a sanitary sewer system, recognizing  
16 that we're going to have to also take into  
17 consideration options to provide  
18 protection for those systems so that the  
19 homes have the ability to treat their  
20 wastewater.

21 So, again, if there's any feedback  
22 with respect to these residents or the  
23 information that we're gathering on the  
24 residents, we welcome that. Again, it was  
25 pointed out there's cards there. You can

1 place all your information on the card or  
2 your questions or your concerns and place  
3 it in the box.

4 Can we go to the next slide, please?  
5 The second component of that multifaceted  
6 project purpose that was discussed earlier  
7 is agriculture. We recognize the  
8 importance of agriculture within the Yazoo  
9 backwater area or within the Yazoo basin  
10 for not only the economy, but the  
11 importance that it has to the communities  
12 for jobs, and this is a livelihood for the  
13 area.

14 So this second component will also  
15 involve providing a flood risk reduction  
16 for agricultural lands within the Yazoo  
17 backwater area, everything above the  
18 two-year flood and above. And we'll get  
19 to that a little bit more in detail later  
20 on.

21 In doing so, we worked with the NRCS  
22 and with the Mississippi State Department  
23 of Agriculture to better understand what  
24 were the primary crops within the Yazoo  
25 backwater area, what were the cropping

1 seasons of those primary crops, as well as  
2 the days that it takes to reach maturity  
3 for those primary crops.

4 We also took into consideration what  
5 methods would need to be employed for  
6 field preparation. We prioritize these  
7 primary crops for the purposes of this  
8 water management solution to three crops  
9 within the Yazoo backwater area:  
10 Soybeans, field corn, and cotton.

11 Understanding that we needed to  
12 balance the crop season with the needs of  
13 fish, wildlife, and wetlands, we are  
14 estimating a pump on date of March 25th to  
15 start the draw down for the beginning of  
16 the crop season.

17 We would manage that water at the  
18 two-year flood elevation for the entire  
19 crop season, all the way up to  
20 October 31st, after which, during the  
21 non-crop season, the backwater flooding  
22 would be managed to allow the return of  
23 those waters up to the five-year flood  
24 elevation, which Jacob said was  
25 approximately 93, and we would do that

1           until March the 24th.

2           Again, on this, as well as it was for  
3           the residents, if you have any feedback  
4           with respect to proposed crop season  
5           dates, we would welcome that information.  
6           I'm going to go to the next slide, and  
7           I'll turn this over to James Austin from  
8           Fish and Wildlife Service.

9           MR. AUSTIN: All right. Good  
10          evening. I'm going to visit with y'all  
11          for a few minutes here about some of the  
12          fish, wildlife, and wetland considerations  
13          that went into this current proposed  
14          solution. I'm going to start that with  
15          just a little bit of background  
16          information about natural resources within  
17          the Yazoo backwater area.

18          I kind of feel like I'm preaching to  
19          the choir a little bit, right? Because  
20          you folks live and work there. You know  
21          this area better than I do. But it's  
22          important to point out some of the natural  
23          resources that we think are important from  
24          within this area.

25          This area really contains some of the

1           richest natural resources within our  
2           state. It includes things like productive  
3           floodplain fishery. It's one of the few  
4           remaining examples of the bottomland  
5           hardwood ecosystem that once stretched  
6           across much of the Delta in Mississippi  
7           and other states.

8                    It's one of only four remaining  
9           backwater ecosystems that continues to  
10          maintain that hydrological connectivity  
11          with the Mississippi River through that  
12          backwater that floods up through the  
13          Yazoo.

14                   And so, that's really important for a  
15          couple of reasons, for nutrient and  
16          chemical exchange that occurs between  
17          those two areas, and it also allows for  
18          the ingress and egress of fish and other  
19          aquatic critters between those two areas.  
20          So it's really a diverse area, a unique  
21          area. We really feel like it's an  
22          important part of our state to protect.

23                   So the area also supports a wide  
24          variety of wildlife species. This  
25          includes many, many, many species of

1 resident and migratory land birds, shore  
2 birds, wading birds. Of course, you know  
3 black bears live in this part of the  
4 world. A variety of amphibian and reptile  
5 species. I could keep going down the list  
6 of critters that live in the backwater  
7 area.

8 And I'll just say that of all the  
9 taxonomic groups that we have in the state  
10 of wildlife, pretty much all of them are  
11 represented within this area. So a lot of  
12 wildlife species here.

13 I will also mention these species that  
14 we don't always like to talk about, and  
15 that's some of our species that are  
16 federally listed or that have been  
17 proposed for listing under the Endangered  
18 Species Act.

19 Again, those of you who are familiar  
20 with this project are very familiar with  
21 the first one I'm going to list here, and  
22 that's pondberry. That's an endangered  
23 plant that does occur within the backwater  
24 area, primarily within Delta National  
25 Forest.



1           Another one that's a little bit newer  
2           on the scene as it relates to this project  
3           is the northern long-eared bat. That's a  
4           species that was recently uplisted from  
5           threatened to endangered, and it's thought  
6           to occur within the area.

7           Two more species there, the tricolored  
8           bat and the alligator snapping turtle, are  
9           both species that have been recently  
10          proposed for listing under the Endangered  
11          Species Act.

12          Now, in addition to these more  
13          non-game and federally protected species  
14          but of equal importance and worth  
15          recognizing here are the game species that  
16          occur within the area. And, again, y'all  
17          know these as well as I do, but some of  
18          the more important ones would be whitetail  
19          deer, waterfowl, wild turkey, squirrel. I  
20          could keep on going down this list, as  
21          well. There's a bunch of game species  
22          that occur in the area.

