

**American Rivers \* Environmental Defense Fund  
Environmental Law and Policy Center \* Izaak Walton League of America  
Missouri Coalition for the Environment \* National Wildlife Federation  
Natural Resources Defense Council \* Sierra Club**

June 28, 2010

Hon. Jo-Ellen Darcy, Assistant Secretary of the Army (Civil Works)  
Department of the Army  
108 Army Pentagon, Room 3E446  
Washington, DC 20310

Dear Assistant Secretary Darcy,

The U.S. Army Corps of Engineers is proposing to resurrect the St. Johns Bayou/New Madrid Floodway Project by starting its seventh draft environmental impact statement after its previous efforts were rejected. The project would drain 80,000 acres of regularly inundated floodplain habitat along the Mississippi River, including 30,000 acres of wetlands. It would harm as many wetlands as those harmed by a typical year's worth of Corps permits. The project would wall off one of the last remaining areas where the River can back into the floodplain. Half of Mississippi River fish spawn or rear in such floodplains, which also provide critical habitat to migrating ducks and water birds. Levees have already walled off 93% of the Lower Mississippi River floodplain. We urge that the Obama Administration put an end to efforts to resurrect this harmful and wasteful project.

The project dates back to 1954 and was abandoned for lack of local support. Since resurrecting the project in 1997, the Corps has already gone through six drafts of an environmental impact statement, spending millions of dollars, after different drafts were found flawed. To mitigate environmental impacts, the Corps has each time proposed to reforest only a few thousand acres of uplands or existing wetlands, and to artificially manipulate the water levels in a few other existing wetlands. The Corps withdrew its fourth EIS document three days before a court hearing and after a year of litigation, finally admitting that its mitigation was based on a large math error. Two more drafts of an EIS later, the Corps plan was struck down by the federal District Court in Washington D.C. in 2007. The Court found that the Corps analysis "gave new meaning to the phrase 'results-oriented decision-making,'" and "resorted to arbitrary and capricious reasoning -- manipulating models and changing definitions where necessary -- to make this project seem compliant with the Clean Water Act and the Nation Environmental Policy Act when it is not." The Justice Department refused to appeal.

The U.S. Fish & Wildlife Service found the project "would cause substantial, irretrievable losses of nationally significant fish and wildlife resources, and greatly diminish rare and unique habitats in southeast Missouri." Internal Corps memos from high officials revealed to the Court, have called the project a "bad project, period" and "an economic dud[] with huge environmental consequences."

The economic benefits of this project are principally based on a single purpose - intensifying and diversifying crop production by reducing flooding and soil saturation. Unlike traditional Corps of Engineer's flood control projects, this project provides minimal economic benefits for infrastructure. Abandoned in the 1950's for lack of sufficient local support, the project was resurrected in the 1990's on the theory that it would "eliminate" flooding in the economically depressed town of East Prairie, an Enterprise Community. In fact, the Corps' new rounds of EIS's have found the project has little impact on mitigating flooding in East Prairie. Even so, the Corps has consistently rejected an alternative project that would eliminate East Prairie flooding at 10% of the cost in favor of a project to drain wetlands for cropping. To justify the project, the Corps has used an outdated 2.5% discount rate from 1954, based on a "tortured interpretation" of the law according to the District Court. Even then, the project just passed the benefit/cost test by 1.01 to 1 using what the Court considered a deliberately manipulated mitigation plan.

The Corps of Engineers has spent tens of millions of dollars since resurrecting the project in its repeated efforts to justify an unjustifiable project. It spent millions more dollars building part of the project even after the federal court preliminarily warned that the Corps would lose the legal challenge and the Corps is now spending millions more dollars to undo the project under court order.

The project is neither an appropriate use of taxpayer dollars nor an environmentally acceptable measure, and we urge that the Administration put an end to it.

Sincerely,

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Cc:

Nancy Sutley, Chair, Council on Environmental Quality  
Cynthia Giles, Assistant Administrator for Enforcement and Compliance Assurance, EPA  
Peter Silva, Assistant Administrator for Water, EPA  
Thomas Strickland, Assistant Secretary of the Interior for Fish, Wildlife and Parks