

## Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER)

Report to  
the Mississippi Legislature



# A Review of the Tombigbee River Valley Water Management District

The Mississippi Legislature created the Tombigbee River Valley Water Management District (TRVWMD) in 1962, granting it broad discretionary authority to utilize, develop, conserve, and regulate the waters of the Tombigbee River, its tributaries, and its overflow waters for a wide array of purposes including, but not limited to, flood control, recreational uses, and economic development. State law grants the district broad powers such as the authority to acquire property by eminent domain necessary to projects, build dams and reservoirs, relocate roads and highways, market bonds, and construct facilities necessary to a project.

The TRVWMD is serving two primary purposes--flood control and development of water-related resources to promote economic development--within its very broad discretionary statutory authority. While the district's internal and external evaluations state that the TRVWMD is doing a good job of carrying out these projects, none of the evaluations include true outcome measures. PEER recommends that the TRVWMD develop outcome measures showing the direct effects of the district's efforts for each of its programs. For example, the district could measure the effectiveness of its flood control program by tracking the number of homes and amount of acreage flooded in areas affected by its projects.

Regarding whether there is a need for the TRVWMD, a governmental entity is needed to address the risk of flooding and insufficient water resources available for public consumption and economic development needs in the Tombigbee River Basin of Mississippi. The TRVWMD has a river basin perspective on both sets of needs and a minimum mandatory ad valorem tax revenue base to meet needs. Other entities could perform the functions the TRVWMD performs, but would not have the regional focus and interests of the district.

## **PEER: The Mississippi Legislature's Oversight Agency**

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A standing joint committee, the PEER Committee is composed of five members of the House of Representatives appointed by the Speaker and five members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms with one Senator and one Representative appointed from each of the U. S. Congressional Districts. Committee officers are elected by the membership with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of three Representatives and three Senators voting in the affirmative.

Mississippi's constitution gives the Legislature broad power to conduct examinations and investigations. PEER is authorized by law to review any public entity, including contractors supported in whole or in part by public funds, and to address any issues that may require legislative action. PEER has statutory access to all state and local records and has subpoena power to compel testimony or the production of documents.

PEER provides a variety of services to the Legislature, including program evaluations, economy and efficiency reviews, financial audits, limited scope evaluations, fiscal notes, special investigations, briefings to individual legislators, testimony, and other governmental research and assistance. The Committee identifies inefficiency or ineffectiveness or a failure to accomplish legislative objectives, and makes recommendations for redefinition, redirection, redistribution and/or restructuring of Mississippi government. As directed by and subject to the prior approval of the PEER Committee, the Committee's professional staff executes audit and evaluation projects obtaining information and developing options for consideration by the Committee. The PEER Committee releases reports to the Legislature, Governor, Lieutenant Governor, and the agency examined.

The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

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November 6, 2003

Honorable Ronnie Musgrove, Governor  
Honorable Amy Tuck, Lieutenant Governor  
Honorable Tim Ford, Speaker of the House  
Members of the Mississippi State Legislature

On November 6, 2003, the PEER Committee authorized release of the report entitled **A Review of the Tombigbee River Valley Water Management District.**

A handwritten signature in cursive script that reads "Mary Ann Stevens".

Representative Mary Ann Stevens, Chair

**This report does not recommend increased funding or additional staff.**



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# A Review of the Tombigbee River Valley Water Management District

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## Executive Summary

### Introduction

PEER's review of the Tombigbee River Valley Water Management District (TRVWMD) is a "cycle review." PEER cycle reviews are not driven by specific complaints or allegations of misconduct. The purpose of this review was to answer the following basic questions:

- Is the TRVWMD achieving its statutory mission?
- Is the TRVWMD needed?

### Background

The Mississippi Legislature created the TRVWMD in 1962. The district became operational in 1963, with seven of eighteen eligible counties joining. Since 1963, an additional five counties have joined.

The statutes creating the district grant it broad discretionary authority to utilize, develop, conserve, and regulate the waters of the Tombigbee River, its tributaries, and its overflow waters (e.g., associated creeks, ponds, lakes) for a wide array of purposes including, but not limited to, flood control, recreational uses, and economic development. The statutes also grant the district broad powers such as the authority to acquire property by eminent domain within or without the district necessary to projects, build dams and reservoirs, relocate roads and highways, market bonds, and construct facilities necessary to a project.

The district's Board of Directors is currently composed of thirty-one members--one appointed by the board of supervisors from each of its member counties (currently twelve member counties), fifteen gubernatorial appointments (one from each member county and three at-large), and one member each representing four related state agencies. Headquartered in Tupelo, the district has seventeen employees, including a ten-person maintenance crew and annual expenditures of approximately \$2.3 million in FY 2003. District operations are funded primarily through tax contributions from member counties and interest earnings on its \$3.5 million cash balance (in FY 2003).

## Achievement of Statutory Mission

**The Tombigbee River Valley Water Management District is successfully serving two primary purposes--flood control and development of water-related resources to promote economic development--within its very broad discretionary statutory authority.**

As noted above, the Tombigbee River Valley Water Management District has broad statutory authority. Within this broad authority, the district has chosen to serve two primary purposes: flood control (e.g., tributary clearing, bank stabilization, and bridge repair and replacement) and water-related resource development (e.g., assistance to local governmental units in creation of multi-county water and sewer districts).

Pages 14 through 17 of this report include a description of the TRVWMD's program activities. Pages 17 through 20 include a discussion of the district's internal and external evaluations of flood control projects. While the district's internal and external evaluations state that the TRVWMD is doing a good job of carrying out these projects, none of the evaluations include true outcome measures. Program outcomes represent the results of an entity's outputs (products or services). The district should have outcome measures showing the direct effect of the district's efforts, such as reduction in the number of homes and acres flooded.

## Need for the District

**A governmental entity is needed to address the risks of flooding and insufficient water resources available for public consumption and economic development needs in the Tombigbee River Basin of Mississippi. The TRVWMD has a river basin perspective on both sets of needs and a minimum mandatory ad valorem tax revenue base to meet needs. Other entities could perform the functions the TRVWMD performs, but would not have the regional focus and interests of the district.**

State government is responsible for protecting the public's health, welfare, and safety. When risks to these exist, government entities must take measures to diminish or eliminate the potential for risk.

The TRVWMD has chosen to address the risk of flooding in the Tombigbee River Basin, primarily through tributary clearing and bank stabilization, as well as bridge replacement and repair. The TRVWMD has chosen to address the risk of inadequate water resources for public consumption and economic development needs by funding studies of groundwater availability and assisting local governmental units in the development of multi-county water and sewer districts. As noted above, the TRVWMD has chosen to fulfill these purposes within its broad discretionary statutory authority. As also noted, the district is successfully serving these purposes.

Other governmental entities in the region are involved in water resource management. However, the larger governing bodies are

super-state compacts or multi-state administrative units. The other within-state organizations are either single-purpose in nature with smaller geographical jurisdictions and missions and limited tax resource bases or they focus on other policies and programs.

## Recommendation

In order to improve evaluations of its effectiveness, the TRVWMD should develop outcome measures for each of its programs. For example, the district could measure the effectiveness of its flood control program by tracking the number of homes and acreage flooded in areas affected by its projects.

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# A Review of the Tombigbee River Valley Water Management District

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## Introduction

### Authority

The PEER Committee authorized a review of the Tombigbee River Valley Water Management District (TRVWMD). PEER conducted this review pursuant to the authority granted by MISS. CODE ANN. Section 5-3-57 et seq. (1972).

### Scope and Purpose

PEER undertook this review as one of its cycle reviews of state agencies. MISS. CODE ANN. Section 51-13-103 (1972) establishes the district as an agency of the state.