23          And so, really, the EPA, the Corps,  
24          and Fish and Wildlife Service -- I'm going  
25          to say the "three agencies" from here on

1 out, because I'm not going to say "EPA,  
2 Corps, and Fish and Wildlife Service" over  
3 and over again, because it's mouthful.

4 So the three agencies recognize that  
5 these fish and wildlife resources provide  
6 outdoor recreational opportunities as  
7 well, right? Things like hunting,  
8 fishing, boating, camping, hiking,  
9 birding. I could probably think of 20  
10 more to list off here.

11 And so, we recognize that those  
12 activities are important to folks that  
13 live in this part of the world. They're  
14 also important to local economies, to the  
15 tourism industry in the area. We also  
16 realize that folks travel from other parts  
17 of the state to come here and hunt and  
18 fish and participate in these other  
19 activities.

20 Folks travel here from other states,  
21 other countries even, to experience the  
22 natural resources in this part of the  
23 world. So because of that, the three  
24 agencies are very committed to ensuring  
25 that these resources will continue to

1 thrive within this area, so that they do  
2 continue to support these kinds of  
3 activities.

4 So to that end, the Fish and Wildlife  
5 Service has long maintained that any water  
6 management solution within the Yazoo  
7 backwater area should really strive to  
8 balance the needs of these fish and  
9 wildlife resources alongside the need to  
10 provide flood risk reduction for  
11 communities and for economies.

12 And so, the current proposed solution  
13 does that. It works to achieve that  
14 balance through things that you heard  
15 about earlier. Things like allowing that  
16 flooding to reach the two-year floodplain  
17 and the five-year floodplain.

18 By allowing that water to get to those  
19 levels, it helps to maintain habitats for  
20 the fish and wildlife in that area. It  
21 helps to maintain the functions of  
22 wetlands within those areas.

23 And so -- and another measure that's  
24 been proposed here, too, that helps to  
25 achieve this balance is the change in the

1 operation of the Steele Bayou structure.  
2 By leaving that open a little bit longer  
3 and allowing some of that water to back  
4 in, that just enhances that important  
5 connectivity to the Mississippi River that  
6 we mentioned earlier.

7 And so, these measures and others have  
8 been designed here to help avoid,  
9 minimize, and reduce the impacts that the  
10 project will have on natural resources.  
11 Now, of course, we know it's not always  
12 possible to completely avoid adverse  
13 impacts, particularly when you're dealing  
14 with a project of this scope and  
15 complexity.

16 And so, there will be a need to  
17 provide compensatory mitigation to help  
18 offset some of those unavoidable adverse  
19 impacts. And so, in working on this, the  
20 three agencies have collaborated and done  
21 a few things.

22 One of the things we've done, we've  
23 developed this list that we feel like is a  
24 representative list of the wildlife  
25 species, again, that live within the

1           backwater area that we can then use to  
2           assess what the impacts will be to overall  
3           wildlife within the area.

4           And so, this is another opportunity  
5           that we have for you folks to provide us  
6           with some feedback. If you've got  
7           thoughts or feelings about any of these  
8           species that are on the list or if there's  
9           additional species that we might want to  
10          include here so we do a more complete job  
11          of assessing impact, the cards you've got  
12          to fill out would be a great way to do  
13          that, or you can tell us about that later  
14          on when we open things up for questions.

15          In addition to looking at the wildlife  
16          species, the three agencies have also been  
17          working in collaboration to assess those  
18          impacts to fisheries resources. And so,  
19          we've worked together to further refine  
20          some of the methods that are used to  
21          assess fisheries impact so that, again, we  
22          do a more accurate job of measuring those  
23          impacts, because that's going to inform  
24          mitigation activities that are going to  
25          happen later on.

1           And so, in closing, for my part here,  
2           the three agencies are going to continue  
3           moving forward to partner and collaborate  
4           and work through this method of  
5           calculating or assessing impacts so that  
6           it will inform the mitigation work that's  
7           going to be done moving forward.

8           I'm going to stop right there, because  
9           those are topics that Clay is going to  
10          cover.

11          And so, Clay, I'll turn it back over  
12          to you.

13          MR. MILLER: Thank you. Thank you,  
14          James.

15          Next slide, please.

16          But before I get talking about this  
17          particular slide, I just want to point out  
18          a couple of things that was pointed out to  
19          me between -- or after the first session  
20          that there may be some confusion or  
21          possible confusion.

22          If you look at the first bullet where  
23          it says, "non-crop season," and also with  
24          "crop season," at the bottom of those  
25          bullets, it says, "functional loss." So

1           that it's not confused that we're talking  
2           about crop functional loss, we're talking  
3           about wetland functional loss. So just as  
4           a point of clarification.

5                     James just highlighted quite a bit  
6           about the fish and wildlife and wetlands  
7           component of that multifaceted project  
8           purpose. And because there's going to be  
9           impacts to these resources that we'll need  
10          it to be mitigated for, the agencies will  
11          be assessing those impacts of any projects  
12          to those resources.

13                    Under the water management solution  
14          that my colleague, Jacob, had described  
15          earlier, we talked about allowing  
16          backwater flooding that would be  
17          seasonally managed in the five-year and  
18          the two-year floodplain.

19                    Again, under the non-crop season, the  
20          backwater flooding will be allowed to  
21          extend to the top of the five-year  
22          elevation. In the crop season, we'll  
23          restrict or manage that water such that  
24          it's only able to get to the two-year  
25          flood, thereby providing that flood risk

1 reduction to those lands above the  
2 two-year floodplain.

