



Association of State Floodplain Managers, Inc.

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Oct. 1, 2015

Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington DC 20460

Ms. Christy Goldfuss
Managing Director
Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503

Dear Administrator McCarthy and Managing Director Goldfuss:

ASFPM urges the Environmental Protection Agency to initiate a Clean Water Act 404(c) veto for the St. Johns Bayou and New Madrid Floodway project in Missouri. This request is based on:

1. This project threatens the safety of many communities and thousands of people who rely on the integrity of the Mississippi River and Tributary (MR&T) system to provide a relief valve during major flooding on the Mississippi River between Cairo, Illinois and Memphis, Tennessee.
2. This project would have unacceptable environmental impacts, including damaging extensive wetland systems that provide natural flood protection. Independent expert reviews, and studies done by the Fish and Wildlife Service, Missouri Department of Conservation, and EPA itself, conclude the project would cause tremendous damage to wetlands and to fish and wildlife habitat.
3. The nation's taxpayers will pay twice to provide flood protection for those lands in the New Madrid Floodway. The taxpayers already paid for flooding easements on this bypass land to make the MR&T system work during major floods. To now have the taxpayers pay again for a levee that would "protect" land for which they already bought flooding easements is a colossal waste of taxpayer funds to benefit a few, and establishes a dangerous new precedent for water resource projects nationwide.

To expand further on these points:

- (1) The MR&T is one of the visionary projects for flood risk management in the nation. USACE, after the 1927 flood, recognized it was infeasible to build all levees below Cairo to protect to the large floods that would occur two or three times a century. So they presented a "room for rivers" project to Congress that provided relief valves at selected locations along the river until flood waters reached

Dedicated to reducing flood risk and losses in the nation.

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the Gulf of Mexico. The first of these is the New Madrid Floodway. The concept is to buy flooding easements on the land that will be flooded in those times when the bypass is needed to protect the communities and people along the main stem of the Mississippi River. This process has worked exactly as designed, but would be gravely threatened by blocking off the lower end of the bypass. Building this project will close off the lower end of the floodway, making it all the more difficult for USACE to open the New Madrid Spillway (by detonating the upper fuse plug) when needed. By promoting increased agricultural development in the New Madrid Floodway, the project will intensify the already substantial opposition to using the floodway for its legally-intended purpose of diverting flood waters away from river communities during major floods despite already having purchased flooding easements. Every threatened or actual use of the floodway during a major flood event has resulted in substantial political and property owner opposition. The EIS's overly simplistic statements that the system would operate as authorized does not identify or account for the actual difficulties encountered in the past that may delay or eliminate the use of the floodway in the future.

Cairo and other Illinois communities are at particular risk. In 2011, delays in using the floodway led to devastating flooding in Olive Branch and millions of dollars in damages. Any further delay could have completely wiped out Cairo. Dozens of community leaders, including Cairo's mayor and council members have called for a Clean Water Act veto of this project.

- (2) When a project would have severe environmental impacts, the Clean Water Act section 404(c) gives EPA the authority to stop projects that would have "an unacceptable adverse effect" on, among other things, fishery areas (including spawning and breeding areas) or wildlife. EPA has already made the findings needed to support a veto when it concluded the project would "significantly alter fish and wildlife resources of regional and national importance" and cause "significant" impacts to the aquatic environment including "the greatest loss of wetlands function in EPA Region 7's history."

As EPA and CEQ are aware, the U.S. Fish and Wildlife Service and Department of the Interior have made similar findings. The Fish and Wildlife Service has concluded that the project "would cause substantial, irretrievable losses of nationally significant fish and wildlife resources, and greatly diminish rare and unique habitats found in southeast Missouri." The DOI has determined the project would degrade or destroy more than 53,000 acres of functional wetlands. The Army Corps of Engineers' own independent external peer review panel put these impacts in chilling perspective when it concluded the project would be the "straw that broke the camel's back" for the river's long-term health and sustainability. Additionally, the final independent external peer review report indicates that residual flood risks associated with extreme flood events are not addressed in detail in the working final EIS. In ASFPM's estimation, this is a deficiency compounded by the wholly inadequate assessment on municipal water supplies in the draft EIS.

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- (3) The nation's taxpayers have already purchased flooding easements on the land in the New Madrid Floodway and in much of the backwater limit¹. Much of that land is farmed. On the occasional times the floodway bypass must be used, the farmers may lose part of their crops that year. The federal government purchased perpetual flowage easements to compensate for these occasional losses. It would be unfair, if not illegal for the taxpayers to pay twice for flood protection on the same property: once for flooding easements, than again for a levee to prevent the flooding they already have the right to flood.

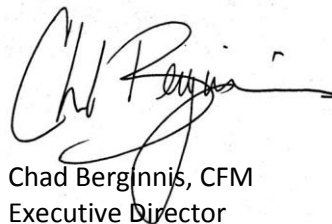
The St. Johns Bayou and New Madrid Floodway project could not be more at odds with the Clean Water Act, appropriate water resource projects and this Administration's commitment to wetlands protection, wildlife conservation and modern flood risk management. As a national organization dedicated to reducing flood losses in the nation, ASFPM, as a matter of public policy, believes that levees should be an option of last resort, that non-structural options should be examined first, and levees should not be used to facilitate development of undeveloped lands².

We urge EPA to veto this project to protect the environment and the safety and well-being of thousands of people along the Mississippi.

Respectfully,



Ceil Strauss, CFM
Chair



Chad Berginnis, CFM
Executive Director

¹ According to the Mississippi River and Tributaries Project: Birds Point-New Madrid Floodway Information Paper by the Mississippi River Commission at least 30,000 acres within the backwater limit have perpetual flowage easements already purchased by the federal government. However, this condition of land use, and the associated limitations thereof are entirely absent in the EIS. The presence of such easements should have an impact on the economic, social, infrastructure and natural impacts of the proposed alternative and any of the other alternatives.

² These policy positions as well as several others pertaining to levees can be found in the ASFPM White Paper *National Flood Policy Challenges Levees: The Double-edged Sword* (2007) and *National Flood Policies and Programs in Review 2015* on the ASFPM website at www.floods.org.