PEER cycle reviews are not driven by specific complaints or allegations of misconduct. This review pursues two major questions:

1. Is the Tombigbee River Valley Water Management District (TRVWMD) achieving its statutory mission?
2. Is the TRVWMD needed?

### Method

In conducting this review, PEER:

- reviewed relevant sections of state laws and Attorney General opinions;
- interviewed staff and analyzed documents from the TRVWMD and other local, state, and federal agencies

that contract and work with the district to carry out projects;

- reviewed the district's FY 1999 through FY 2003 annual reports; annual budgets and audits; strategic plans; personnel documents; and project documents from a sample of TRVWMD projects across its member counties; and,
- inspected project work sites in six of the twelve member counties.

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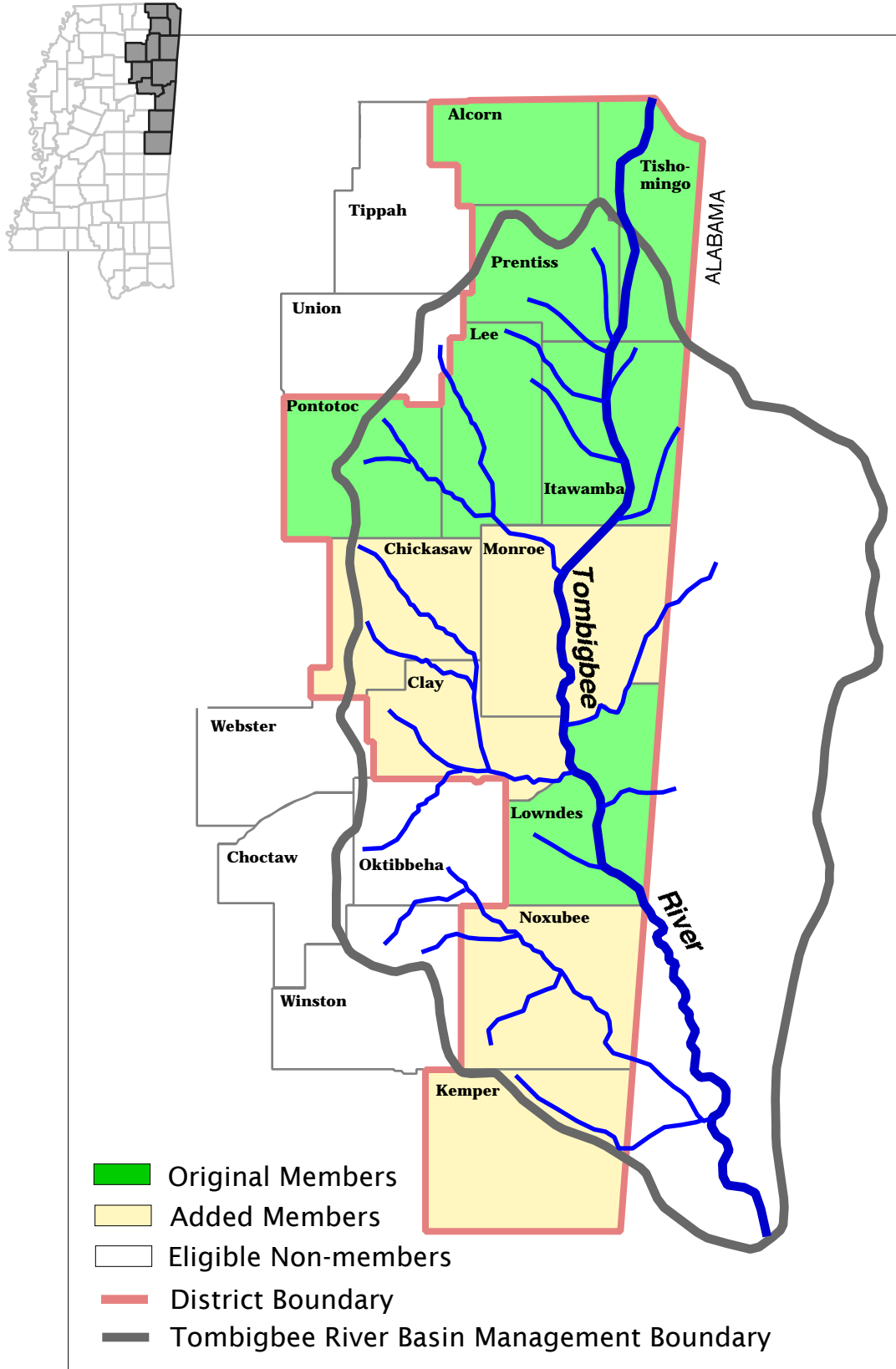
## Background

### Statutory Authority

The Mississippi Legislature authorized creation of the Tombigbee River Valley Water Management District in 1962 through enactment of Chapter 224, *Laws of 1962*, as amended by Chapter 225, *Laws of 1962*. MISS. CODE ANN. Section 51-13-107 (1972) established the procedure for creating the district, which required the four board members appointed by state agencies (see section on board membership, page 5) to adopt by majority vote a resolution stating their intention to create the district. For the district to be created as an agency of the state, six counties eligible to join the district had to vote for its creation through resolutions of their boards of supervisors and through elections, if called for by petition signed by twenty percent of the qualified electors of the county. Eligible counties include all those counties through which the Tombigbee River or its tributaries lie, an area encompassing about 6,000 acres in eighteen counties located in northeastern Mississippi (see map of the boundaries of the Tombigbee River basin and the TRVWMD in Exhibit 1, page 4).

The district became operational on March 17, 1963, with the following seven counties electing to join: Alcorn, Itawamba, Lee, Lowndes, Pontotoc, Prentiss, and Tishomingo. MISS. CODE ANN. Section 51-13-109 (1972) provides that eligible counties may at any subsequent date after creation of the district choose to join. Since 1963, the following five additional counties have elected to join: Chickasaw, Clay, Kemper, Monroe, and Noxubee. As shown on the map on page 4, the following six eligible counties had chosen to not join the district as of October 2003: Choctaw, Oktibbeha, Tippah, Union, Webster, and Winston.

Exhibit 1: Schematic of Tombigbee River Water Management District and Member Counties



SOURCE: Compiled by PEER.



MISS. CODE ANN. Section 27-39-329 (2)(a) (1972) provides that counties may not terminate their membership in the district as long as the district has an outstanding local obligation for projects created in support of the Tennessee-Tombigbee Waterway. Completed by the U. S. Army Corps of Engineers in 1985, the Tennessee-Tombigbee Waterway connects the Tennessee River with the Tombigbee River. The waterway provides a route for waterborne commerce between the Gulf of Mexico and the areas farther north. It provides an alternative route to the Mississippi River for barge traffic.

The statutes creating the district grant it broad discretionary authority to utilize, develop, conserve, and regulate the waters of the Tombigbee River, its twenty-two tributaries, and its overflow waters (e.g., associated creeks, ponds, lakes) for a wide array of purposes including, but not limited to, flood control, recreational uses, and economic development. The statutes also grant the district broad powers such as the authority to acquire property by eminent domain within or without the district necessary to projects, build dams and reservoirs, relocate roads and highways, market bonds, and construct facilities necessary to a project.

As shown in Exhibit 2 on page 6, the TRVWMD owns six parcels of land totaling 4,912 acres.

## The TRVWMD's Governing Board and Staff

The Tombigbee River Valley Water Management District's Board of Directors is, by statute (MISS. CODE ANN. Section 51-13-1 [1972]), currently composed of thirty-one members, one appointed by the board of supervisors from each of its member counties (currently twelve member counties), fifteen gubernatorial appointments (one from each member county and three at-large), and one member each representing the Board of Health, the Forestry Commission, the Department of Environmental Quality, and the Department of Wildlife, Fisheries and Parks. The board usually meets quarterly.