3 This solution manages it in a manner  
4 that will result in a reduction of impacts  
5 to fish, wildlife, and wetlands and other  
6 ecological resources, as well as reducing  
7 flood risk to primary residents and  
8 agriculture.

9 When comparing to previous proposals,  
10 and there has been a number of them over  
11 the years, we expect that this proposal  
12 that's being developed of this water  
13 management solution will have -- is  
14 expected to have less impacts to  
15 environmental resources.

16 So looking at the graphic here on this  
17 slide illustrates why we believe that  
18 these will have less -- significantly less  
19 impacts to fish, wildlife, and wetland  
20 resources. This slide shows that the  
21 proposed 2023 water management solution as  
22 compared to a previous proposal in 2020.

23 Under the 2020 proposal, a pump would  
24 have been turned on at 87 foot. Now, you  
25 heard earlier we were talking about



1 different crop seasons, whether we turn on  
2 the pump to bring the water down to 90, or  
3 we turn on a pump at a higher elevation to  
4 allow it to go up to 93. That's under the  
5 2023 plan.

6 The 2020 proposal would have  
7 restricted floodwaters to an elevation  
8 around or maybe a little bit less than the  
9 two-year floodplain. It would not have  
10 allowed water, during any time of the  
11 year, to reach the five-year floodplain.

12 Thereby, this allows for benefits to  
13 fish, wildlife, and wetland resources  
14 within the five-year floodplain. Impacts  
15 to these resources by the 2020 proposal  
16 would have been realized year-round and  
17 are depicted here on this graph as either  
18 the gray color, but also including the  
19 red. So anything that is shaded either  
20 gray or red, we're considering would be  
21 impacts the entire year in that five-year  
22 floodplain.

23 For the 2023 proposal, impacts to  
24 fish, wildlife, and wetlands within the  
25 five-year floodplain are shown only in the

1 red, and these would only occur during the  
2 crop season. So allowing the floodwaters  
3 to go to the extent of the five-year  
4 floodplain in the non-crop season is  
5 thereby benefiting these environmental  
6 resources.

7 It's also important to note that this  
8 new proposed solution is designed for no  
9 conversion of wetlands to non-wetlands  
10 within the five-year floodplain. Previous  
11 proposals could have resulted in a loss of  
12 wetland resources, because we would have  
13 precluded or prohibited backwater flooding  
14 to occur within that five-year floodplain.

15 Now, that's not to say, and James  
16 pointed it out, there's going to be  
17 impacts. We're going to thoroughly  
18 evaluate those impacts. And the three  
19 agencies, EPA, Fish and Wildlife Service,  
20 and the Corps, have agreed on not only  
21 just the geographic extent of where that  
22 impact assessment will occur, that area  
23 that we will be looking at, but we've also  
24 agreed on the criteria and scientifically  
25 approved methodologies and procedures to

1 assess impacts to those resources, to the  
2 fish, to the wildlife, and to those  
3 wetlands.

4 That concludes this conversation on  
5 mitigation. Again, if people have any  
6 comments that they would like to express  
7 either when the mics are turned over to  
8 y'all or if you want to put it on your  
9 card and provide it in the back, we would  
10 welcome that. I'll go to the next slide,  
11 and then I'll talk about mitigation.

12 So for any impact that is to occur to  
13 these fish, wildlife, and wetland  
14 resources, there's going to be a  
15 requirement for compensatory mitigation to  
16 offset those impacts.

17 And there are three key components to  
18 the mitigation strategy that we are  
19 working together, the three agencies, to  
20 develop. The first component is the  
21 compensatory mitigation will be done in  
22 advance or concurrent with the project  
23 construction.

24 The second component is that all  
25 mitigation sites will be secured prior to

1           those impacts. And then, the third  
2           component is that all mitigation plans  
3           will be approved by the three agencies:  
4           The Corps, Fish and Wildlife Service, and  
5           EPA.

6           Another key aspect of the mitigation  
7           strategy will be the development of a  
8           memorandum of understanding between those  
9           three agencies. This MOU will be used to  
10          guide mitigation details regarding the  
11          development, the review, the approval, and  
12          the oversight of the compensatory  
13          mitigation.

14          Compensatory mitigation will be  
15          looking inside and outside of the Yazoo  
16          River Basin and would include, at a  
17          minimum, ecosystem restoration and  
18          enhancement. And we're contemplating to  
19          address some of the fisheries impacts, the  
20          construction of a series of wells in the  
21          YBA to augment stream flow in certain  
22          Yahoo backwater area streams to benefit  
23          the fisheries and other aquatic resources.

24          That's the end of the discussion on  
25          compensatory mitigation.

1                   Next slide, and then I'm going to turn  
2                   it over to Stacey and Brian for any  
3                   comments on the next steps.

4                   MS. JENSEN: Thanks, everybody.

5                   Yeah. So this is where we're at now  
6                   in the main timeframe. We are rolling out  
7                   our draft preferred approach, and we  
8                   actually are gathering your comments,  
9                   questions today, tomorrow in our  
10                  engagement sessions, as well as for the  
11                  following month.

12                  So all through May, on our web page,  
13                  there are handouts that I hope all of you  
14                  will pick up, and on the bottom of that  
15                  handout is a web page for this proposal,  
16                  and there's a comment field box there. So  
17                  you can also provide your comments to us  
18                  over the course of the next month.

19                  And that will inform as we work to  
20                  develop our final preferred approach,  
21                  which we will roll out at the end of June  
22                  as we committed to in our joint  
23                  memorandum.

