



Fall 2007

GREAT RIVERS HABITAT ALLIANCE

HUNTING HERITAGE

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Joins

Corps Reform Network

The National Wildlife Federation heads up this exciting coalition of hundreds of organizations from around the country, dedicated to ensuring Corps projects are environmentally sound. The CRN also lobbies Congress for much needed policy changes within the Corps. Learn more about it at:

www.corpsreform.org

Statewide Act Protects Flood Plains, Hunting

The Hunting Heritage Act has been signed by Governor Matt Blunt and is the first piece of legislation to be passed as a result of the partnership between Great Rivers Habitat Alliance, the NRA and Ducks Unlimited.

This landmark law strictly limits the use of tax increment financing in the 100-year flood plain and protects the rights of hunters to discharge firearms in the flood plain. Blunt praised the work of Great Rivers Habitat Alliance and the NRA at the bill signing and acknowledged the tremendous value of the habitat the Confluence area provides.

NRA-ILA Executive Director, Chris Cox, was also in attendance at the bill signing. Cox also praised the progress made by both groups in protecting the Confluence area.

"Missouri also provides some of the richest and most pristine wildlife habitats in the world. Hunters here continue to be leaders in ensuring sound wildlife management and conservation practices. The 'Hunting Heritage Protection Areas Act' will protect these diverse lands critical for wildlife species and preserve



July 3, 2007 - Gov. Matt Blunt signs the Hunting Heritage Protection Areas Act that preserves Missouri's vibrant and ecologically diverse natural resource areas from taxpayer subsidized development.

hunting opportunities into the future."

In an historic set of votes, the "Hunting Heritage Protection Areas Act," sponsored by Senator Bill Stouffer, passed unanimously out of both chambers of the General Assembly. Senate Bill 225 passed the State Senate 32-0, and 158-0 in the State House.

Blunt spoke about the historical and environmental significance of the Confluence.

"As Lewis and Clark made their way up the Missouri River they encountered some of the richest

land in North America. They recognized immediately that this land was perfect for hunting and offered tremendous potential for agriculture. This legislation helps protect the very lands on which they hunted, ensuring that today and for generations to come Missourians will be able to continue the traditions that have been passed from generation to generation," Gov. Blunt said. "I commend Senator Stouffer on his great work to protect Missouri's hunting heritage."

NRA and the State of Missouri contributed to this report.

FEMA questions Lakeside levee



This photo shows the vulnerable south side of the Lakeside development, incorporating the Norfolk-Southern railroad tracks as flood protection. These holes must now be filled permanently.

A lack of preparation combined with serious corner-cutting might cost the Lakeside 370 development eligibility for federal flood insurance.

On July 17 of this year, FEMA sent a letter to the city of St. Peters detailing several deficiencies in the Lakeside 370 levee. The city's first response was to call in its professional consultant and former St. Louis Army Corps of Engineers Colonel, Lee McKinney, to discount FEMA's concerns. At a recent St. Peters Board of Aldermen meeting, McKinney claimed FEMA had no idea what it was talking about and went as far as questioning whether or not FEMA even knew the levee had been

constructed. He also disputed FEMA's requirement that Calhoun County, Ill. concur with the moving of the flood-way line (the flood-way is the portion of the flood plain containing fast-moving flood currents).

As flood plain maps are currently drawn, the St. Peters levee extends into the flood-way. In order to be eligible for insurance, the city has asked FEMA to move the line approximately one-quarter of a mile in the opposite direction. FEMA has so far refused the request.

The July 17 letter also rejected the city's plan to fill large culverts running under the Norfolk-Southern railroad tracks with sandbags during a flood event. As a result, the city must now permanently fill these

drains which carry water from the I-70 ridge into the flood plain. That water will now be diverted east and presumably into St. Charles and possibly Old Town St. Peters. No one knows for sure where the excess water will end up, as no studies have been performed to date.

FEMA is also concerned about the integrity of the levee and questions reasons for skipping and deleting some of the build processes.

After hearing McKinney discount everything FEMA stated as a requirement, representatives from Great Rivers Habitat Alliance and St. Charles County officials, including County Executive Steve Ehlmann, decided to meet personally with FEMA in

Washington, D.C. Rick Sacbibit, the FEMA project engineer assigned to Lakeside, said FEMA was well aware of the Lakeside levee and the details of its construction. Sacbibit said no buildings can be legally constructed until the flood-way line has been moved. He said several conditions must be met before this happens and did not expect the maps to be redrawn in the near future.

In addition to improvements in the levee and concurrence from Calhoun County, Ill., U.S. Congress must appropriate the funding needed for maps to be redrawn. Sacbibit said the earliest the maps could be completed with the revised flood-way would be 2010, but would likely be years beyond.

In addition, Sacbibit said the city had made no contact with FEMA and had not satisfied any of the requirements outlined in the July 17 letter. He also said FEMA has not heard from Calhoun County on the issue of concurrence. Officials with Great Rivers have met with Calhoun County officials and learned they are still very much opposed to the Lakeside 370 project.

Vince Tepen, Calhoun County Board of Commissioners Chairman, said the slightest rain causes the county seat, Hardin, to flood. Tepen said any loss of flood plain on either side of the Mississippi is detrimental to his county and cannot believe the city of St. Peters has been allowed to proceed with this project.

Great Rivers and St. Charles County are also challenging the city's blighting of farm ground in order to use TIF to finance the project. This case is presently pending in the Missouri Western District Court of Appeals.