A smaller Executive Committee of the board meets monthly to carry out district business, including authorizing the district to conduct small projects (those costing \$10,000 or less). The Executive Committee consists of all officers of the board of directors (president, vice-president, secretary, and treasurer), the immediate past president of the board, two members from the district's

northern section, and two members from the district's southern section appointed by the district's president.

Board members receive a per diem not to exceed forty dollars per day for attending each day's meeting (or necessary business of the district) and may receive reimbursement for actual and necessary expenses as authorized by state law.

As of July 1, 2003, the board had seventeen employees based at the district's office in Tupelo--seven administrative staff and ten field staff (see Exhibit 3, page 7).

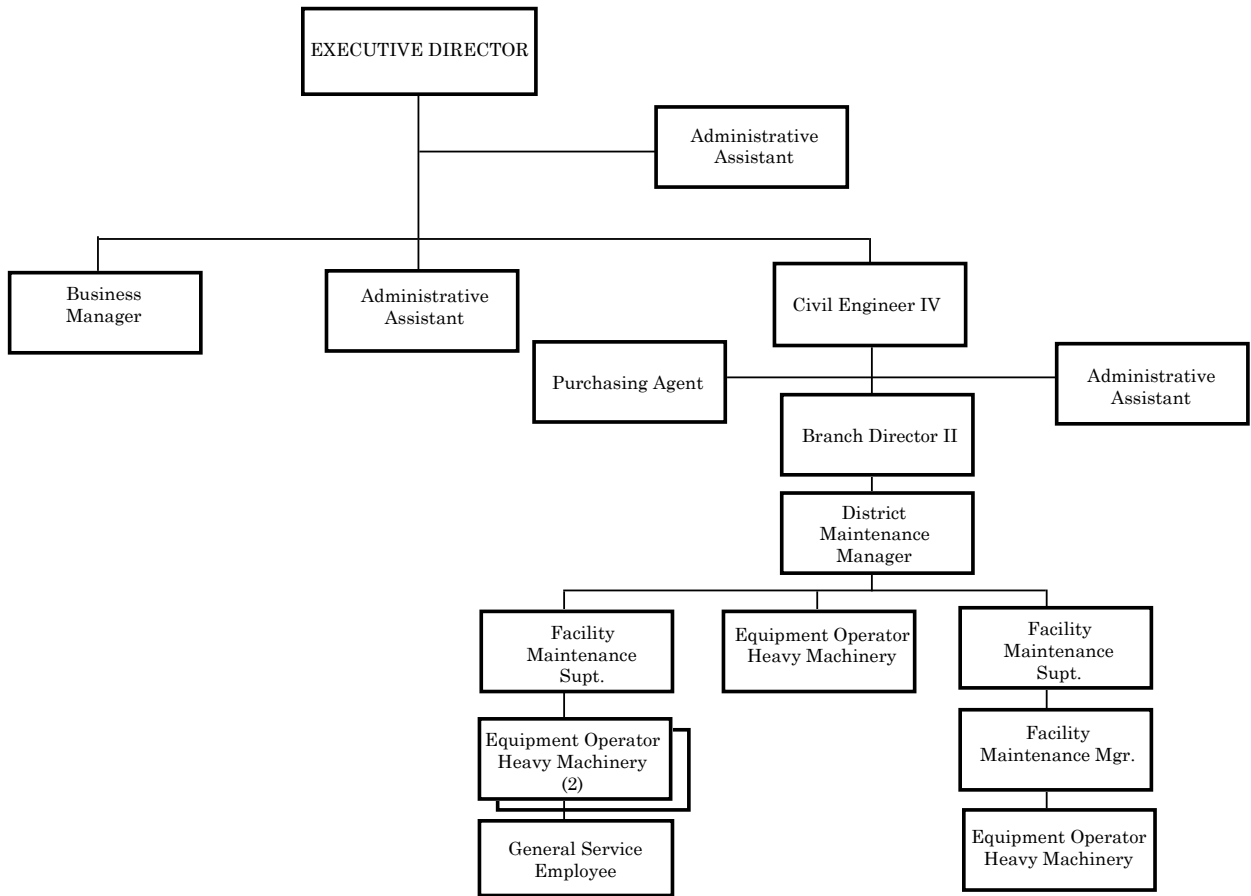
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**Exhibit 2: Acreage Owned by the Tombigbee River Valley Water Management District**

<b>Location (county[ies] in parentheses)</b>	<b>Managed by</b>	<b># of Acres</b>
John Bell Williams Game Management Area (Prentiss and Itawamba)	Department of Wildlife, Fisheries & Parks	2,897
Kemper County Lake and Park (Kemper)	Department of Wildlife, Fisheries & Parks	1,156
Luxapalila Creek (Lowndes)	TRVWMD	41
Twenty-Mile Creek (Itawamba)	Department of Wildlife, Fisheries & Parks	537
Stanefer Creek (Monroe)	TRVWMD	273
Between Trace State Park and Pontotoc Country Club (Pontotoc)	TRVWMD	8
<b>Total Acres</b>		<b>4,912</b>

SOURCE: TRVWMD

### Exhibit 3: TRVWMD Organization Chart



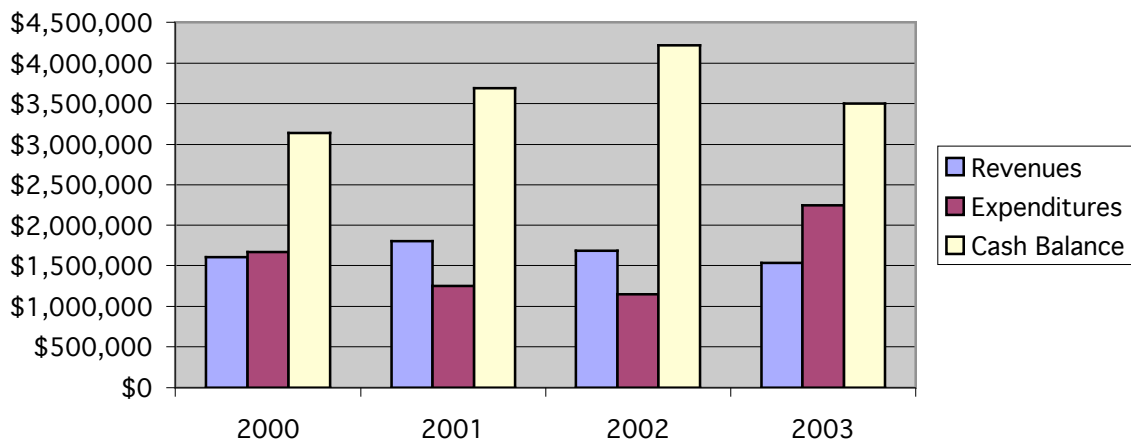
SOURCE: TRVWMD

## Revenues and Expenditures

As shown in Exhibit 4 below, the district's annual expenditures increased from \$1.7 million in FY 2000 to \$2.3 million in FY 2003, while revenues declined slightly to a four-year low of \$1.5 million in FY 2003. FY 2003 was the only year of the four fiscal years reviewed that the district received no federal revenues to help fund operations.

The district's Executive Director stated that the TRVWMD retains a large cash balance for emergency projects and for building a district office in calendar year 2004. The district's cash balance grew from \$3.1 million in FY 2000 to \$4.2 million in FY 2002 and declined to \$3.5 million in FY 2003. The FY 2003 decline was due to the district's use of part of its cash balance to fund operations, as FY 2003 revenues were insufficient to cover FY 2003 expenditures.