24                  And, of course, at that stage, after  
25                  we roll out our final preferred approach,

1 we move to the next phase, which is  
2 drafting our environmental compliance  
3 report. So we have to document that we  
4 have developed a solution that is  
5 environmentally compliant with the Clean  
6 Water Act, NEPA, PSA, and document that  
7 thoroughly before we move on with the  
8 appropriations process for the project.

9 Brian, did you want to provide  
10 anything furthermore?

11 MR. FRAZER: Sure. I just want to  
12 thank you all for coming out tonight. As  
13 Mr. Connor said earlier, we came in here  
14 this past February. We heard your  
15 comments. We heard your thoughts. We  
16 used that as a part of our workings to  
17 develop the preferred approach, and we  
18 thank you for your comments earlier.

19 We will continue to listen to the  
20 comments that you have tonight. But I  
21 just want to highlight that it's really  
22 important for us to get your thoughts and  
23 opinions this evening as we continue to  
24 finalize this preferred approach and also  
25 help the Corps meet the deadline of the

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1 MOU that Mr. Connor and AA Fox signed in  
2 January.

3 So with that, thank you very much for  
4 coming tonight. I'm going to turn it over  
5 to Mr. Connor for questions and comments.

6 MR. CONNOR: Thanks, Brian.

7 So I think we are in the listening  
8 phase of the session right now. So please  
9 feel free to give us your initial  
10 thoughts. There's obviously mechanisms to  
11 give more detailed comments, but any  
12 reactions, anything you want us to  
13 immediately consider, we're all open to  
14 your thoughts.

15 Otherwise, you'll have me continuing  
16 to drone on here for a certain amount of  
17 time, although it is late, and those of us  
18 who came from DC, it's even later there.

19 So while you're collecting your  
20 thoughts, two things that I just want to  
21 point out, I failed to mention. I think  
22 we have you outnumbered tonight. We  
23 didn't have the previous session  
24 outnumbered, but there's a whole bunch of  
25 folks in the back room there who make up

1 the incredible technical team and talent  
2 that have been working round the clock on  
3 this particular set of issues.

4 We've got great leads up here leading  
5 the effort, but those are the folks who  
6 are rolling up their sleeves and doing the  
7 technical work, helping us coordinate the  
8 rollout sessions, the communications so  
9 that everybody knows what we're doing.

10 You've got congressional staff, your  
11 representatives back there in the back,  
12 who are heavily involved in monitoring of  
13 this process, and we're appreciative of  
14 their efforts, also.

15 Second thing, I just want to  
16 reemphasize a point that's been  
17 continually made, but I think is really  
18 important. This is a water management  
19 plan. It's a water management strategy.  
20 And we usually end up in these places when  
21 we have large infrastructure water  
22 management proposals.

23 And all throughout the U.S., this is  
24 pretty much par for the course for the  
25 Corps. It's part and parcel of what we do



1           when we're managing both navigation and  
2           flood risk reduction in the Missouri River  
3           and doing it subject to, in particular, a  
4           lot of environmental parameters that we  
5           need to be cognizant of endangered species  
6           issues.

7                   And we fold that into when we make  
8           water releases, how much water we release,  
9           how we maintain channels throughout that  
10          system. As just an example, Florida  
11          everglades, mammoth undertaking for a  
12          water control manual that's intended to  
13          address a lot of water quality issues, as  
14          well as species issues. Same fish,  
15          wildlife, wetlands. With respect to Lake  
16          Okeechobee, we're currently finalizing a  
17          plan that's taken six years because of  
18          this very high involvement from all the  
19          different stakeholders and constituencies  
20          on both coasts of Florida.

21                   And, then, from my past experience,  
22          every major water management project out  
23          west, whether it's in the Colorado River  
24          Basin, whether it's in the California,  
25          Sacramento and San Joaquin River Delta or

1 the Columbia River system, major, major  
2 infrastructure, major pumping capacity for  
3 a lot of different purposes that we manage  
4 those systems, but all are under very  
5 tight operating plans.

6 So I think that's the only way to  
7 operate. We would have gotten there, but  
8 this time, we started in a collaborative  
9 way of working out these issues to define  
10 those parameters of water operations as  
11 part of the project as we go into this.  
12 And so, I think that's the value of this  
13 process here.

14 So it's not new overall. It's new in  
15 the way we're doing it here, and it's  
16 fundamental to what we essentially have as  
17 a new project proposal that's been  
18 described to you today.

19 So with that, I am running out of  
20 things to say. I don't see people running  
21 to the microphone, but I can't tell you,  
22 you know, the input that you've provided  
23 today and even in the earlier sessions  
24 have been very valuable to us. So please  
25 continue.

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1 MS. JENSEN: So yeah. If you would  
2 like to provide comments, you can raise  
3 your hand, if you'd like to stay in your  
4 seat, I'll hand you the microphone, but  
5 you can also follow Peter's lead and step  
6 up to the mic.

7 MR. NIMROD: I'll give Michael a  
8 break. I know he's going on and on and  
9 trying to wait for somebody to stand up  
10 and talk into the mic. And I always like  
11 talking to microphones, so it's all good.

12 I'm Peter Nimrod, and I just want to  
13 thank y'all. This is unbelievable. This  
14 little short process we've been talking  
15 about since January, I can't believe we're  
16 where we're at today. You guys actually  
17 came. You actually listened to our  
18 people, and you listened to the problems.

19 You listened to the problems to the  
20 environment and the wildlife with  
21 flooding, and you went back and you made a  
22 great decision, and you come up with a  
23 pump that's the original size, 25,000 CFS,  
24 to hold water elevation, which is very  
25 critical. I think that's awesome.