After a temporary obstacle, the Mississippi once again has its way in 1993. The Great Flood cost Missouri taxpayers over \$14 billion. In the years since then, more flood plain development has occurred in Missouri than in any other time in history.

The courts are finally recognizing the failures of the U.S. Army Corps of Engineers. After repeated attempts to make the Corps comply with its own standards through legal challenges, two recent cases have succeeded.

The first victory was awarded to the Sierra Club, represented by attorney Bruce Morrison of the Great Rivers Environmental Law Center (no affiliation to Great Rivers Habitat Alliance). Morrison and the Sierra Club successfully stopped the Corps from going ahead with plans for a 1000-year levee near Jefferson City, Mo. The judge in

that case ruled the Corps had not followed its own standards for evaluating the environmental impacts the levee would cause once constructed. This was the first time the Corps has lost a case because it failed to consider the incremental increase in flood heights caused by its so-called flood control projects.

Incidentally, these are the exact same grounds on which Great Rivers Habitat Alliance sued the Corps over the Lakeside 370 levee. In that case, a Corps official admitted under oath that the effects had not been taken into account, but the judge ruled in favor of the

Corps continues to lose court decisions

Corps, giving it the right to pick and choose which rules it wanted to follow. Finally, it seems the tradition of never questioning the Corps has been broken.

More recently, the Corps lost a similar case brought by the Environmental Defense and the National Wildlife Federation. That case was over the St. John's Bayou/New Madrid Floodway Project in Mo. The court found the Corps decisions in that project were "arbitrary and capricious in violation of applicable laws."

The judge went on to say that the Corps was guilty of "manipulating models and changing definitions where necessary - to make this project seem compliant with the Clean Water Act and the National Environmental Policy Act when it is not."

The plaintiffs also proved the Corps project would cut off the Mississippi from its last piece of significant flood plain, dry up thousands of acres of wetlands and not provide the flood protection levels claimed by the Corps.

"This single project would drain more acres of wetlands than all the wetlands drained by the country's developers in a single year; yet it would not reduce the frequency of flooding in the towns it was intended to benefit," said Tim Searchinger, the attorney who represented Environ-

mental Defense and the National Wildlife Federation in the lawsuit. "I'm happy the court agreed to halt the project."

Perhaps the most compelling part of this decision was the ordering by the judge of over \$8 million in work already completed by the Corps to be returned to its former state.

The judge also said the project appeared to be based entirely on cost with absolutely no regard for the environment.

Naturally, these arguments are dismissed by lawmakers such as Kit Bond and Jo Ann Emerson. Both want the pork laden project to go ahead, while claiming the negative environmental impacts are simply non-existent.

Unfortunately, the town caught in the middle is East Prairie, Mo. Officials there want to know what will be done to stop flooding in their town. The Corps claims this project will provide the needed protection.

However, others say a smaller, more environmentally friendly levee project would better protect the town and have much less impact on native wetlands.

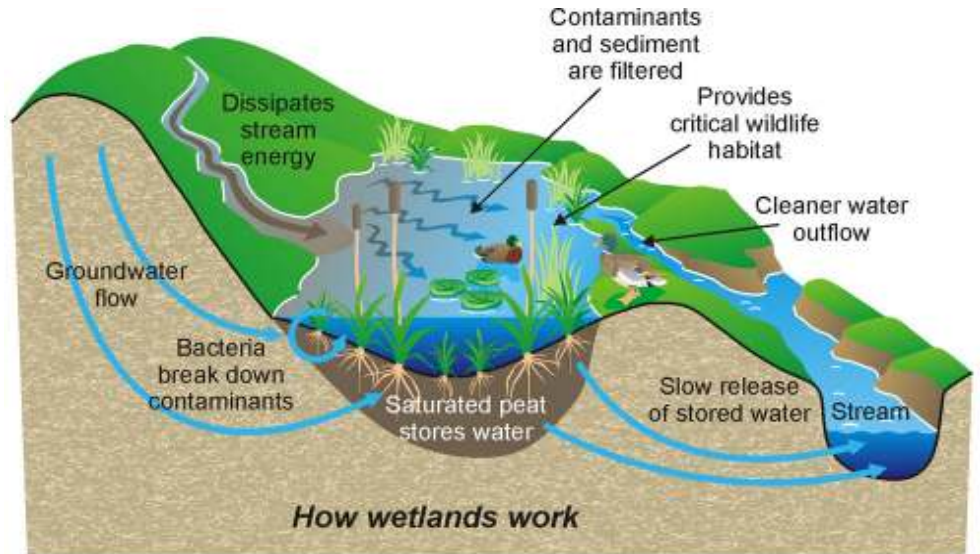
It remains to be seen if the Corps will appeal the court's latest ruling. It chose not to appeal the ruling in Jefferson City, but the St. John's Bayou project was already well underway.

One thing is clear: the days of the Corps having absolute free reign over our rivers and flood plains are fast coming to an end and we are seeing a new era of Corps oversight.

**PRESERVING THE
100-YEAR
CONFLUENCE
FLOOD PLAIN
SINCE 2000**

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Source: Natural Resources Canada

Great Rivers Habitat Alliance works to preserve the rich heritage and natural beauty of the 100-year Confluence Flood Plain. We have been advancing this cause through educating local decision makers, citizens and youth. Together, we can save this irreplaceable land for the enjoyment of present and future generations. Great Rivers believes the long-term benefits of a natural Confluence far outweigh any small, short-term monetary gains made by destroying it.

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