**Exhibit 4: TRVWMD Revenues, Expenditures, and End of Year Cash Balances for Fiscal Years 2000 through 2003**



SOURCE: TRVWMD's FY 2002 through 2005 budget requests and TRVWMD financial records

## Revenues

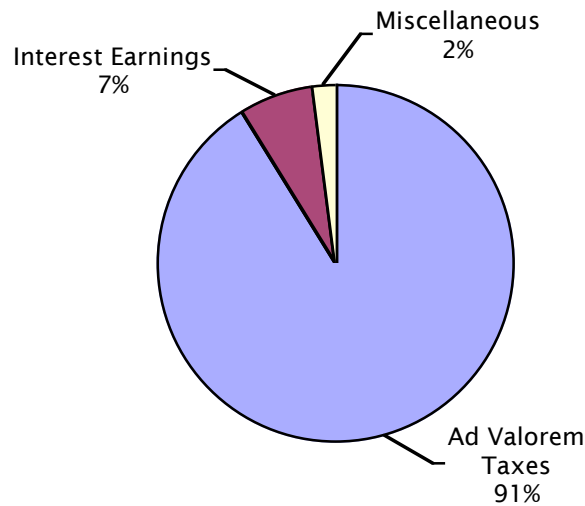
As shown in Exhibit 5 on page 10, ad valorem taxes collected from its twelve member counties are the TRVWMD's primary source of revenues (91% of total).

In 1980 the Legislature enacted Chapter 505, *Laws of 1980*, subsequently amended by Chapter 5, First Extraordinary Session, *Laws of 1981*, which affected the ad valorem tax revenues that water management districts may collect. Prior to this enactment, such districts collected a half-mill local ad valorem tax and were authorized to retain a portion of the state ad valorem tax authorized by MISS. CODE ANN. Sections 27-39-1 and 27-39-3 (1972). The 1980 legislation repealed the state ad valorem tax but required counties to levy local ad valorem taxes sufficient to generate revenues equal to those collected in the fiscal year immediately prior to October 1, 1982. Thus the Legislature ensured that the counties would levy taxes necessary to maintain the district at the level of funding provided to it prior to October 1, 1982, but did not mandate any additional local support.

Additional sources of income to the district include interest earnings on the investment of its cash balance (7%) and miscellaneous sources (2%), such as occasional sale of timber and land. Also, during fiscal years 2000 through 2002, the district received federal funds totaling \$85,655.

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## Exhibit 5: TRVWMD FY 2003 Revenues, by Type



Total Revenues: \$1,532,866

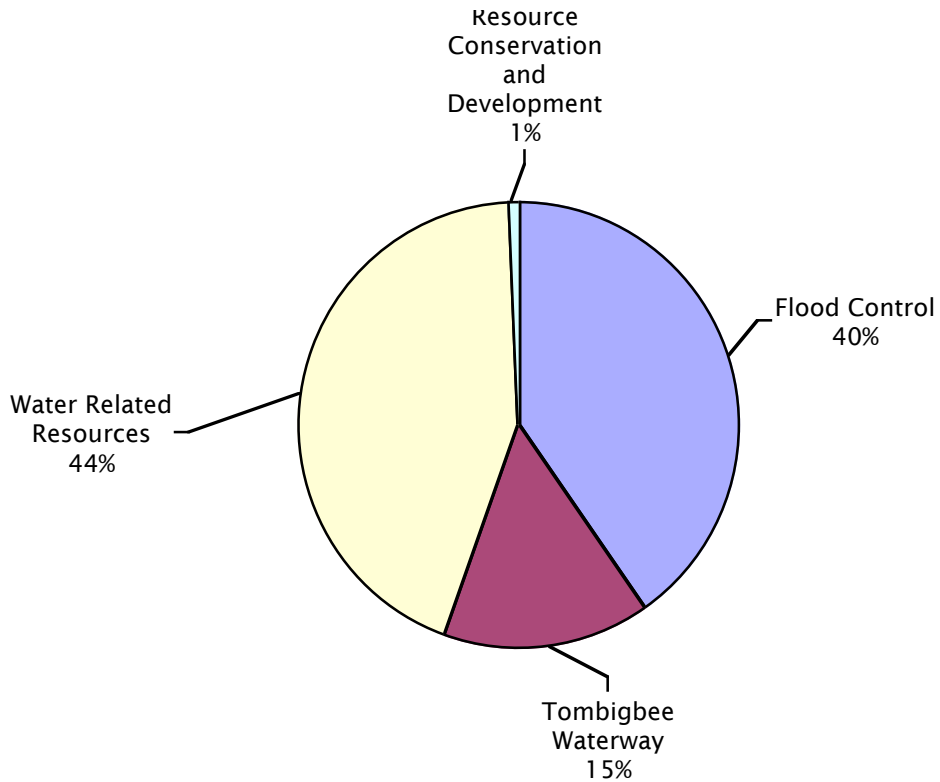
SOURCE: TRVWMD

### Expenditures

As shown in Exhibit 6 on page 11, in FY 2003, the majority of the district's expenditures (44%) were for water-related resource projects, followed by flood control (primarily tributary clearing) projects (40%), Tennessee-Tombigbee Waterway projects (15%), and resource conservation and development projects (less than 1%). A discussion of the district's activities in each of these program areas begins on page 14.

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**Exhibit 6: TRVWMD FY 2003 Expenditures, by Program**



**Total Expenditures: \$2,249,199**

SOURCE: TRVWMD

### The TRVWMD's Intergovernmental Partners

The TRVWMD engages in significant intergovernmental cooperation (including formal cooperative agreements and project agreements with other governmental entities) in achieving its program purposes. The district's primary intergovernmental partners are: the Forestry Commission; the Department of Wildlife, Fisheries and Parks; the Department of Environmental Quality; the U. S. Army Corps of Engineers; the Natural Resources Conservation Service (NRCS) of the U. S. Department of Agriculture; the Tennessee Valley Authority; member counties; soil and water conservation districts; and watershed drainage

districts. Appendix A on page 25 describes the nature of the relationship between the district and each of these partners.



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## Is the Tombigbee River Valley Water Management District achieving its statutory mission?

**The Tombigbee River Valley Water Management District is successfully serving two primary purposes--flood control and development of water-related resources to promote economic development--within its very broad discretionary statutory authority.**

As discussed on page 5, the Tombigbee River Valley Water Management District has very broad statutory authority to utilize, develop, conserve, and regulate waters of the Tombigbee River, its tributaries, and its overflow waters. Within this broad authority, the district has chosen to serve two primary purposes that focus on flood control (e.g., Tombigbee River tributary clearing, bank stabilization, and bridge repair and replacement) and development of water-related resources to promote economic development (e.g., assistance to local governmental units in creation of multi-county water and sewer districts). Appendix B on page 29 lists each element of the district's statutory authority and a brief description of the activities that the district carries out pursuant to its statutory powers.

Limitations on the district's programmatic focus are the:

- absence of growth in the district's primary funding source, county ad valorem taxes, since the Legislature set required contributions at the level of funding provided to it prior to October 1, 1982;
- expertise of the current staff (primarily civil engineers and maintenance workers); and,
- presence of numerous other federal, state, and local entities with responsibilities related to water resource management within the district (including a district work schedule for tributary maintenance set in conjunction with the U. S. Army Corps of Engineers).

While the district has chosen to emphasize flood control and water-related resource development, it is successfully performing the activities within its focus as evidenced by internal and external performance reviews (refer to discussion on page 17).

## Description of the TRVWMD's Program Activities

The TRVWMD's five-year strategic plans from 1999-2003 to 2004-2008 show that the district's program priorities are: (1) flood control projects; (2) Tennessee-Tombigbee Waterway projects; (3) water-related resource development; and (4) resource conservation and development projects. The following sections discuss the TRVWMD's projects in each of these areas and how internal and external evaluators have assessed the effectiveness of these projects.

