

Hearing dates set for environmentalists' appeal of St. John's water quality permit

By Liz Anderson

Administrative Hearing Officer June Striegel Doughty has set December 8-12 as the dates for a hearing for the Missouri Coalition for the Environment and Environmental Defense's appeal of Water Quality Certification for the St. Johns Project.

The appeal was filed by the environmental groups against the Missouri Department of Natural Resources (DNR), contending that DNR issued the permit without compliance with the State's water quality standards, including the Aquatic Resource Mitigation Guidelines.

Depositions are being taken, and the Corps of Engineers has filed to intervene in the case.

In the meantime, the Corps is proceeding with acquiring various easements they will need to get the project under construction and are discussing purchase of the mitigation land required for the project.

They have to get modified flowage easements on all land below elevation 300 feet mean sea level in the floodway, that they did not acquire during the 1930s. They can condemn to get those easements if they have to.

Those flowage easements are in case they ever have to operate the

Birds Point-New Madrid Floodway. If they do have to operate the floodway, and damage occurs on the land, landowners can sue under the Tucker Act for compensation. The Corps would help them sue.

There is a total of 8,275 acres of mitigation land to be acquired from willing sellers as the construction proceeds, and it must all be acquired before the St. Johns project can be operated. Of that amount, the Corps must purchase 7,200 acres and the remainder will be purchased by the St. Johns Levee and Drainage District.

They do NOT have to have all of the mitigation land purchased before construction begins, but will acquire it as they construct the two pumps and close the levee gap.

The next interagency meeting of the Mitigation Selection Team has been scheduled for December 4. Specific sites are expected to be discussed at that meeting.

There is another 760 acres of cropland that will be acquired, that will be turned into wading ponds for shorebirds. Of that amount, the Corps will acquire 660 acres, and the levee district the remainder.

The idea is to turn cropland into a marsh by building a levee around it,

letting it flood shallowly.

This can be either purchased in fee, or the landowner could retain ownership and give permanent easements on the land. The landowner could then hunt the property, but not farm it.

According to Harris Vandergriff, chief of the Real Estate Division in Memphis, the Corps is in the process of getting letters from landowners willing to sell their land.

He said he doesn't think they will have trouble getting what is required from local landowners for this flood control project.

They also need restrictive channel improvement easements for 64 miles of ditch buffer strips and a wildlife corridor. They need still other easements from landowners for winter ponding, or seasonal flooding easements.

"It's a mapping nightmare," Vandergriff said. But it is proceeding. Some of the land will have more than one easement given. The simplest would be to sell the land outright.

Some land will have overlapping easements, and is being appraised four or five different ways.

"We plan to treat everybody fairly," Vandergriff said, "to protect both the landowner and the taxpayer."