1           You might hear some grumblings maybe  
2           about the pump on elevation of 90 feet,  
3           you know, 93. We'd love for y'all to look  
4           at that closer and see if there's a way to  
5           give us a little something extra there.  
6           You know, is the five-year really 93? Is  
7           it 92? Is it 92.5?

8           You know, y'all look at that a little  
9           closer, is the one-year or the 90, you  
10          know, see if there's a way to tweak some  
11          of those things. That would be most  
12          appreciative. But, overall, this is an  
13          amazing effort. I'm shocked you guys  
14          really listened, and you really came back  
15          with something that's really doable and  
16          really going to make a real benefit to not  
17          only the people here and their  
18          infrastructure in their homes and  
19          everything, it's going to make a big  
20          difference to the wildlife and the  
21          environment.

22          This pump is going to protect a lot of  
23          things, and that's really, really key. So  
24          I just want to thank you for No. 1.

25          I do have a question. I know y'all

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1           talked about structures in the five-year  
2           floodplain, so that'd be anything below  
3           93. How many did y'all find? Do you  
4           know, Jacob?

5           MR. BRISTER: (Indiscernible.)

6           MS. JENSEN: Total structures. Yeah.

7           MR. BRISTER: So there's primary  
8           residences in the five-year floodplain,  
9           24. And I want to point that out. That's  
10          only 24. I mean, that's a very small  
11          number. It's doable. I mean, for those  
12          that are there, if they want to continue  
13          to live there, if they want to be bought  
14          out, if they want more protection, that's  
15          great.

16          You got a great point here about  
17          septic tanks, and then you make great  
18          points about if we're going to let the  
19          water get up to 93 feet, there are some  
20          secondary roads that are going to go  
21          underwater at 93.

22          I'm excited to hear you're looking at  
23          maybe trying to raise some roads above  
24          that elevation. That kind of good stuff.  
25          But 24 homes is very, very small in an

1 area like this. We're not talking about  
2 all the homes that you're actually  
3 protecting, because the homes above that  
4 93 are (indiscernible) a lot, and you're  
5 fixing to give those guys some serious,  
6 serious protection.

7 I really, really want to thank you for  
8 that. So, anyway, I just want to say  
9 thank you, and I just want to make y'all  
10 go back and look a little bit more on  
11 those pump on elevation numbers. If  
12 there's a way to give us a little  
13 something extra, it'll be most beneficial.  
14 But I do appreciate y'all. Thank you.

15 MS. JENSEN: Thank you.

16 MR. PACE: I'll follow Peter since  
17 nobody's outrunning me to get up here, I'm  
18 Martin Pace. I'm the Sheriff of Warren  
19 County, which includes the Eagle Lake  
20 area. I spoke with you guys when you were  
21 here before, and I threw a bunch of  
22 numbers and stats at you that apparently  
23 you digested those. So I appreciate that.

24 I'd like to echo what Peter said. We  
25 appreciate the fact that it truly appears

1           that I think for the first time that you  
2           listened. I've been in law enforcement  
3           here since 1981, and I have seen some  
4           devastating floods in this area.

5                   Quite honestly, none compared to the  
6           2019 as far as the backwater. I'm an  
7           animal lover, and I always have been, and  
8           one of the most heartbreaking parts to me  
9           was to see the wildlife that was just  
10          absolutely devastated in that 2019  
11          backwater flood. And I appreciate you  
12          guys looking at this.

13                   One of the things that I would just  
14          throw out there, and I'm just going to  
15          echo Peter, is look at those numbers.  
16          That's going to give us a lot of  
17          protection that we didn't have, and thank  
18          you for that.

19                   That five-year is going to put some of  
20          those secondary roads under, and some of  
21          the issues that we dealt with as far as  
22          public safety was the isolation. That  
23          some of the homes were not actually  
24          inundated, but we couldn't get to them.  
25          You know, we were having to use boats. We

1 put a lot of miles in order -- you know,  
2 when Eagle Lake got isolated, we had two  
3 deputies there around the clock for months  
4 to the tune of some over \$200,000.

5 So just look at that. We appreciate  
6 it, and I do -- I'm saying we really  
7 sincerely appreciate you guys listening to  
8 this. The people that you see here are  
9 people that are affected by this. These  
10 are not environmental groups from some  
11 other state that have some abstract ideas  
12 of what this is.

13 These are the people that live this  
14 every day. The people in Warren County,  
15 the people in Sharkey and Issaquena, they  
16 live this with every flood. They've been  
17 there for years. These are places that  
18 they don't want to leave. But it's  
19 absolutely devastating and it is for the  
20 wildlife.

21 And like I said, the five-year, this  
22 is way better than anything we've seen.  
23 Those five-year elevations I think are  
24 going to put some of those secondary roads  
25 under, which, from a public safety



1           standpoint, would still have an impact,  
2           because it would, although maybe not flood  
3           some of the homes and properties, but it  
4           would isolate some of those areas that  
5           ambulances, fire engines, and law  
6           enforcement would not be able to access in  
7           a timely manner. But we appreciate it.  
8           Thank you, guys.

9           MR. CONNOR: Can I just say, I  
10          appreciate that, and we will take a look  
11          at that? But, also, as part, the  
12          particular road, secondary roads that were  
13          an issue that were leaving people isolated  
14          and public safety concerns, if you could  
15          just identify those -- you don't have to  
16          do it right now, but for the record,  
17          that'd be helpful to know.