Also, while the district does not operate a specific program for recreation, the TRVWMD has chosen to help fund development of recreational opportunities within the district. Specifically, the district helped to create Trace State Park in Pontotoc County by using district funds to match federal funds from the Appalachian Regional Commission and the U. S. Department of Interior Bureau of Recreation. The TRVWMD also developed Elvis Presley Lake and Park outside of Tupelo on land owned by the district by using district funds to match federal funds from the U. S. Department of Agriculture's Natural Resource and Conservation Service. At the district's request, the Legislature transferred ownership of the property to the Mississippi Department of Wildlife, Fisheries, and Parks on January 31, 2003.

### Flood Control Program

The objective of the TRVWMD's flood control program is to prevent the flooding of homes, erosion of farmland, and washing out of roads and bridges within the district. It attempts to accomplish this objective by carrying out the following types of projects along the Tombigbee River and its tributaries: stream bank protection and stabilization, channel modification and maintenance (including clearing, snagging, and drift removal), and bridge construction and maintenance.

**District staff rank flood control project requests based on importance/severity of need as determined by a visual inspection.**

The primary sources of requests for district flood control projects are the member county boards of supervisors and the U. S. Army Corps of Engineers (resulting from its annual inspections of all of the tributaries of the Tombigbee River). District staff rank flood control project requests based on importance/severity of need as determined by a visual inspection of requested project locations and recommend to the district's board of directors which projects to undertake.

During calendar years 1997 through 2002, the district completed 142 flood control projects (between 14 and 35

projects annually). These projects varied in budget size from \$70 to \$58,132, with eighty-one percent of the projects having budgets of less than \$10,000. As of June 6, 2003, the district had accumulated a backlog of about 87 project requests (estimated to cost at least a total of \$1.6 million) that it estimates will take two years to complete.

The TRVWMD divides its flood control projects into the following four categories:

- small projects;
- emergency watershed protection projects (a grant program funded by the Natural Resource Conservation Service of the U. S. Department of Agriculture);
- U. S. Army Corps of Engineers projects; and,
- watershed drainage district projects.

**From 1997 through 2002, the district completed 142 flood control projects varying in budget size from \$70 to \$58,132.**

Also, through FY 2003, the district divided the flood control projects that it funded entirely with its own funds into one of two categories: projects of a local nature (generally within one county) or district-wide projects (projects that may extend beyond a single county). Through FY 2003, the district maintained a separate pool of funds (totaling \$438,618 in FY 2003) for expenditure in each member county on flood control projects of a local nature.

A discussion of the district's four categories of flood control projects follows.

### ***Small Projects***

The TRVWMD "small projects" cost \$10,000 or less. In order to perform a small project, the district must receive a resolution requesting its assistance from the member county in which the work is to be performed.

### ***Emergency Watershed Protection Projects***

The TRVWMD's emergency watershed protection projects usually focus on either debris removal or levee repair. The Natural Resources Conservation Service funds 75% of the cost of these projects, while the district funds the local 25% match. The TRVWMD staff provide all of the labor on emergency watershed protection projects. These projects require a formal agreement between the district and NRCS and board approval.

### ***U.S. Army Corps of Engineers Flood Control Projects***

The district's U. S. Army Corps of Engineers flood control projects are projects performing necessary maintenance on tributaries within the state of Mississippi authorized by the U. S. Congress in the 1958 U. S. Flood Control Act. The authorized tributaries are: Big Brown Creek, Chuquatonchee Creek, Donivan Creek, James Creek, Luxapalila Creek, Mantachie Creek, Stanefer Creek, Twenty-Mile Creek, Little Brown Creek, Old Town Creek, Buttahatchie River, Tibbee River, Catalpa Creek, Line Creek, Sakatonchee Creek, North Canal, South Canal, Johnson Creek, Trim Cane Creek, Sun Creek, Sipsey River, and Noxubee River. In a 1963 resolution adopted by the TRVWMD Board of Directors, the board agreed to maintain these tributaries working in cooperation with the U. S. Army Corps of Engineers.

### ***Watershed Drainage District Projects***

These are maintenance projects within the jurisdiction of the watershed drainage districts. The TRVWMD has formal agreements with the six watershed drainage districts located within its boundaries (Big Brown Creek, Chiwappa, Chuquatonchee, Houlika, Town Creek, and Tuscumbia) to perform these projects. These are requested by, scheduled, and wholly reimbursed by the drainage districts.

## **Tennessee-Tombigbee Waterway Projects**

**The district conducts two to three projects annually along the Tennessee-Tombigbee Waterway.**

Under this program, the district works through local, state, and federal agencies to complete and repair projects along the Tennessee-Tombigbee Waterway, such as recreational and industrial projects (e.g., boat ramps, access roads, industrial site preparation). Since the U. S. Army Corps of Engineers is responsible for operating and managing the Tennessee-Tombigbee Waterway, the district only conducts two to three projects along the main waterway annually.

## Water-Related Resources Program

**According to the district's FY 2005 budget request, its water-related resource program will focus on development of a regional water resource plan and will provide water-related recreational and industrial sites as needed.**

According to the district's FY 2005 budget request, the district's water-related resource program will focus on development of a regional water resource plan to ensure adequate quantities of quality water for the future and will provide water-related recreational and industrial sites as needed within the district. Historically, this third program area has included district activities related to the development of water-related resources (e.g., the funding of a study of groundwater sources in Kemper and Noxubee counties), the development and management of water supply sources (e.g., planning studies to address future water needs for jurisdictions in the region), and the provision of water to industrial sites for economic development purposes (refer to Appendices B and C on pages 29 and 31 for examples of the district's water-related resources projects). TRVWMD conducts background analysis and planning studies and obtains grant monies necessary for the formation of water supply organizations in the region. TRVWMD is currently sponsoring the formation of a water supply and sewer district to include the district's southernmost six member counties.

## Resource Conservation and Development Program

**The district conducts one or two projects annually in this program area.**

The objective of this fourth district program is to serve as project sponsor for northeast Mississippi with the Natural Resources Conservation Service for projects such as forestry, wildlife, and recreation. The district only carries out one or two projects annually in this program area. Currently, the district has one active resource conservation and development program project involving improvements to Kemper County Lake.

## Effectiveness of the TRVWMD's Flood Control Projects

**While both internal and external evaluations of the district's flood control projects state that the district is doing a good job of carrying out these projects, none of the evaluations include true outcome measures, such as reduction in the number of homes and acres flooded.**

### Internal Evaluations

The TRVWMD monitors its own project effectiveness by inspecting each project site before and after completion of

the project and making before-and-after slides to document the inspection and the nature of the work. District staff maintain an archive of these project slides and present them to the board for their review during regularly scheduled meetings.

In its annual budget request to the Legislature, which includes self-reporting of the district's performance, the TRVWMD uses the same measure of program outputs for each of the four program areas: total number of projects in each program category.

**The district's output measures should include information directly related to its primary purposes. The district should also have outcome measures showing the direct effect of its efforts.**

Outputs are the products or services delivered by the program. In addition to reporting the total number of projects, the TRVWMD's output measures should include information directly related to the entity's primary purposes—e.g., the number of acres (or some other measure) cleared for flood control.

Program outcomes should represent the results of an entity's outputs (products or services). The district should have outcome measures showing the direct effect of the district's efforts—e.g., number of acres (or some other measure) that did not experience flooding from the river or its tributaries during the period reviewed in areas affected by the district's projects.

## External Evaluations

The district's federal partners on projects provide external evaluations of the district's project work. For example, the U. S. Army Corps of Engineers and the Natural Resources Conservation Service of the U. S. Department of Agriculture include oversight and quality control requirements (e.g., required project status reports by the district, required approvals of any changes in the district's work plan by a federal contracting officer for the project, final inspections by the federal partner to determine whether all work on the project has been performed in accordance with specifications and the plan of operations) as a routine part of every intergovernmental agreement or contract that TRVWMD enters into with them.

