



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

FEB 01 2008

Colonel Michael C. Wehr
Commander
Department of the Army
U.S. Army Engineer District, Vicksburg
4155 Clay Street
Vicksburg, Mississippi 39183-3435

Dear Colonel Wehr:

I am writing to inform you that the U.S. Environmental Protection Agency (EPA) is initiating review, under Section 404(c) of the Clean Water Act, of the proposed Yazoo Backwater Area Project in the Yazoo River Basin in Mississippi. EPA is taking this step because we have reason to believe that the recommended project plan could result in unacceptable adverse effects on the aquatic ecosystem, particularly to fish and wildlife resources. This letter notifies you that, pursuant to 40 CFR §231.3(a), EPA intends to issue a public notice of a proposed determination to restrict or prohibit the discharge of dredged or fill material at the Yazoo Backwater Area project site.

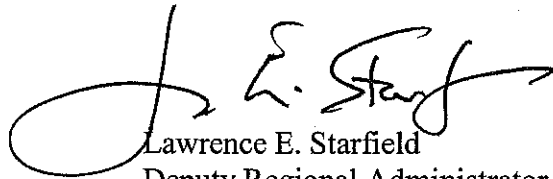
As you know, EPA has had longstanding concerns about this project because it would impact aquatic ecosystems on a massive scale, affecting approximately 67,000 acres of wetlands. EPA has participated in the review of this project since before the release of the Draft Supplemental Environmental Impact Statement (DSEIS) in 2000. During that time and subsequent to the DSEIS release, EPA has consistently expressed concerns with the significant environmental effects of the structural component of this project. We shared these concerns in our November 2000 comments on the DSEIS. In our January 22, 2008, comments on the Final Supplemental Environmental Impact Statement (FSEIS), we stated that we continue to have significant concerns regarding the proposed project, including the magnitude of the anticipated wetland impacts, compliance with the Section 404(b)(1) Guidelines, and uncertainties with the proposed reforestation/mitigation plans.

The Yazoo Backwater Area includes some of the richest wetland and aquatic resources in the Nation, including highly productive fisheries, a highly productive yet increasingly rare bottomland hardwood forest ecosystem, hemispherically important migratory bird foraging grounds, habitat for endangered species, and wetlands providing a suite of important ecological support functions. EPA is initiating this 404(c) action based on the record to date and our assessment that the project may cause or contribute to significant degradation of the aquatic environment, including impacts to fish and wildlife. We do not believe the potential impacts of the project, as currently proposed, can be adequately mitigated. EPA supports the goal of providing improved flood protection for the residents of the Mississippi Delta; however, we believe that accomplishment of this vital objective can be fully consistent with ensuring effective protection for the area's valuable natural resources.

EPA's regulations on Section 404(c) procedures provide for further coordination between EPA and the Corps. Consistent with EPA regulations at 40 CFR §231.3(a)(2), EPA is providing the Corps with an opportunity to submit any additional information for the record to demonstrate that no unacceptable adverse impacts would occur from this project, or that corrective action will be taken satisfactory to EPA to prevent such adverse effects. Please provide me with any comments within fifteen days from the date of this letter.

I appreciate your prompt attention to this matter. If you have any questions or wish to arrange a meeting to discuss potential project modifications to reduce unacceptable adverse impacts, please contact me at 214-665-2100 or Jim Giattina, EPA Region 4 Director of the Water Management Division, at 404-562-9345.

Sincerely,

A handwritten signature in black ink, appearing to read "L. E. Starfield". The signature is fluid and cursive, with a large loop at the beginning and a long tail extending to the right.

Lawrence E. Starfield
Deputy Regional Administrator
EPA Region 6

cc: Benjamin H. Grumbles, EPA
James D. Giattina, EPA
Trudy Fisher, Mississippi Department of Environmental Quality
Sam Hamilton, U.S. Fish and Wildlife Service
Peter Nimrod, Board of Mississippi Levee Commissioners