

# United States Senate

Washington, DC 20510-1304

July 30, 2015

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

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

Dear Administrator McCarthy and Managing Director Goldfuss:

I write to urge the Environmental Protection Agency (EPA) to initiate a Clean Water Act 404(c) veto for the St. Johns Bayou New Madrid Floodway project, and to make the Council on Environmental Quality (CEQ) apprised of the request. Independent environmental impact studies and studies done by the EPA, itself, conclude the project would destroy fish and wildlife habitat. Moreover, it would adversely affect small towns up- and downriver from the project, like Cairo, Illinois.

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 that 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 Department of the Interior has determined that 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 that the project would be the ‘straw that broke the camel’s back’” for the river’s long term health and sustainability.

By promoting increased agricultural development in the New Madrid Floodway, the project will also intensify the already substantial opposition to using the Floodway for its intended purpose of diverting flood waters away from river communities during major floods. 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 Councilmembers, have called for a Clean Water Act veto of this project.

The St. Johns Bayou New Madrid Floodway project could not be more at odds with the Clean Water Act and this Administration's commitment to wetlands protection, wildlife conservation, and modern flood risk management. I urge EPA to veto this project to protect the environment and the safety and well-being of Illinoisans.

Sincerely,



Richard J. Durbin  
United States Senator