The U. S. Army Corps of Engineers requires the TRVWMD to make semi-annual performance (or status) reports on each of its Tombigbee River tributary projects. These projects include the maintenance work conducted by the TRVWMD for the corps on approved Tombigbee River tributaries (see Appendix A on page 25). The corps also annually inspects each of the district's flood control and streambank erosion projects (the tributaries listed above and some related creeks and branches) and conveys the results of the inspections to the district by letter.

During calendar years 1997 through 2002, the corps inspected 102 Tombigbee River tributary projects conducted by the district and recommended additional work on seventeen of these projects. For example, the corps' latest annual inspection letter (dated December 27, 2002, and covering twelve projects) concluded: "The only project that needs some additional maintenance is the County Line Road Bridge over Mantachie Creek Project. Corrective Action should be taken to remove the woody growth on both sides of the bridge." In an interview with PEER staff, corps inspectors stated that their specific corrective recommendations are minor in the scheme of the overall work successfully conducted by the district on each project.

All of the district's flood control projects that are jointly undertaken with the Natural Resources Conservation Service have a standard requirement in the cooperative agreement between the TRVWMD and the NRCS stating that the NRCS will conduct a final inspection of the district's completed work to determine whether all work has been performed in accordance with specifications and the plan of operations.

The level of detail in the NRCS's cooperative agreements with the district is evident in the following example taken from the NRCS-funded Magby Creek Debris Removal project dated August 9, 2001:

*Scope: Work to be performed under this specification will consist of furnishing all equipment, labor, materials, supplies, fuel, and power required to remove the debris, leaning trees and any other obstructions from Magby Creek in Lowndes County, Mississippi, from Gardner Boulevard to Lehmborg Road. These obstructions are the result of a tornado that occurred on February 16, 2001. Debris Removal: This debris removal will require the cutting and removal of leaning trees and accumulated debris in an effort to establish an unobstructed flow area in the channel. This unobstructed flow area will be the entire width of the stream. Work will be done at low flow so that an unobstructed flow channel is available during flood flows. Except as required for access, trees outside the obstructed area will not be disturbed and no stumps will be removed from the channel or banks. Leaning trees and trees not firmly attached to the bank shall be removed. All trees that are cut within the inside banks of*

*the channel will be removed the same day they are cut.*

The NRCS inspection form shows a final acceptance of the district's work on the project, with no exceptions requiring further work by the district.

**External evaluations performed by the district's federal partners on projects only focus on output measures, with no measurement of the impact of these work activities on the project's objective of flood reduction/prevention.**

PEER's interviews with the district's primary federal partners yielded uniformly positive assessments of the district's performance on joint projects. A project manager for the U. S. Army Corps of Engineers (Mobile Office) who has directly overseen work on a number of the TRVWMD's flood control projects said that the TRVWMD was the best local sponsor he has ever worked with. He has worked with over one hundred in the last fifteen years. The reasons he believes this are the engineering expertise of the TRVWMD's staff, the staff's knowledge of project working conditions and corps protocol, and the continuity of this knowledge applied to joint projects with several TRVWMD directors.

The external evaluations performed by the district's federal partners on projects only focus on output measures (e.g., number of projects completed). There is no measurement of the impact of these work activities on the project's objective of flood reduction/prevention—i.e., no measurement of outcomes.



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# Is the Tombigbee River Valley Water Management District needed?

A governmental entity is needed to address the risks of flooding and insufficient water resources available for public consumption and economic development needs in the Tombigbee River Basin of Mississippi. The TRVWMD has a river basin perspective on both sets of needs and a minimum mandatory ad valorem tax revenue base to meet needs. Other entities could perform the functions the TRVWMD performs, but would not have the regional focus and interests of the district.

## What public risks does the TRVWMD address?

*The TRVWMD has chosen to address the risk of flooding in the Tombigbee River Basin and the risk of not having sufficient water resources available for public consumption and economic development needs.*

State government is responsible for protecting the public's health, welfare, and safety. When risks to these exist, government entities must take measures to diminish or eliminate the potential for risk.

**The TRVWMD Board of Directors regards the clearing and maintenance of the Tombigbee River's twenty-two tributaries as directed by the U. S. Flood Control Act of 1958 and a 1963 TRVWMD Board resolution as a continuing local obligation.**

The TRVWMD has chosen to address the risk of flooding in the Tombigbee River Basin, primarily through tributary clearing and bank stabilization, as well as bridge replacement and repair. The flooding risk is evidenced by such incidents such as the Tombigbee River Flood of 1948, during which damage was extensive, highway and rail transportation were interrupted, more than 500 county bridges were damaged or destroyed, and hundreds of families were evacuated from their homes. The TRVWMD Board of Directors regards the clearing and maintenance of the Tombigbee River's twenty-two tributaries as directed by the U. S. Flood Control Act of 1958 and a 1963 TRVWMD Board resolution as a continuing local obligation. The TRVWMD also addresses current and future water needs and economic development needs of the region. The district engages in studies of future surface and subsurface water supply, assists in the development of multi-county water-sewer districts, engages in port and industrial site development on the Tombigbee River, and delivers infrastructure and water to new manufacturing concerns such as the Eurocopter (i.e., a European helicopter manufacturer) facility. For the reasons noted

on page 13, TRVWMD has chosen to fulfill these two primary purposes within its broad discretionary statutory authority. As also noted on page 13 of this report, the district is successfully serving these purposes.

Thus the flooding risk and risk of not having sufficient water resources available for public consumption and economic development needs exist in the Tombigbee River Basin and the TRVWMD has addressed the risk. The subsequent question to determine the need for the district is whether other entities perform the same functions that TRVWMD is statutorily charged with performing.

## Could other entities perform the same functions that the TRVWMD is statutorily charged with performing?

*Other governmental entities could perform the same functions as the TRVWMD, but probably would not have the regional focus and interests that the TRVWMD has.*

Other governmental entities in the region are involved in water resource management (see Appendix A, page 25). However, no other multi- or single-purpose governmental entity has the entire Tombigbee River basin as its jurisdiction and the same regional perspective on flood control. Also, no other entity is positioned to promote coordination and cooperation among other governmental stakeholders in the utilization and development of water resources in the region as the TRVWMD is.

**There is a continuing need for the TRVWMD's services evidenced by formal agreement with the U.S. Army Corps of Engineers to be the local sponsor for the corps' work on the Tennessee-Tombigbee Waterway.**

The larger governing bodies (such as the federal ones) are super-state compacts (such as the Appalachian Regional Commission) or multi-state (or parts of them) administrative units (such as the Army Corps of Engineers regions). The other within-state organizations are either single-purpose in nature (e.g., the drainage districts with local commissioners focus only on flood control—and the TRVWMD has service agreements with them) with smaller geographical jurisdictions and missions and limited tax resource bases or they focus on other policies and programs (e.g., the soil and water conservation districts emphasize agricultural programs and practices and education).

There is also a continuing need for the TRVWMD's services evidenced by formal agreement with the U. S. Army Corps of Engineers (under federal statute) to be the local sponsor for the corps' work on the Tennessee-Tombigbee Waterway and other formal local agreements with other governmental entities. The district has ongoing

agreements with six drainage districts in the region (for maintenance work on dams and creeks) and an agreement with Northeast Mississippi Community College for it to manage the environment education center at Crow's Neck in Tishomingo County. The district also has eighty-seven projects previously requested by member counties. Its work also involves the U. S. Army Corps of Engineers' annual assessment of the twenty-two Tombigbee River tributaries (and the corps' requests for maintenance/repair needs on the tributaries).

