



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

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November 25, 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

RE: Draft Environmental Impact Statement for the St. Johns Bayou New Madrid Floodway Project

Dear Colonel Anderson:

The Missouri Department of Natural Resources appreciates the opportunity to review the Draft Environmental Impact Statement (DEIS) for the St. John's Bayou New Madrid Floodway Project.

The department's responsibilities in respect to this project cover a wide range of issues including water quantity, water quality, streams and wetlands mitigation, soil and water conservation, hazardous waste and emergency response, cultural resources, and state parks and historic sites. The department will also be responding to the Corps' request for a Water Quality Certification under 401 of the Clean Water Act in the event the project proceeds.

We wish to point out several issues of particular concern to the department.

- The department supports the principle that successful implementation of the mitigation required for this project is a priority and should be completed concurrently with the construction of the project.
- The department and the Corps districts have agreed upon the Missouri Stream Mitigation Method (MSMM) to be applied throughout the State of Missouri. The department questions the Corps' application of the MSMM in several instances and

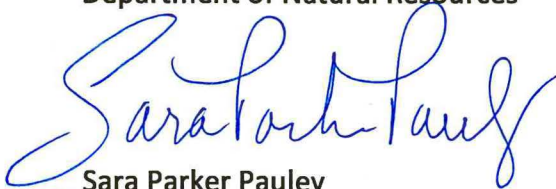
recommends that the Interagency Review Team (IRT) be convened to discuss and resolve our concerns. The department recommends that these issues be addressed to ensure that the Corps is applying the principles and procedures consistently as defined within the MSMM prior to the issuance of the Final EIS.

- The department supports an adaptive management approach to ensure the effectiveness of the mitigation plan. The department believes that establishing appropriate mitigation will require adequate monitoring in order to evaluate that the functional objectives are achieved. The Corps has included an adaptive management strategy as a means to ensure success. The department supports this approach and the need to continue monitoring until the efficacy of the mitigation is established conclusively.
- The department's Division of State Parks is responsible for properties that will be impacted by the project, most notably, Big Oak Tree State Park (BOTSP). A primary concern for the department is that implementation of the project, regardless of mitigation actions, should under no circumstances harm BOTSP.
- The department and the Corps entered into the existing Memorandum of Understanding (MOU) in 2003. The department continues to endorse the essential intent and purpose of the MOU, but recommends that it be revisited and updated to reflect current circumstances and State of Missouri priorities in regards to the preservation and restoration of BOTSP.
- The department continues to support the proposed acquisition of other mitigation which would be in the vicinity of BOTSP.

The department will be happy to discuss any of the issues with Corps staff. We are prepared to clarify our comments and are willing to participate with the Corps and the IRT in further discussions prior to finalizing the EIS. Please feel free to follow up with Robert Stout of my staff with any questions or concerns. He may be contacted by phone at 573-751-7402 or via email at [Robert.stout@dnr.mo.gov](mailto:Robert.stout@dnr.mo.gov).

Sincerely,

Department of Natural Resources



Sara Parker Pauley  
Director