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Subject: FW: [EXTERNAL] St Johns Bayou - New Madrid Floodway DEIS

St Johns Bayou - New Madrid Floodway DEIS (July 2013)

I am submitting comments on the Draft Environmental Impact Statement St Johns Bayou New Madrid Floodway Project (July 2013) on behalf of the Missouri Chapter of the Sierra Club.

The Missouri chapter is comprised of 8,300 members across the state. Our members are dedicated to the Sierra Club purpose, which is "to explore, enjoy and protect the wild places of the Earth; to practice and promote the responsible use of the Earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment..."

We have reviewed the project DEIS and find it sorely lacking in adequate scientific evidence, sound public policy and economic justification to support this project. The project if implemented with cause harm to communities, incur environmental damages and cost taxpayer dollars.

This project contains two components, St Johns Bayou and New Madrid Floodway levee. There is no justification for the New Madrid Floodway levee, the Corps should adopt a no action alternative to that component. There is also inadequate justification for the St Johns Bayou project in any of the alternatives the Corps has developed. However, another alternative, other than the Corps', could address some of the issues raised in the St Johns Bayou component.

We will describe in more detail our opposition to this project, noting where needed the diversion of the two components in the project. The heart of the environmental issues in this project involve wetlands and in particular the connection with and proximity to the Mississippi River.

Missouri is a big river state, with the Mississippi receiving the flows from the Illinois, Ohio and of course the Missouri River, as it borders our state. We are familiar with flooding, backwaters and floodplains. And we know too well that levees inventively only displace high water.

Missouri is also a state with two major flyways, along Missouri and Mississippi rivers. The wetlands along those flyways are essential to their functioning. We are a state that has lost about 80% of our original wetlands. We are relearning their importance to wildlife, water quality, and nutrient cycling and floodwater mitigation through a connection with rivers. Our state agencies, Missouri Department of Resources and Department of Conservation, promote the importance and protection of wetlands.

The proposed New Madrid Levee, if built, would result in the loss of at least 50,000 acres of wetlands and will result in the severance of the last functioning connection between the Mississippi river and its floodplain. This connection is vital to the health of area wildlife, both resident and migratory. This is especially true for fisheries as the backwater wetlands and river connection provide essential spawning and feeding habitat. The U.S. Fish and Wildlife Agency, Department of the Interior, and Missouri Department of Conservation have noted the irreplaceable status of this river, wetlands, and floodplain connection. Furthermore the riverfront section targeted by this project is the last functional connection between the Mississippi river and its floodplain in MO.

The St Johns Bayou component of the project if implemented would also result in loss of wetland acres. Completion would require costly pumps, requiring ongoing management.

The number of impacted wetland acres in both components have been underestimated by the Corps due in part to their over reliance on Hydrogeomorphic Method of wetlands assessment. This is a flawed method that has many limitations, one of which is measuring hydrologic changes, the very issue at stake here. The Department of Interior, the Missouri Interagency Team and others have discouraged the use of this method. Differences in values placed on farmed wetlands are another disadvantage of this method.

In many instances the Corps has ignored questions and recommendations of the Independent External Peer Review Panel. A few of those deficiencies in the DEIS include issues of food availability to wildlife, cumulative impacts, hydrologic changes, the role of a flood pulse, and the number of acres impacted.

The DEIS is also inadequate in its assessment of the proposed mitigation acres and activities. The Corps has not responded to many questions and issues raised by the IEPRP regarding mitigation. The cost, initial and ongoing, are not clarified to the degree that is needed to make evaluations needed. The real possibility of failure to obtain the acres needed or obtain the funds for mitigation is not addressed. And of course the mitigation offered does not and cannot compensate for the lost wetland/floodplain/river connection in the New Madrid Floodway Levee component.

The DEIS includes proposed mitigation for Big Oak Tree State Park. The park has been in need of improved hydrology for decades and the Corps could pursue a separate project for those improvements. Instead the Corps has waited to include tenuous improvements in this overall harmful project. Part of the Corps mitigation for the park is the purchase of additional adjacent acres from voluntary sellers. But there is no guarantee that those acres would be available or that even the funds would be either. Any potential improvement to the park would not offset the damage of the overall project.

The Corps did not develop an adequate range of alternatives. The St Johns Bayou area is behind levees and partially as a result of that has drainage problems. This project component could have addressed those drainage issues with an alternative including effective low impact measures such as improved municipal drainage systems, elevating road segments, limited targeted and voluntary buy out options. Instead all the Corps' alternatives include drainage pumping, which is targeted at agricultural acres, not residential improvements.

The proposed project would increase development in the floodplain, make future floods more damaging and would make use of the designated floodway more costly. Any use of the designated floodway has faced local opposition and resulting delays. It is very clear from public remarks at hearings and written comments that both the levee and the drainage pumps will result in more physical infrastructure in the area. This will only increase opposition to the designated floodway. Ironically the area proposed to be closed by the levee was once viewed by the Corps as an outlet for backflow of high waters. Ironically also the Corps has failed to appreciate and adequately account for the inevitable displacement flood waters by this levee. Thus many communities in southern MO, IL and western KY communities fear the impact of the levee for them will be more high water.

The economic evaluation of the project is grossly inadequate. It relies on scant information from old data, outdated methodology, inadequate evaluation of environmental costs and over estimation of any economic benefits. Key information is also lacking, such as actual documentation of flood damage or on the elevation of many of the features, natural and manmade, the Corps claims will benefit from the project. The Corps has not clarified what high water protection benefits the proposed levee height will provide and how that compares to past events. The Corps' admitted benefit from this project is more intensive agriculture even though agriculture is thriving in both areas. We reference the economic analysis of Dr.

Sweeney as included in comments submitted by the National Wildlife Federation for further information on the DEIS economic analysis.

In conclusion we reference all comments submitted by the National Wildlife Federation on this project. The Corps project is not in compliance with the Clean Water Act, the Water Resources Development Acts, the Emergency Wetlands Protection Act, the 1985 and 1990 Farm Bills, the Conservation Reserve Program, Wetlands Reserve program, the Federal Agricultural Improvement Act of 1996 and Executive Orders 11990 and 11988.

We oppose the project and ask that the Corps select the no action alternative. The Corps should not further pursue the New Madrid Floodway levee project. However, per our comments above, low impact options for drainage improvements in the St Johns Bayou area could be an appropriate separate project for the Corps, but the DEIS does not offer that alternative.

If the Corps does not reject this project the Environmental Protection Agency should exercise its 404c authority to veto the project under Section 404(c) of the Clean Water Act, and call on the Department of the Interior to refer the project to the Council on Environmental Quality pursuant to 42 U.S.C. § 4344.

Thank you for consideration of our comments.

Caroline Pufalt, Conservation Chair on behalf of

MO chapter Sierra Club

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