

GREAT RIVERS ENVIRONMENTAL LAW CENTER

www.greatriverslaw.org

News Release

Contact Person:

Elsa Steward
Executive Director and Attorney
(314) 231-4181
esteward@greatriverslaw.org

Great Rivers Files Suit against the U.S. Army Corps of Engineers to Stop Super Levee

Great Rivers is St. Louis' only public interest environmental law center

St. Louis, Mo – November 24, 2003. The Sierra Club filed suit against U.S. Army Corps of Engineers on Friday, November 21, challenging the Corps' proposal to construct and maintain a levee on the north bank of the Missouri River at Jefferson City, MO. **This is described as a “super levee” which will be between 15 feet and 22.5 feet in height and 4.7 miles long; it is designed to protect the land behind it from a 1000-year flood.** The purpose of the levee is primarily to protect the following five facilities: the waste water treatment plant, the airport, the army aviation facility, the ABB plant and the MFA plant.

The Club is opposed to the building of the levee on several grounds. First, the Corps' issuance of an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) is a violation of the National Environmental Policy Act which requires the preparation of a more comprehensive Environmental Impact Statement for all major actions by federal government agencies. The EA did not give sufficient consideration to the cumulative impacts of the levee; the effects on water levels were based on recording gauge readings for a distance of 99.2 miles from Boonville, MO to Hermann, MO. The hydraulic modeling used by the Corps was formulated for a total distance of 37 miles, partly upstream and partly downstream. Per NEPA, the cumulative effects on water levels should have been considered for the entire length of the Lower Missouri River, a distance of 735 miles extending from Sioux City, IA to

the mouth at St. Louis, MO. By failing to consider the cumulative effect of all previous structural flood control as well as the current project, the Corps failed to comply with NEPA and determined that the project posed no significant increased risk of flooding in these waters.

In fact, there is serious enhanced risk of flooding because the levee will cut the river off from its floodplain forcing the river to flood both the vicinity of Jefferson City and other areas upstream and downstream by further constricting the main river channel, thereby raising both water levels and flow velocity throughout the Lower Missouri. A severe flood could overtop even the proposed “super levee.”

The Corps also violated the Endangered Species Act by finding that the levee’s destruction of natural wetlands and other habitat would have no significant effect on the bald eagle (Threatened) and on the Indiana bat and the pallid sturgeon (Endangered). These species are found in the project area and should be protected by the preservation of their habitat.

The Sierra Club is represented by the Great Rivers Environmental Law Center of St. Louis, MO. Great Rivers’ primary purpose is to provide public interest legal services to organizations, citizens groups and individuals who seek to protect the environment. Great Rivers Environmental Law Center works through the courts and administrative agencies to safeguard the environment by enforcing environmental laws.

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