18          MR. PACE: No. I'll be glad to.  
19          I'll be glad to. And the Sheriff of  
20          Issaquena County is here, too, and some of  
21          those were actually in his county. We  
22          would have to -- at the height of the 2019  
23          flood, we were actually having to leave  
24          Warren County, go through Issaquena County  
25          into Sharkey County to get on the main

1 line levee and come back to Eagle Lake,  
2 because some of the secondary roads that  
3 we had been using, which Goose Lake (s/l),  
4 Low Water Bridge, those waters -- those  
5 were completely under.

6 So we were having to go an extremely  
7 long route to get back to those  
8 communities. But I'll get with you guys  
9 before I leave and give you a list of  
10 those.

11 MR. CONNOR: Thank you.

12 UNIDENTIFIED: As far as the planting  
13 dates, to my opinion, it's just a little  
14 bit of tweaking in there, those dates, and  
15 that is the guys at home -- I'm a  
16 semi-retired farmer -- they're going to  
17 start putting that corn in the ground, if  
18 they can, on March 1st.

19 Of course, it's also my opinion that  
20 the farming never really stops here until  
21 the rain comes in December and January and  
22 stops you, with the exception of 2019 and  
23 2020. In '20, I had 90-something inches.  
24 My shop is between Rolling Fork and Grace.

25 The first four months in 2020, we had

1           40 inches of rain. It made it a  
2           nightmare. So the pumps, even if we go  
3           with it -- it's a wonderful thing. It'll  
4           help us tremendously. Just -- I don't  
5           know how y'all come up with the figure of,  
6           say, from 87 to 90, not 89, but take a  
7           look at that. Make sure you know what  
8           you're doing, because the people here will  
9           be appreciative for whatever we can get.

10                   But take a little look at you -- and  
11           some of my guys raise cotton, and it might  
12           be November 10th. You never know what the  
13           rain is going to do. Now, if we get an  
14           abnormal rain, like we did in 2020, is  
15           this going to hold true, or as you see the  
16           river and the rains coming up, are they  
17           going to get turned on earlier? My  
18           question to that. I don't know. Does  
19           anybody know?

20                   MR. BRISTER: So let me give some  
21           context of the 2019 event. Okay? So the  
22           peak elevation was 98.2. Everybody  
23           remembers that flood. Okay? So if the  
24           pumps would have been in place at that  
25           point, then the peak would have been 93.5.

1                   So if we get this, we don't think  
2                   we're going to see the 98 again. I don't  
3                   want to say we're never going to see it,  
4                   because we don't know, right? It might  
5                   rain 40 days and 40 nights. You never  
6                   know. But that would have been the case  
7                   in 2019. It would have peaked at 93.5.

8                   UNIDENTIFIED: Thank y'all.

9                   MR. CONNOR: Thank you.

10                  MR. KLAUS: I'm Ken Klaus. I live at  
11                  Eagle Lake. The low control of the Steele  
12                  Bayou structure where you're fluctuating  
13                  from 74 to 78 also impacts the operation  
14                  of Muddy Bayou, which controls the lake  
15                  stage of Eagle Lake.

16                  Eagle Lake's management plan is for a  
17                  low of 75 at the end of the summer and  
18                  then allow it to rise to 76.9 at its  
19                  highest. When Steele Bayou is high, you  
20                  can't let the water out of the lake. The  
21                  lake has been high for the last month or  
22                  so.

23                  The gates can only be opened six  
24                  inches due to concerns of Asian carp  
25                  migrating into the lake. When you're

1 (indiscernible) your low water, we need to  
2 have enough low water, period, to get the  
3 water down to 75 in Eagle Lake.

4 I've been going up there for 60 years.  
5 There used to be -- there once was black  
6 willow out in the lake. You barely see  
7 any black willow in the lake, because it's  
8 been managed at 75. Before that, it  
9 fluctuated much more. We've lost that  
10 species component out of the lake bed.

11 I believe if we make a mistake and not  
12 allow the water to go down to 75 each  
13 year, that we will lose the cypress trees  
14 and all the vegetation in the lake if that  
15 average lake bed, the lake level rises,  
16 say, a foot. It's that fragile.

17 We're in a very dynamic period of  
18 weather. We all know that. You've been  
19 studying this based on the data you have.  
20 I hope you take that dynamic part and  
21 leave your management plan, leave your  
22 long range, let yourself have some leeway  
23 to adjust.

24 The last thing that I want to see are  
25 the oak trees to die within the bottom

1 land hardwood area. There were massive  
2 amounts of oaks that died during 2019 and  
3 continue to be stressed. This wet period,  
4 that extra 3 feet, whatever the --  
5 whatever amount that is not going to be  
6 pumped out adds a longer stress to all of  
7 the area that is below that.

8 So I hope if you see problems that you  
9 have not only built-in flexibility of your  
10 management capability, but you recognize  
11 the negative impact and react to it.  
12 Thank you.

13 MR. CONNOR: Thank you.

14 MR. KLAUS: Thank you for coming.  
15 This is a lot of time out of your  
16 schedules. I realize the high-level  
17 people that are here representing all of  
18 us. Thank you.

19 MR. COCHRAN: I'm David Cochran. I'm  
20 here as a Commissioner of the Mississippi  
21 Levee Board. I'd like to reiterate what  
22 Peter said and tell y'all thank you.

23 This is the first time that I can  
24 remember or I felt like there was a  
25 collaboration between each individual

1 agency here. It's always been like, well,  
2 one agency wants this, but the other one  
3 won't give on their side, and it's just  
4 been back and forth.

