



Spring 2006

REPORTER

Great Rivers Environmental Law Center
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Great Rivers Prevails in Eighth Circuit: U.S. Court of Appeals Reinstates Lawsuit Over Proposed Levee in Jefferson City, Missouri, April 4, 2006

Ruling Paves Way for Sierra Club to Proceed with Lawsuit Challenging Super-Levee in Jefferson City

On April 4, 2006, the Eighth Circuit Court of Appeals reinstated a challenge Great Rivers Environmental Law Center filed on behalf of the Sierra Club over the Army Corps of Engineers' plans to build a 1,000 year levee in Jefferson City, Missouri. The case had been dismissed on procedural grounds.

Great Rivers filed suit on behalf of the Sierra Club against

(See **Proposed Levee** on page 3)



Missouri River near Jefferson City; Photo courtesy of Steven Lee Wright

Great Rivers Prevails in Missouri Court of Appeals, Southern District, on Buehler Park



The Citizens held an informational picnic in Buehler Park in 2005.

Court Allows Citizens of Rolla, Missouri, to Proceed with Challenge of City's Sale of Buehler Park

On Wednesday, April 12, 2006, the Missouri Court of Appeals, Southern District, reversed the dismissal of a petition filed by Great Rivers Environmental Law Center on behalf of Citizens for the Preservation of Buehler Park. In 2005, the Citizens argued that the City of Rolla violated the law when the City made a contract with a developer to sell the park for development as a restaurant district. The Citizens quoted the deed which conveyed the land to the City:

(See Buehler Park on page 3)

Letter from the President:



The State of Missouri is Meeting Energy Needs the Wrong Way

In 2002, the province of Ontario, Canada, announced it would close down all of its coal-fired power plants because their pollution causes global warming and asthma and other respiratory problems. Ontario is home to over 12 million people. The studies the government relies on are readily accessible through the government's website.

In March, 2006, the House of Representatives of the State of Idaho overwhelmingly voted for a two-year moratorium on the construction of new coal-fired power plants.

In contrast, there are three new coal-fired power plants proposed for the State of Missouri: one in Springfield, one north of Kansas City, and one in Norborne, Missouri (sixty miles northwest of Kansas City). If AmerenUE plans a new one, that would make a fourth proposed for this State.

Electric utility companies in Missouri emitted 67.5 million metric tons of carbon dioxide in the year 2002 according to the U.S. Government's Energy Information Administration, an Office of the U.S. Department of Energy.

Global warming is not a myth. Coal-burning power plants are the largest stationary source of carbon dioxide emissions in the United States. Missouri should not increase production of pollutants that threaten catastrophic consequences.

Kathleen Henry

Board News

Congratulations to **Ron Coleman** for being featured in the National Wildlife Magazine, Feb/March 2006 issue, as one of three individuals in the nation

recognized for their dedication to volunteerism for environmental causes. NWF stated that Ron has helped to protect "thousands of acres of parks and open space in southwest Missouri, including hundreds of miles of hiking and biking trails." Ron was also named

"Conservationist of the Year" by the Conservation Federation of Missouri and received an award in March, 2006, for his activities in 2005.

Great Rivers

Environmental Law Center

The legal resource for natural resources.

(a 501(c)(3) tax-exempt nonprofit corporation)

Mission Statement

We provide legal services to citizens' groups, organizations and individuals who seek to protect and preserve the environment.

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Missouri River near Jefferson City, U.S. Geological Survey photo

the Corps in 2003 alleging the Corps violated the National Environmental Policy Act by failing to study potential damage to the environment before approving the project. Great Rivers argued the levee would eliminate wildlife habitat, ruin wetlands and encourage construction in floodplains. The U.S. District Court for the Western District of Missouri found the US Army Corps of Engineers had not made a final decision on the project and dismissed the lawsuit.

