

January 18, 2017

Mr. Kip Runyon  
U.S. Army Corps of Engineers - St. Louis District  
1222 Spruce St.  
St. Louis, MO 63103-2833

[RegWorksSEIS@usace.army.mil](mailto:RegWorksSEIS@usace.army.mil)

**Re: Draft Supplemental Environmental Impact Statement for US Army Corps of Engineers, St Louis District Middle Mississippi River Regulating Works Project**

Dear Mr. Runyon,

The undersigned organizations, which are members of the Water Protection Network, appreciate the opportunity to comment on the Supplemental Environmental Impact Statement for the Middle Mississippi River Regulating Works Project. We respectfully urge the US Army Corps of Engineers St Louis District (the "District") to pursue the "No New Construction Alternative" for the Middle Mississippi River Regulating Works Project given the environmental consequences and increasing flood risk of the preferred alternative identified in the Draft Supplemental Environmental Impact Statement (DSEIS).

**1. The District is violating NEPA by not considering more alternatives and by failing to meaningfully evaluate project impacts**

The DSEIS violates the National Environmental Policy Act (NEPA) by refusing to examine alternative approaches to achieving the goals of the project. The District attempts to justify this untenable position by claiming that it must continue to use century-old techniques for carrying out this project. NEPA requires that an environmental impact statement identify the full scope of impacts (direct, indirect, and cumulative) from a proposed action and determine whether there are less environmentally damaging ways to achieve the project purpose. Maintaining navigation is the purpose of the Regulating Works Project, and river training structures and dredging are just potential tools not a pre-ordained end in themselves. The District must consider a full range of alternatives and consider abandoning outdated tools if they prove to be no longer be in the public interest.

The DSEIS violates NEPA by failing to meaningfully evaluate project impacts. For example, the DSEIS dismisses extensive and highly credible information on flood level increases and fundamental changes in the river's hydrology. The DSEIS also lacks fundamental and essential information needed to assess project impacts, including information on: flood levels; sedimentation rates; fish and wildlife species, including migratory species, and their critical habitat needs; plant species, including wetland plant species; and vitally important habitat types, including main channel border habitat, braided river habitat, wetland habitat, and floodplain habitat. The DSEIS also fails to recognize the severely degraded condition of the Middle Mississippi River.

**2. The District does not have the data to support their preferred alternative**

Maintaining the navigation channel through the Middle Mississippi River presumably requires the removal of sand from the channel. However, the District fails to provide sufficient data regarding the sediment load of the Middle Mississippi River, which is noted by the District's own Independent External Peer Review (IEPR). The IEPR panelists were not able to "judge whether structures and dredging designs are based on robust science, data and engineering" because the District does not provide information

about the actual sediment load in the Middle Mississippi River. Also, none of the IEPR's specific recommendations to include sedimentation information were followed. Additionally, the IEPR found that "the SEIS has little information on the hydraulic and hydrologic engineering data for the MMR". The Middle Mississippi River has changed considerably since the 1976 data used in the report was collected. Critical economic information is missing from the DSEIS as well, calling into question the economic benefits of river training structures over dredging. The District does not provide any budget estimates of funds spent on the project to date or anticipated spending to complete the project. As the Regulating Works Project includes new construction, a National Economic Development analysis should be completed to compare alternatives. Included in this analysis, the District should also consider the full range of ecosystem services lost in the construction of their preferred alternative.

### **3. The preferred alternative may increase flood risk**

Extensive peer-reviewed science demonstrates that river training structures have caused significant increases in flood heights in broad stretches of the Mississippi River. Peer-reviewed science also shows that the excessive constriction caused by river training structures and levees has led to fundamental changes in the way the Middle Mississippi River responds to flood events. In the face of this science, new river training structures should not be constructed unless the National Academy of Sciences and a comprehensive and legally-sufficient DSEIS establish that such construction will not contribute to increased flood risks for communities. The District attempted to review the link between flood risk and river training structures by commissioning an Independent External Peer Review (IEPR). However, several potential flaws are inherent in the IEPR findings. All the IEPR reviewers have worked for the US Army Corps of Engineers and giving the appearance of biasing them towards agreeing with Corps policies and protocols. Instead of relying on a panel selected by the District, the District should call on the National Academy of Sciences to do a truly independent review of the Regulating Works Project and the link between river training structures and flooding. A National Academy of Sciences review is critical for ensuring that the environmental analyses of new river training structure projects are based on the best possible scientific understanding of the role of those structures on flood heights. A National Academy of Sciences review would also provide valuable recommendations regarding construction of new river training structures to protect people and wildlife. Such a process will give the public improved confidence in the Corps' analyses and decisions.

### **4. An Environmental Impact Statement needs to be prepared for operations and maintenance on the entire Upper Mississippi River**

The District should expand the DSEIS to evaluate the full suite of operations and maintenance activities for the Upper Mississippi River – Illinois Waterway (UMR-IWW) navigation system. The Regulating Works Project, is just one of a number of activities carried out by the Corps to maintain navigation on the UMR-IWW. In addition to construction of river training structures, Corps activities include water level regulation, dredging and disposal of dredged material, construction of revetment, and operation and maintenance of the system's 37 locks and dams. Since all operations and maintenance activities are designed to maintain a single project, individual activities should not be evaluated in isolation.

As members of the Water Protection Network, a coalition of over 230 members comprised of national, local, and regional organizations that work together to ensure water policies and projects are environmentally and economically sound. We ask the District to protect critical habitat on the Middle Mississippi River and select an alternative that abandons the use of new river training structures and that removes or modifies many of the existing river training structures to restore wildlife habitat and reduce flood risks to communities.

Please accept these comments for Draft Supplemental Environmental Impact Statement for US Army Corps of Engineers, St Louis District Middle Mississippi River Regulating Works Project. Should you have any questions or require additional information, please contact Marisa Escudero, Water Protection Network Manager, at 202-797-6644 or [escuderom@nwf.org](mailto:escuderom@nwf.org).

Sincerely,

Ellen McNulty  
President  
Arkansas Wildlife Federation

John Koefel  
President  
Citizens Against the Widening of the Industrial Canal

Clark Bullard  
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Committee on the Middle Fork Vermillion River

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