



Thursday, June 25, 2020

William McKercher, P.E.
Mississippi Department of Environmental Quality
Dam Safety Division – MDEQ - OLWR
Post Office Box 2309
Jackson, MS 39225-2309

Subject: Yesterday's South Lake Dam #MS00067

Mr. McKercher:

I do not believe I have had the opportunity to meet or talk to you as previously I was dealing with other individuals within your organization. I am unsure how aware you are of the history of this dam or the total lack by the county, other owners of the dam/lake and 48 other residents of this subdivision to contribute to the regulatory requirements and maintenance but I am sure reviewing the documentation in your file will show you that I have been the sole bearer of all of the responsibility even though I only own 4/5ths of the down slope and the spillway - that is it - that is all I own. The other entities own the 12 acre lake, the front of the levee, the top of the levee, 1/5th of the down slope and the West side open space.

I purchased the property from the State in 2012 to protect it from the continued & constant abuse by ATV's, ORV's and dirt bikes not to mention preventing an outside party, which was not affiliated with our community, from purchasing it.

I then solely bore the financial burden to bring the entire levee up to regulatory compliance after years of total neglect and massive abuse, which cost nearly \$6,000, along with spending the time to create the Emergency Action Plan and even more money to travel to the various to get the Emergency Action Plan reviewed, approved and then finally paying for and getting all of the copies distributed.

For the next 7 years, I was the only one that paid to maintain the entire front, top and back of the levee. I also, every year, completed the required Owner's Inspection report to keep us all in compliance.

In 2018, MDEQ mandated a stand of very large trees needed to be removed from the down slope – trees that had been there since before the dam was built by the developer -- who apparently received county approval to do so but none of them sought the required permits from MDEQ, so in essence it is an illegally built high hazard dam with absolutely no disclosure to anyone in this subdivision.

Those trees are on the portion I own and I have tried on two separate occasions to have that area brought into compliance, but at this point, I have simply run out of money (I have personally spent over \$18,000 since 2012). The majority of the trees have been removed, but there is still work that needs to be done.

Unfortunately, I am not able to do so without some help. Help that does not exist in this “community” or from the County. I am a 58 year old single self-employed USAF Veteran and times were hard enough but then came COVID-19 and I am hanging by a thread.

In one of my conversations with Johnathon Atkins from MDEQ, he stated I may be able to apply for a grant with the State to get the funds to complete the work so if you could provide additional information on how I would go about applying, that would be helpful, although I have no clue what amount or what would actually be required to complete the work. All I can do at this point is ask for your help in getting a grant to try to get that portion of the dam into compliance.

When MDEQ mandated an inspection by a Professional Engineer last year, I thought for sure that it would be the catalyst to finally have Yesterday’s South Lake Corp, it’s members and any new residents that might want to join get involved and get things organized but here we are a year later and absolutely nothing has changed.

I constantly see people boating and fishing on the lake that have not paid a dime. I see people fishing from the West side open space that should not be there. There are now vehicles on top of the dam that technically do not have the 'legal right' to be there not to mention that vehicles should not be on the dam due to it's high hazard classification. They have no investment in the taxes, the inspections or the maintenance yet the lack of action/enforcement by the actual owners allows it. Also to note, the inspection was partially completed, but due to the high level of the lake, I do not believe it has been completed and no one has even followed up with the Engineer.

The Tate County EMA has never “checked-in” on the dam even when we’ve had record-breaking rain falls, nor have they ever completed the annual drill as required by the Emergency Action Plan. Any and all requests for assistance have been completely ignored.

I am done trying to corral cats and can only worry about “my portion” from this point forward, along with the EAP. If a grant is not possible or if assistance is not available, then drain the lake.

However, pursuant to your letter dated May 18th, 2020, specifically addressing the items you noted:

- 1.) I have included with this letter a CD that contains the updated Emergency Action Plan as requested.
- 2.) Also on the CD are images from the end of May taken immediately after I had the dam bushhogged.

When I received your notice of violation, I immediately reached out to Yesterday’s South Lake Corp. and Caleb Townsend but have not even received the courtesy of a response. So with regard to the owner’s inspection that is due or the incomplete Professional Inspection -- that responsibility now lies solely with Yesterday’s South Lake Corp.

Lastly, the Professional Engineer had stated that his computations indicated a lesser amount of water (150 acre-feet) in the lake than the amount MDEQ provided me for the breach analysis (228 acre-feet), which may result in a reduced hazard classification. Do you have any thoughts on this?

If you have any questions at all or would like to discuss the above, please feel free to contact me at 662.562.7879.

Regards,

Jill M. Kallos
Friend of the Lake, LLC.
135 Waverly Road
Senatobia, MS 38668