5 Thank you all so very much for  
6 listening to us and listening to what  
7 people here in the south Delta have to  
8 tell you. My home is Greenville,  
9 Mississippi. I farm the  
10 Greenville/Hollandale area. Backwater  
11 flood truthfully, you know, does not have  
12 a huge impact on me as far as flooding.  
13 I'm very fortunate in that.

14 But it does have a problem of drainage  
15 getting away from my area. So thank you  
16 all. But I want to also come in on what  
17 you said, sir. When I first looked at the  
18 dates -- and I think I remember -- you  
19 know, I hate to say this, my first  
20 thoughts were the March 24th or the 25th  
21 date before you cut that pump on, I think  
22 it's maybe a little late for field corn.  
23 Y'all need to look at that, I think.

24 I think some of the farmers from this  
25 part of the world or this end of the Delta

1           could answer that better than I can. But  
2           typically we shoot for somewhere around  
3           the 10th and the further you come south,  
4           they're typically a week, ten days ahead  
5           of us, because that's just the way it  
6           works. It starts on the coast and -- the  
7           Gulf Coast and works its way north.

8           So, you know, I think I'd be remiss if  
9           I didn't say that y'all really need to  
10          look at that date. I agree with that,  
11          those comments you made, sir. But like I  
12          say, I think farmers in this area could  
13          better answer that, more so than I can.  
14          But you have to leave the soil enough time  
15          to dry out, so we can't get in the field  
16          and do our work.

17          I will say this, farmers are the  
18          biggest stewards of the land there are in  
19          America. We're not only worried about  
20          growing a crop and raising a crop. We're  
21          worried about the whole entire eco  
22          structure.

23          And sometimes we get painted in a bad  
24          picture that we're only out to destroy the  
25          wetlands, make as much -- haywire the



1           sunshine, I'll put it that way. That's  
2           not the case. We're concerned about the  
3           entirety of our farm, because we all  
4           realize that there is some revenue there,  
5           some economics.

6           And us being stewards of the land, we  
7           have some responsibility, not only to  
8           ourselves and our families, but the entire  
9           public and God Almighty above for making  
10          sure that we do the best we can do to keep  
11          His creatures and all of us fed, safe, and  
12          do it as environmentally sound as we  
13          possibly can.

14          But, once again, I want to thank you  
15          all for coming. Thank you for listening  
16          to us. And if there's anything we can do  
17          to help you all, Peter will be more than  
18          glad to do it. Thank you. And his staff.

19          MR. DARDEN: Good evening. My name  
20          is Charlie Darden. I farm about 12 miles  
21          south of Rolling Fork on Highway 61.  
22          First of all, thank you for being here,  
23          and thank you so much for the expeditious  
24          manner in which you got this plan  
25          together.

1                   That being said, I guess this is the  
2                   82nd year of the Flood Control Act of  
3                   1941. But, anyway, in regard to the --  
4                   it's just a clarification really. On the  
5                   93-foot level you were referring to, now,  
6                   do you mean the water will be allowed to  
7                   go to 93 feet, or will it be maintained at  
8                   93 feet?

9                   MR. BRISTER: No, sir. So --

10                  MR. DARDEN: And the 90-foot level  
11                  for that matter.

12                  MR. BRISTER: Yeah. So the way we'll  
13                  operate the non-crop, when you say the  
14                  "five-year floodplain," when the water  
15                  gets to 93, we will pump that water down  
16                  to elevation 90. At that point, we will  
17                  turn the pumps off. If it goes up to 93,  
18                  we'll pump it back down to 90 again.

19                  So with crop season, when we're going  
20                  to manage to the 90, we will pump it down  
21                  to 89, turn them off, let it go back to  
22                  90. So the pump on elevation is going to  
23                  vary. Okay? It's going to vary on the  
24                  amount of water coming down the  
25                  headwaters, the amount of rain, et cetera.

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1                   So if we're managing to 93, we may  
2                   have to turn the pump on at 91. We may  
3                   have to turn it on at 91.5 just to make  
4                   sure we don't get above the 93. Same  
5                   thing with the 90.

6                   MR. DARDEN: Okay. But you're not  
7                   going to try to maintain that 93 all  
8                   through the winter --

9                   MR. BRISTER: No, sir. No, sir.

10                  MR. DARDEN: Because obviously right  
11                  now, the backwater's at, what, 72, 73  
12                  feet, something like that. So you would  
13                  allow it to go down to that level  
14                  periodically?

15                  MR. BRISTER: Absolutely.

16                  MR. DARDEN: Okay. As far as the  
17                  planting date goes, again, I feel like  
18                  that might be a little lengthy on the  
19                  March end of it, because if you happen to  
20                  be at 93 feet, and you've got the pumps  
21                  on, by the time that land dries out and  
22                  then you're able to get in the field and  
23                  plant -- I don't know how long it will  
24                  take to pump out 3 feet of water. I  
25                  really don't know.

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1           But you've effectively taken out corn  
2           production below 93 feet. You know,  
3           you'll never get it in before -- the last  
4           recommended planting date is about April  
5           15th, April 20th in our area. So I just  
6           don't believe there's any possible way you  
7           can pump it out and have it dried up  
8           enough to get in the field by then. So  
9           please consider that, if you would. I  
10          guess that's about all I have. Thank you.

11           MR. CONNOR: Thank you.

12           MR. NIMROD: Just a quick  
13          clarification on that, if you don't mind,  
14          Jacob.

15           What Charlie just suggested, there was  
16          a possibility we'd be at 90 feet on  
17          March 24th and all of a sudden you got to  
18          cut -- pump it down to 90 feet. It's  
19          going to take two weeks or whatever to get  
20          down to that point.

