



MISSOURI DEPARTMENT OF CONSERVATION

Headquarters

2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102-0180

Telephone: 573-751-4115 ▲ www.MissouriConservation.org

ROBERT L. ZIEHMER, Director

November 20, 2013

Colonel Jeffery A. Anderson, Commander
U.S. Army Corps of Engineers
Memphis District
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894

Dear Colonel Anderson:

The Department of Conservation (Department) appreciates this opportunity to submit the following comments on the U.S. Army Corps of Engineers' (USACE) St. Johns Bayou and New Madrid Floodway Project Draft Environmental Impact Statement (DEIS) for consideration and discussion. Our primary concerns for the project are noted in this letter.

The Department is the agency responsible for forest, fish, and wildlife resources in Missouri. As such, the Department actively participates in project reviews, providing comments and recommendations to identify areas of resource concerns. The Department participates in project reviews completed under the National Environmental Policy Act, the Fish and Wildlife Coordination Act, the Clean Water Act, and other pertinent environmental laws.

Within the St. Johns Bayou and New Madrid Floodway proposed project area, biodiversity elements are numerous, with studies reporting 63 species of reptiles and amphibians, 90 species of fish, and 30 species of freshwater mussels. Over 130 species of birds are known to nest in the Mississippi Lowlands; dozens of mammals have been reported in Mississippi and New Madrid counties; and 72 species of plants and animals of state Conservation Concern have been found in the area. The project is located within the Mississippi Flyway, an important corridor for migratory waterfowl, shorebirds, and Neotropical migratory birds that require feeding and resting habitat during spring and fall migrations. The New Madrid Floodway also provides essential spawning and rearing habitat for numerous species of Mississippi River fish.

Based on our understanding of the project's impacts and the stated purposes of the project, the Department offers the following summary comments:

1. The St. Johns Bayou and New Madrid Floodway Project, in Mississippi and New Madrid Counties, has project features in the two basins that can be operated independently. The St. Johns Bayou and New Madrid Floodway projects should be evaluated independently versus the current approach of combining the two projects.
2. The New Madrid Floodway portion of the project should not be constructed. The connectivity of the Mississippi River to the New Madrid Floodway provides seasonal, unrestricted low-flow, backwater

COMMISSION

DON C. BEDELL
Sikeston

JAMES T. BLAIR, IV
St. Louis

MARILYNN J. BRADFORD
Jefferson City

TIM E. DOLLAR
Blue Springs

conditions common in inundated tributary floodplains. If the proposed project is implemented in the New Madrid Floodway and the river connection is closed, a 30 percent loss of floodable tributary floodplains will occur in this Mississippi River reach. Mud Ditch in the New Madrid Floodway is the only tributary that enters the lower Mississippi River adjacent to Missouri (i.e., between Cairo, IL to the Missouri/Arkansas state line; 125 river miles) which has not been disconnected from the Mississippi River. The loss of Mississippi River connectivity to the New Madrid Floodplain will result in significant impacts that cannot be addressed through mitigation. Examples of significant impacts include: major reduction in wetlands and their functions through hydrologic changes; elimination of fish spawning and rearing habitat; elimination of access during portions of the year for riverine fish into the Floodway and return access to the Mississippi River; and loss of spring and fall habitat for migratory birds. Loss of the connectivity between the floodplain of the New Madrid Floodway and the Mississippi River is the single most significant project feature and its loss cannot, in reality, be mitigated.

3. The Department opposes any proposal that would utilize land currently held in public trust as mitigation. The Department does not agree to the use of Department lands, already held in public trust for Missourians, and protected from development, for project mitigation. These lands are currently managed for fish and wildlife and there would be no increase in habitat functions, as is required for mitigation.
4. Because of the existing human population and infrastructure within the St. Johns Bayou basin, Alternative 2.1 provides the best balance of outcomes, if appropriate avoidance and minimization measures are implemented for ditch widening and gate operations to reduce impacts to overwintering waterfowl habitat and other forest, fish, and wildlife resources. Alternative 2.1 includes construction and operation of flood control improvements in the St. Johns Bayou basin only. Because project construction will negatively impact waterfowl, shorebirds, terrestrial species, and fisheries in the project area, the impacts must be appropriately mitigated. The impacts to wetlands and other flooded areas, not all of which have to meet the regulatory definition of a wetland to provide habitat benefits, must be mitigated. In establishing a wetland baseline, the U.S. Fish and Wildlife Service (Service), the U.S. Environmental Protection Agency (EPA), and USACE identified different amounts of wetlands occurring within the basin, primarily due to disagreements in the amounts of area analyzed and agricultural wetlands. Until agreement is reached on the baseline quantity of wetlands in the basin and the quantity of wetlands that will be impacted, it is premature to identify the amount of mitigation required for the project. Department staff are available for additional discussions on impacts and mitigation and believe consensus can be achieved.

The Department believes that significant project features of the New Madrid Floodway, affecting forest, fish, and wildlife resources, would result in an unacceptable reduction of seasonal flooding and connectivity to the Mississippi River. Department staff are available for additional discussions on the project, its impacts, and the proposed mitigation. Ms. Janet Sternburg, Policy Coordinator, is available as a staff point-of-contact (Janet.Sternburg@mdc.mo.gov, 573-522-4115 Extension 3372).

Thank you for this opportunity to review and provide comments on this proposed project.

Sincerely,



ROBERT L. ZIEHMER
DIRECTOR

c: Conservation Commission