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## Recommendation

In order to improve evaluations of its effectiveness, the TRVWMD should develop outcome measures for each of its programs. For example, the district could measure the effectiveness of its flood control program by tracking the number of homes and acreage flooded in areas affected by its projects.

# Appendix A: Relationship Between the TRVWMD and its Federal, State, and Local Government Project Partners

Partner	Types of Grants Available to TRVWMD from Partners	Match Rates	Description of Relationship	
Federal:				
	U. S. Army Corps of Engineers	(a) Flood Control: Section 205, 1948 Flood Control Act, as amended (federal) (b) Emergency Streambank and Shoreline Protection: Section 14, 1946 Flood Control Act, as amended (federal) (c) Project Modifications for Improvements to the Environment: Section 1135, 1986 Water Resources Development Act, as amended (d) Snagging and clearing for flood control; Section 208, 1954 Flood Control Act, as amended (e) Section 215, 1968 Flood Control Act	Fed/Non-Fed (a) 65%/35% (b) 65%/35% (c) 75%/25% (d) 65%/35% (e) 100% cost reimbursement of certain projects	The TRVWMD is a “local sponsor” for corps projects on the Tombigbee River within the state of Mississippi (as required by federal statute); the corps is a primary funder of projects undertaken by the TRVWMD that qualify under statutes and programs listed in the “Types of Grants” column of this appendix; the corps is an oversight agent for the work the TRVWMD does in maintaining and improving Tombigbee River tributaries addressing flood control
	U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)	(a) Emergency Watershed Protection projects: PL 81-516, Emergency	Fed/Non-Fed (a) 75%/25% (b) 100%/0% (local sponsor pays)	The TRVWMD is a “local sponsor” for NRCS projects in the Tombigbee basin; NRCS is the primary funding agency,

		<p>Watershed Protection Program (federal); PL 95-334, Agricultural Credit Act (Title IV)</p> <p>(b) Resource Conservation and Development projects (under various authorities, e.g., Presidential Executive Order 12898 on Environmental Justice)</p>	<p>excess project costs)</p>	<p>either directly (through the statutes and federal programs listed) or indirectly (as NRCS funds watershed improvements through the watershed drainage districts, which in turn contract with and reimburse the TRVWMD for the work on these projects); NRCS oversees the quality of the TRVWMD's work on all funded projects through inspections</p>
	Tennessee Valley Authority	<p>Under the Tennessee Valley Authority Act of 1933, the TVA can make grants of varying amounts and for a variety of purposes relating to water quality improvement, economic and industrial development, watershed protection, and environmental education</p>	<p>TVA's funding of joint projects has varied in percentage of federal to local contributions.</p>	<p>The TVA provides primary funding for a range of economic and industrial development projects and educational activities in which the TRVWMD is a participant (e.g., Yellow Creek State Port, Crow's Neck Environmental Education Center). TVA also reviews project budgets and provides technical advice and assistance on joint projects.</p>
	State:			
	Department of Environmental Quality			<p>DEQ provides a TRVWMD Board of Directors member; the TRVWMD undertakes joint projects with DEQ such as recent study of quality and quantity of sub-surface water in Kemper and Noxubee counties; DEQ is partner on proposed</p>

				six-county surface water and sewerage disposal district in southern part of the TRVWMD
	Department of Wildlife, Fisheries and Parks			Department provides a TRVWMD Board of Directors member; the TRVWMD undertakes joint projects with department, such as development of Elvis Presley Lake and Park (turning ownership over to department in 2003); improvements and maintenance funded and carried out at Kemper County Lake and Park (which is under department management)
	Forestry Commission			Commission provides a TRVWMD Board of Directors member; the TRVWMD helps administer the Forestry Management Plan developed jointly with commission; the TRVWMD oversees activities in conformance with that plan, such as overseeing the harvest of designated timber in the basin
Local:				
	Watershed Drainage Districts	These are single-purpose special districts within the Tombigbee River basin focusing on flood control by building and maintaining dams, creek beds, and lakes in their territory.	The TRVWMD does maintenance work on drainage district water-related property at cost and is reimbursed 100% by the drainage districts	The TRVWMD has formal cooperative agreements with all six active drainage districts in the Tombigbee River basin—Tuscumbia, Chiwappa, Big Brown Creek, Chuquatonchee, Town Creek, and Houlka—to help meet their maintenance needs on the waterways in their

				jurisdictions.
	Soil and Water Conservation Districts		100% reimbursement	They give the TRVWMD funds for rehabilitating dams.
	Member counties			Counties provide funds to TRVWMD; propose projects; share costs, materials, and labor on projects

SOURCE: U. S. Army Corps of Engineers, U. S. Department of Agriculture Natural Resources Conservation Service, Tennessee Valley Authority, and the TRVWMD.



## Appendix B: Comparison of the TRVWMD's Statutory Powers to its Work Activities

Statutory Power	Brief description of activities
Develop plans for public works of improvement for floodwater prevention and conservation, utilization of water in cooperation with state and federal agencies	Long-term agreement with U. S. Army Corps of Engineers for maintenance and improvement (for flood control) of Tombigbee River's 22 tributaries; the TRVWMD's semi-annual report to corps on tributaries' status and annual corps evaluation of district's maintenance work; Section 205 and Section 14 projects jointly funded with the corps; Emergency Watershed Protection projects jointly funded with the Natural Resource Conservation Service; joint planning studies for utilization of water with Department of Environmental Quality (e.g., planning for multi-county water and sewer district in southern part of district; district carries out numerous studies of quantity and quality of water in member counties; district develops and maintains test wells for DEQ)
Enter into agreement with U. S. Army Corps of Engineers to meet the requirements of local cooperation for flood control and navigation projects	See above; navigation work has included industrial port development on the Tombigbee and building boat ramps on the Tombigbee and its tributaries
Impound overflow waters by building dams, reservoirs, public works, plants	Supports dams built by watershed drainage districts in the Tombigbee basin through formal cooperative agreements with the six active drainage districts for maintenance and improvement work on their dams and waterways; development and improvement of lakes like Elvis Presley Lake and Kemper County Lake
Acquire and develop other water useful to the project area and develop facilities therein	
Forest and reforest; prevent soil erosion	little program activity in forest management (beyond occasional sales of timber and oversight of timber harvesting); administers the Forestry Management Plan in the basin area developed with the Mississippi Forestry Commission
Store water for irrigation and prevention of water pollution	no program activity in the area of irrigation (no demand for this service in northeast Mississippi) or pollution abatement (this function is performed by the Mississippi Department of Environmental Quality)
Acquire property necessary for district projects by eminent domain	
Overflow and inundate public lands within the project area	

Construct facilities within the project area necessary to the project	According to an Attorney General's opinion, this power includes the building and repair of bridges; various facilities have been built by the TRVWMD, including bridges, industrial port facilities, boat ramps, recreation facility improvements at lake parks, facility development at Crow's Neck Environmental Education Center
Apply for and accept grants from the federal government to construct, maintain, operate projects	See Appendix A
Enter into contracts with municipalities, corporations, districts, political subdivisions of any kind	Most of the TRVWMD's contracts and project agreements are with its 12 member counties; the district also has specific contracts or project or cooperative agreements with municipalities, districts (like the watershed drainage districts), state agencies like the Forestry Commission, the Department of Environmental Quality, and the Department of Wildlife, Fisheries and Parks, and federal agencies such as the Department of the Army (U. S. Army Corps of Engineers), U. S. Department of Agriculture (Natural Resources Conservation Service), and Tennessee Valley Authority. For example, TRVWMD develops joint water-sewer districts in the region (e.g., six-county Prairie Regional Water-Sewer District currently being developed); studies water resource needs for development of Gulf Ordnance Plant (2,400 acres owned by MSU); Eurocopter facility in Lowndes County (brought industrial wastewater piping to project)
Operate plants works of other facilities within a municipality	
Aid in prevention of damage to property caused by waters from the Tombigbee River or its tributaries	See flood control activities in Appendix A
Carry out the functions of a joint water management district	

