United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240

TAKE PRIDE IN AMERICA

AUG 26 2011

The Honorable Jo-Ellen Darcy
Assistant Secretary
U.S. Army, Division of Civil Works
441 G. Street, NW
Washington, DC 20314-1000

Dear Assistant Secretary Darcy:

As you may be aware, in 2008 the Memphis District Corps of Engineers (Memphis District) began another round of planning and environmental evaluations for the St. Johns Bayou-New Madrid Floodway Project in New Madrid County, Missouri. This is a highly controversial flood control project. A 2007 ruling by Judge James Robertson of the US District Court for the District of Columbia set aside the Corps Environmental Impact Statements (EIS) and Record of Decision (ROD), enjoined the Memphis District from proceeding with the project, and ordered the deconstruction of those portions of the project that were already built. This litigation dealt with how the Memphis District presented information in the EISs and ROD on impacts to fish and wildlife and proposed measures to mitigate these impacts. The Department of the Interior (DOI) and the U.S. Fish and Wildlife Service (Service) have long-standing concerns with this project, including the ongoing re-assessment.

Two recent events have heightened our concerns and prompted the urgency for resolution: 1) the July 2011 release of the draft Agency Technical Review (ATR) EIS, which proceeds with the same plan and mitigation techniques addressed in previous EISs; and 2) the May 2011 operation of New Madrid Floodway to abate flooding on the Lower Mississippi River, which accentuates the environmental, economic, and flood management value of the river-Floodway connection. In this regard, we urge the Council on Environmental Quality (CEQ) and the Corps of Engineers (Corps) to take the lead in formulating a unified Administration position that adequately addresses the significant environmental impacts associated with the current project while reducing flood impacts to infrastructure in the area.

In September 2010, the Missouri Delegation wrote to the President; the Honorable Nancy Sutley, Chairwoman, White House Council on Environmental Quality; and the Honorable Lisa Jackson, Administrator for the U.S. Environmental Protection Agency, urging support for the St. Johns Bayou-New Madrid Floodway Project. The views of the Department on this project reflect over three decades of active environmental review by the Corps and our agencies, a review that has produced a voluminous body of scientific evidence. This review has produced six major volumes of draft or final environmental impact statements, extensive Fish and Wildlife Coordination Act reports and multiple rounds of comments by the Department and Environmental Protection Agency (EPA). The review has also generated extensive scientific reports and commentary about the project from some of this country's most prominent scientists.

It is well established that backwater flooding from the Mississippi River into its floodplain is the driving force behind the ecology of the river. However, the vast majority of this critical

connection between the Lower Mississippi River and its floodplain has been extensively levied and drained at great cost to fish, wildlife and water quality. A major component of the New Madrid Floodway project is to close a 1,500 foot gap in the Mississippi River frontline levee. This 1,500 foot levee gap is the last remaining area in the State of Missouri where the Mississippi River is connected to its historic floodplain. Closing this levee gap will eliminate up to 90,000 acres of floodplain that is seasonally connected to the river. Severing this significant river-floodplain area will have profound impact on the river's ecology and valuable fish and wildlife resources within the New Madrid Floodway. Although these seasonally flooded areas are a mixture of naturally vegetated lands and croplands, they provide exceptional value because of the important role that backwater floodplain habitat plays in the ecology of the Lower Mississippi River. Furthermore, these large river-floodplain areas are becoming increasingly scarce on the lower river.

There is ongoing disagreement regarding the total amount of wetlands to be lost with the project. The Memphis District estimates in their draft ATR EIS that there are 13, 651 acres of vegetated wetlands (7,884 acres in the New Madrid Floodway and 5,767 acres in the St. Johns Bayou Basin) within their identified impact zone (five-year flood frequency elevation). Another 17,000 acres of naturally vegetated wetlands are estimated to occur above the five-year flood frequency elevation and an unknown amount of these wetlands could be impacted by the drainage effects of the project. There is a wide disparity in the estimated amount of farmed wetlands in the two basins, with estimates ranging from 520 to 118,000 acres.

Altering the hydrologic regime of the floodway produces a suite of complex and unsolvable challenges in providing adequate mitigation for the wetland, fishery, and floodplain impacts. The primary components of the Corps' proposed plan to mitigate for these impacts involve:

- Artificially operating the new closure gates and pumps
- Planting forest areas and creating managed wetlands on a few thousand acres, a small fraction of the acres to be drained; and
- Creating small, artificially manipulated permanent water bodies.

Such plans are at odds with contemporary understanding of wetland and floodplain science and agency mitigation guidance. This science emphasizes the critical importance of natural hydrology, spatial extent, and landscape position. The science recognizes the importance to habitat values of subtle features of hydrology, including depth, velocity, and timing of flooding and the relationship of one habitat to another. The Corps wetland mitigation guidance specifically endorses these principles.

When planning on the project was reinitiated in 2008, the Corps of Engineers convened an Independent Expert Panel Review (IEPR) to review the environmental impacts and proposed mitigation for the project. The IEPR has completed Phase II of its review and will soon begin Phase III (review of the draft ATR EIS). The IEPR has stated in its reports to the Corps the importance of the river-floodplain connection and associated hydrology in maintaining the integrity of the wetlands and floodplain. In this regard, the IEPR was critical of the Corps' mitigation plan to maintain wetlands and floodplain systems after the project significantly reduces the hydrologic regime of the floodway.

The primary project purpose is to reduce flooding for the intensification and diversification of agricultural production, which comprises 90 percent of the project's economic benefits. Improving agricultural production is an important value, but it does not depend on draining wetlands and severing the river-floodplain connection. Designing a project that focuses on draining such large floodplain/wetland areas for agricultural production when there is a regional and national need to protect areas of human habitation and infrastructure from flooding could be considered an inappropriate use of limited flood management funds. The communities of East Prairie and Pinhook in the project area would benefit from a reformulated project directed more at the protection of infrastructure. The goal should be to design a project that addresses flood damage abatement while safeguarding the existing hydrology and habitat values of the floodplain.

Unless the purpose and alternatives for the New Madrid project have changed since the last evaluation, the Department does not believe it is in the public interest to engage in yet more environmental analysis of this project. If the project purpose is redefined, we believe the agencies can work together to implement a sound project. I suggest a meeting be convened in the near future to discuss a new approach for proceeding on the St. Johns Bayou – New Madrid Floodway Project.

Sincerely,

Eileen Sobeck

Acting Assistant Secretary for Fish and Wildlife and Parks

cc:

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