21           Is your goal here to get the water  
22          pumped down to 90 feet on March 25th and  
23          then let it ride at 90 at that point? Is  
24          that the goal, or what's the plan on that?

25           MR. BRISTER: No. So as of today, it

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1 would be pump on on March 25th.

2 MS. JENSEN: But that's why this  
3 input and comments are helping --

4 MR. NIMROD: Definitely would like to  
5 change that. Definitely. If you're  
6 saying March 25th, we need that water at  
7 least at 90 feet or 89.5, whatever you can  
8 go to, we need it at that point on  
9 March 25th as opposed to waiting for that  
10 day and then pumping it down. So it will  
11 take a lot (indiscernible) upon 300 feet  
12 of water off. Thank you.

13 MS. JENSEN: Thanks for input.

14 MS. GETTLE: Can I ask a question?  
15 What was that date you gave? It was  
16 April 10th or April 15th?

17 MR. DARDEN: Usually the last  
18 planting date for corn here recommended  
19 for USDA practices is April 15th,  
20 April 20th, depending on which end of the  
21 Delta you're on.

22 MS. GETTLE: Okay. Thank you.

23 UNIDENTIFIED: But I will say this,  
24 that April the 20th date is awful late.

25 MS. GETTLE: I just wanted to make

1           sure.

2                         (ALL TALKING AT ONCE.)

3                         UNIDENTIFIED: Clay may add in here,  
4                         and anybody else that I don't recognize.  
5                         But we -- you know, we got to get the corn  
6                         planted to beat the heat down here. We're  
7                         not -- we're not -- we're not as lucky as  
8                         they are in Iowa.

9                         You know, the reason we plant it that  
10                         date is to beat the heat, and corn just  
11                         does not handle heat very well at all.  
12                         Thank you.

13                         MR. ADCOCK: Clay Adcock again, and  
14                         you don't have to listen to my spiel on  
15                         corn, but I was already going to comment  
16                         on the -- there's been some, obviously,  
17                         people that don't like the non-crop versus  
18                         crop dates. And I noticed up there -- I  
19                         didn't catch it the first time, but on  
20                         your program earlier, it said you're  
21                         trying to project cotton, corn, and  
22                         soybeans in this area.

23                         Why not tie -- for a level of  
24                         consistency, why not tie those crops to  
25                         the USDA's RMA, Risk Management Agency's,

1           dates that are already established? I'm  
2           not quite sure what they are, but I know  
3           to elect to have insurance or not have  
4           insurance, on corn, because that's the  
5           earlier crop, it's March the 15th. So a  
6           farmer has to make that decision, am I  
7           going to have corn, and, if so, by March  
8           the 15th, I have to decide whether I'm  
9           going to insure it or not.

10                   And what -- I think to go a little bit  
11           further on the last planting day, this is  
12           a conjecture on my part, but that's  
13           probably to avoid fraud. A person could  
14           say, I'm just going to plant corn forever,  
15           or whatever, based on maybe his insurance  
16           coverage. There's a lot of things, moving  
17           parts there. And so, that's the extreme  
18           late date that RMA is willing to tolerate  
19           it. So thank y'all again.

20                   MS. JENSEN: That's helpful. Thank  
21           you.

22                   MR. CONNOR: Okay. I'm going to  
23           start the last-call process here, because  
24           we don't need to keep you any later than  
25           you want to be kept, and we sure don't

1           need to stare at each other, I guess.

2           So really appreciate the input. You  
3           know, we appreciate the kind comments. As  
4           I said earlier today, it's the least we  
5           can do given all the issues you've been  
6           dealing with for quite a while.

7           But I will acknowledge, once again,  
8           we've had a lot of committed team members  
9           here working really hard, because they  
10          want to get to a solution here, a solution  
11          that works for everybody and all the  
12          values and interests at hand. So very  
13          much appreciate their efforts, and once  
14          again, thanks to our partners who bring a  
15          lot of other expertise and value.

16          So I would say I'm about ready to  
17          adjourn, and folks may be available for  
18          some quick questions here. We don't want  
19          to keep everybody till 8:00 if we don't  
20          need to. But thank you very much for your  
21          time, attention, and always valuable  
22          input. And with that, we will adjourn.  
23          Appreciate it.

24          MS. JENSEN: So we're here if you  
25          have a couple of other questions. The

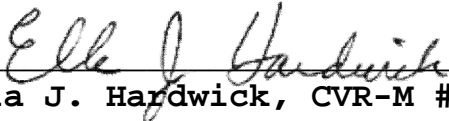


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1                   other federal family is here if you have  
2                   questions on that. Feel free to mingle  
3                   for a little bit.

4                   (MEETING CONCLUDED AT 7:30 P.M.)

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1 CERTIFICATE OF COURT REPORTER  
2 I, Ella J. Hardwick, CVR-M, #1749, Court  
3 Reporter and Notary Public, in and for the State of  
4 Mississippi, hereby certify that the foregoing  
5 contains a true and correct transcript, to the best  
6 of my ability, as taken by me in the aforementioned  
7 matter at the time and place heretofore stated.  
8 I further certify that under the authority  
9 vested in me by the State of Mississippi that the  
10 witness was placed under oath by me to truthfully  
11 answer all questions in the matter. I further  
12 certify that I am not in the employ of or related  
13 to any counsel or party in this matter and have no  
14 interest, monetary or otherwise, in the final  
15 outcome of this matter.  
16 Witness my signature and seal this the 22nd day  
17 of May, 2023.  
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20 Ella J. Hardwick, CVR-M #1749  
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