SOURCE: PEER analysis

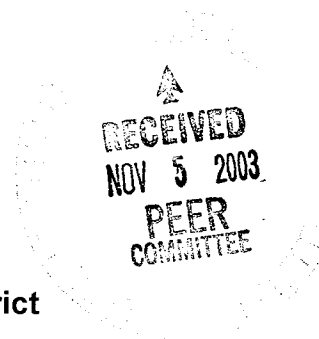
## Appendix C: Examples of the TRVWMD's Projects Completed in FY 2003, by Major Project Category

Project Category		Project Description
Flood Control		
	Small (under \$10,000 cost)	Cleared creek bed along County Road 1213 in Lee County to prevent flooding
	Emergency Watershed	Cleared bed of Hinkle Creek to prevent flooding
	U. S. Army Corps of Engineers	Cleared creek beds and put up rip rap near bridges on Wolf Creek/Osborne Creek near Frankstown (state road 362)
		Cleared end of Twenty Mile Creek along Chapellville Road, Lee County to prevent flooding by removing debris and obstruction
		Cleared creek bed of Twenty Mile Creek along Highway 45 to prevent flooding
	Watershed Drainage District	In agreement with Chuquatonchee Drainage District, TRVWMD removed drifts located north of the Chickasaw/Clay county line. Project was 100% reimbursed by drainage district.
Tennessee-Tombigbee Waterway		TRVWMD approved funding of \$50,000 for dredging at Lowndes County Port. \$50,000 was local match for \$300,000 project.
Water-Related Resources		TRVWMD approved up to \$100,000 to assist Lowndes County with the water-related infrastructure for the Eurocopter facility at Golden Triangle Regional Airport. This includes industrial water piping, water production, water transportation, water storage, water supply, wastewater treatment, etc.
Resource Conservation and Development		Cleared ditch of debris in Pine Grove Community to address a flooding problem and a potential health hazard (mosquito breeding; West Nile virus hazard). District provided the 25% local funding match.

SOURCE: PEER analysis of the TRVWMD's files.



# Agency Response



STATE OF MISSISSIPPI  
**Tombigbee River Valley Water Management District**

JIMMIE D. MILLS  
EXECUTIVE DIRECTOR

November 3, 2003

Dr. Charles H. Moore, Senior Evaluator  
Performance Evaluation and Expenditure Review  
Post Office Box 1204  
Jackson, MS 39215-1204

Dear Dr. Moore:

Thank you for the opportunity for Mr. Henry Applewhite and me to review the Performance Evaluation and Expenditure Review draft report of the District.

The draft report seems to place disproportionate emphasis on the narrow duty of the District's tangible accomplishments with its manpower and equipment usage by the District's maintenance field personnel crews on tributary and drainage projects as this explains only a small part of the overall, everyday accomplishments of the District. Naturally, these physical projects are important and crucial to our member counties and to the members of the general public in the areas of the projects, but we do not believe this gives a complete picture of the District.

We believe that the more intangible accomplishments including the wise use of available funds especially in partnership with other agencies should likewise be explained.

We respectfully suggest and request you to consider an equal emphasis should be given to these more intangible but very worthwhile tasks that the District performs primarily with its administrative personnel through valuable contacts and associations with local, state, and federal agencies to manage and improve water and other natural resources, to promote a balanced economic development of the region, to enhance recreational opportunities, and to improve the quality of life of the citizens of this area of the state. Examples of such more intangible but clearly beneficial endeavors are the following:

1. Partnering with local, state, or federal agencies to promote the formation of regional water and/or sewer districts such as those in the Tri-County areas of Alcorn, Prentiss, and

2. Tishomingo Counties and in the proposed Prairie Regional Water Supply and Sewer District in Chickasaw, Clay, Monroe, Lowndes, Noxubee, and Kemper counties.
  - a. When available, the District serves as the federal sponsor to obtain federal funding to promote these projects;
  - b. The District's administrative personnel work with the local counties and the appropriate state or federal agencies to promote the formation of these regional water districts.
  - c. The benefits of such regional water districts include:
    - i. Conserving ground water resources by utilizing surface water;
    - ii. Bringing these Tennessee-Tombigbee Waterway surface water withdrawal ideas to the local counties before the efforts are made in the adjoining States of Tennessee and/or of Alabama to oppose such permitting; and
    - iii. Promoting the balanced economic development of our area by attracting large industries that need assurances of sustained levels of water supply and/or sewer services which industries would of course employ people in the District's member counties;
3. Working with our member counties to promote the balanced economic development of this area of the state. For example:
  - a. Upon the request of Lowndes County, the District provided certain funding to assist with the industrial water piping and related water needs for the Eurocopter industrial facility at the Golden Triangle Airport. We understand that this project could serve as a catalyst for other high tech. jobs in this area of the state.
  - b. Upon the request of Chickasaw, Clay, and Monroe counties, the District provided certain funding for a study of publicly owned land known as the former Gulf Ordnance Plant at Frairie, Ms. which area of land the District found would relate to the proposed Prairie Regional Water Supply and Sewer District to help foster the development of this water agency and to promote the economic development of that area.
4. Promoting environmental education such as the District's sponsorship with the U. S. Army Corps of Engineers of the Crow's Neck Environmental Education Center in Tishomingo County wherein Northeast Ms. Community College in partnership with the District is operating this facility.
5. Promoting the conservation of natural resources including water, timber, and wildlife for environmental, recreational, and other purposes through the District's ownership and/or

leasehold interests in the John Bell Williams Game Management area in Prentiss and Itawamba Counties, the 20 Mile Creek property in Itawamba County, and the Kemper County Lake in Kemper County.

- a. The John Bell Williams Game Management area is operated by the District in cooperation with the Mississippi Department of Wildlife, Fisheries and Parks.
  - b. The 20 Mile Creek property area is operated by the District in cooperation with the Mississippi Department of Wildlife, Fisheries and Parks;
    - i. In fact recently, the District executed certain land rights covenants with the U. S. Army Corps of Engineers for a portion of the property to be dedicated for mitigation land to be maintained in its natural state for wildlife and conservation.
  - c. The Kemper County Lake is operated by the District in cooperation with the Mississippi Department of Wildlife, Fisheries and Parks for flood control, water conservation, and recreational activities including camping, boating, and fishing.
6. Working with other regional agencies such as the Tennessee-Tombigbee Waterway Development Authority to monitor proposed federal regulations of the waters of this area of the state such as recently drafted rules proposed by the U. S. Fish and Wildlife Service and by filing the appropriate response that the District believes best for the general public that it serves.


By these partnerships, the District often times uses cost sharing in varying amounts to obtain much greater benefits to its member counties and for the general public than otherwise it could do. If the District were to seek actual funding for all of its projects, its budget request for project costs and personnel would be much larger. In essence, in relation to the projects that the Districts sponsors in one form or fashion either as physical or intangible kinds of projects, we believe that the District is accomplishing much more than the District's budget reflects.

Moreover, by the use of these partnerships and a regional approach, the District is able to sponsor projects that no individual county could do by itself.

These partnerships and goodwill between the District and the state and federal agencies have grown and improved over the years to be one of the most significant accomplishments of the District. However, as these relationships are intangible without field crews, equipment, or "dirt moving", the general public is not fully aware of the benefits and services that the District brings to its member counties and to the public.

If additional information is needed, please advise.

Sincerely,

  
Jimmie D. Mills, P. E.  
Executive Director

mjs



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