

EPA overturns approval of Mississippi Yazoo Pumps Project



A cotton picking tractor sits in a shed at Grosvenor Farms in Holly Bluff, Miss., as backwater floods the surrounding fields on May 23, 2019. The U.S. Environmental Protection Agency said Wednesday, Nov. 17, 2021, it has overturned the approval of a massive flood-control project in the south Mississippi Delta that officials said was erroneously greenlit in the final days of the Trump administration. EPA officials said the past administration's November 2020 decision to approve the Yazoo Pumps Project was in violation of the Clean Water Act. (AP Photo/Rogelio V. Solis, File)

By Leah Willingham
 JACKSON, Miss. (AP) — The U.S. Environmental Protection Agency said Wednesday it has overturned the approval of a massive flood-control project in the south Mississippi Delta that officials said was erroneously greenlit in the final days of the Trump administration.

In a letter to the Army for Civil Works, EPA officials said the past administration's November 2020 decision to approve the Yazoo Pumps Project was in violation of the Clean Water Act and "failed to reflect the recommendations from the career scientists and technical staff."

Radhika Fox, assistant administrator for the office of water at the EPA, said the federal government is concerned about the serious im-

pacts from flooding on people and the economy of the lower Mississippi Delta. But she said she wants to work with the Corps and others to find "a path forward that addresses flooding concerns in an environmentally protective manner."

The decision was cheered by conservation groups — American Rivers, National Audubon Society, Sierra Club and Healthy Gulf — which had sued the EPA, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service earlier this year over the construction of pumps in the Yazoo Backwater area north of Vicksburg.

Stu Gillespie, an attorney for Earthjustice, the environmental law firm representing the conservation groups, said the decision is "a powerful

affirmation that science and law, not politics, ultimately prevail."

"EPA's decision upholds bedrock environmental laws and restores crucial safeguards for some of the Nation's richest wetlands," Gillespie said Wednesday.

Mississippi's Republican leadership denounced the decision.

U.S. Sen. Cindy Hyde-Smith said in a statement that it was an "absolutely terrible day for the people who live in the Mississippi Delta and an even sadder day for the country when an agency like the EPA refuses to do the right thing for the people."

"This EPA action is an abuse of discretion and couldn't be more arbitrary or capricious," she said. "It also opens the door to a host of

legal questions that should, and will likely, be challenged."

U.S. Sen. Roger Wicker said he was "deeply frustrated" by the decision and said it would "leave the people of the South Mississippi Delta in harm's way."

"Today's action means that roads will continue to be impassable, deer and other wildlife and plant life will die, hypoxia will kill fish, small businesses will shut down, and residents will continue to be forced to leave their houses," Wicker said.

He said the vast majority of the people who would be impacted by the project are Black, adding, "it amounts to an environmental injustice."

Farmers and environmentalists have been arguing for decades over proposals for flood-control projects in the south Delta.

The flatlands between the Mississippi and Yazoo rivers are dominated by agriculture and dotted with small communities. The area has flooded nine of the past 10 years. Among those floods was a deluge in 2019 that lasted several months.

The Yazoo Pumps project would have involved the construction of a 14,000 cubic-foot-per-second pumping plant in the Yazoo Backwater Area to drain water, primarily from low-lying agricultural lands, during floods.

The EPA vetoed a version of the proposed pump project in 2008. But Andrew Wheeler, the EPA's administrator appointed by former President Donald Trump, said in April that the EPA would reconsider that decision. An EPA regional administrator in Atlanta wrote on Nov. 30 that the current

version of the pump project is not subject to the agency's 2008 veto.

It was approved by the Corps in January. Wednesday's decision was a reversal of that approval.

Supporters of the project said the current proposal was significantly different than the one the EPA previously vetoed, because the pumps would be in a different location miles (kilometers) away from the originally planned site. The current proposal calls for pumps near Deer Creek north of Vicksburg.

However, conservation groups said that the project has not changed significantly from what was proposed in 2008. They say it still includes the same 14,000 cubic feet-per-second pumping plant, affecting the same wetlands as the project originally proposed.

Court temporarily delays release of Trump's Jan. 6 records

By Norman Merchant
 WASHINGTON (AP) — A federal appeals court on Thursday temporarily blocked the release of White House records sought by a U.S. House committee investigating the Jan. 6 insurrection, granting — for now — a request from former President Donald Trump.

The administrative injunction issued by the U.S. Court of Appeals for the District of Columbia Circuit effectively bars until the end of this month the release of records that were to be turned over Friday. The appeals court set oral arguments in the case for Nov. 30.

The stay gives the court time to consider arguments in a momentous clash between the former president, whose supporters stormed the Capitol on Jan. 6, and President Joe Biden and Congress, who have pushed for a thorough investigation of the riot. It delays the House committee from reviewing records that lawmakers say could shed light on the events leading up to the insurrection and Trump's efforts to delegitimize an election he lost.

The National Archives, which holds the documents, says they include call logs, handwritten notes and a draft executive order on "election integrity."

Biden waived executive privilege on the documents. Trump then went to court arguing that as a former president, he still had the right to exert privilege over the records and releasing them would damage the presidency in the future.

U.S. District Judge Tanya Chutkan on Tuesday rejected those arguments, noting in part, "Presidents are not kings, and Plaintiff is not President." She again denied an emergency motion by



President Donald Trump arrives to speak at a rally in Washington on Jan. 6, 2021. A federal judge is questioning Donald Trump's efforts to withhold documents from Congress related to the Jan. 6 attack on the Capitol. Judge Tanya Chutkan was skeptical Thursday, Nov. 4, of attorneys for the former president who asked her to block the handover of documents to a House committee. (AP Photo/Jacquelyn Martin, File)

Trump on Wednesday.

In their emergency filing to the appeals court, Trump's lawyers wrote that without a stay, Trump would "suffer irreparable harm through the effective denial of a constitutional and statutory right to be fully heard on a serious disagreement between the former and incumbent President."

The Nov. 30 arguments will take place before three judges nominated by Democratic presidents: Patricia Millett and Robert Wilkins, nominated by former President Barack Obama, and Ketanji Brown Jackson, an appointee of Biden.

Given the case's magnitude, whichever side loses before the circuit court is likely to eventually appeal to the U.S. Supreme Court.

The White House on Thursday also notified a lawyer for Mark Meadows, Trump's former chief of staff, that Biden would waive any executive privilege that would prevent Meadows from cooperating with the committee, according to a letter obtained by The Associated Press. The committee

has subpoenaed Meadows and more than two dozen other people as part of its investigation.

His lawyer, George Terwilliger, issued a statement in response saying Meadows "remains under the instructions of former President Trump to respect longstanding principles of executive privilege."

"It now appears the courts will have to resolve this conflict," Terwilliger said.

The committee late Thursday threatened to begin contempt proceedings against Meadows if he doesn't change course and comply.

"Simply put, there is no valid legal basis for Mr. Meadows's continued resistance to the Select Committee's subpoena," the committee wrote to Terwilliger, saying it would view Meadows' failure to turn over documents or appear at a scheduled deposition on Friday as "willful non-compliance."

The House has already referred former Trump adviser Steve Bannon to the Justice Department for potential criminal prosecution for contempt of Congress.

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