The Eighth Circuit disagreed with the trial court and ordered that the lawsuit be allowed to continue. The Court stated that the Corps of Engineers had made a final agency action and that action was ripe for review by a court. The Eighth Circuit sent the case back to the District court for further proceedings. �



Citizens enjoy a picnic in historic Buehler Park.

the land "is conveyed to the City of Rolla, Missouri, for Park purposes only and none other."

The trial court supported the City's argument that the citizens lacked standing to file suit. The Court of Appeals, Southern District, in a unanimous opinion, held that "taxpayers have an unquestionable right to bring an action to enjoin the illegal expenditure of public funds." The Court remanded the case back to the trial court for a trial on the merits of the case.

Brief Update on Other Projects

Assistance in Asbestos Removal Case

Great Rivers represents Families for Asbestos Compliance, Testing and Safety (FACTS), in its legal action against the City of St. Louis and Lambert-St. Louis International Airport over the illegal and experimental use of the "wet method" of asbestos removal to demolish more than 300 homes in Bridgeton, Missouri.

Trail Users' Suit on Katy Trail Continues

In our suit in which we represent users of the Katy Trail and an individual who donated the funds to the State to make the Trail possible. we continue to press ahead with our claims in the trial court in Jefferson City, Missouri.



Comments Filed in Opposition to Federal Plan to Sell National Forests to Fund **Rural Schools**

In February, 2006, the White House unveiled plans to sell more than 300,000 acres of national forest land to raise money to fund rural schools. Great Rivers filed comments with the US Forest Service on behalf of the Ozark Chapter of the Sierra Club on April 27, 2006. Great Rivers pointed out that the lands provide critical wildlife habitat, cleansing systems for our air and water, and a legacy to our children.

Great Rivers also pointed out that the Forest Service's claim that the lands should be sold because they are "small, isolated or difficult to manage due to their

(See Brief Update on page 8)

Lewis C. Green Environmental Service Awards Presented at Dinner Held on April 5, 2006 at the Missouri Athletic Club

Great Rivers' Board of Directors honors individuals who have shown long-time commitment to the preservation of the environment.

The 2006 awardees are: (pictured accepting awards)



Charles Abele, attorney at law. Mr. Abele has had a long-time interest in environmental law and environmental concerns and for decades has been an active supporter of environmental organizations in St. Louis. In 2002, he co-founded Missouri Votes Conservation along with Ben Senturia, another awardee. Missouri Votes Conservation is

a nonprofit organization dedicated to making conservation a top priority for Missouri's elected officials, political candidates and voters.

Andy Ayers, owner, Riddle's Penultimate Cafe. Mr. Ayers has shown commitment to the environment for many years by supporting local organic farmers and emphasizing locally grown food at his restaurant. In addition, he has been a staunch supporter of environmental causes for many decades and he has written extensively on environmental issues.



Honorable Wayne Goode, former state senator and representative for forty-two years. Mr. Goode introduced many excellent environmental bills in his decades of service in the Missouri General Assembly, including the 1990 Omnibus Solid Waste Bill and the hazardous waste law. Since he retired from the Senate in 2004, he has

continued his tradition of public service by serving on the boards of several environmental nonprofit organizations in Missouri.



Pat Jones, generous supporter of environmental causes. She and her late husband, Edward Jones, donated funds for the establishment of the Katy Trail and the Ted and Pat Jones Confluence Point State Park. In 2006 Mrs. Jones became a plaintiff in a lawsuit aimed at the preservation of the Katy Trail State Park by challenging

Governor Blunt's decision to give away the Boonville Bridge.

Bernard C. Randolph Sr., MD, President and founder of the St. Louis Council on Environmental Health and Safety in 1974. The organization seeks to inform the public about environmental issues so that the public might better participate in decision making. For many decades Dr. Randolph has



been an active advocate for a clean environment for the benefit of the public health.



Thomas F. Schlafly, Owner of the Schlafly Brewery and Tap Room and Schlafly Bottleworks. Mr. Schlafly has been instrumental in assisting organic farmers in Missouri. He organized the Maplewood Indoor Farmer's market for local and organic farmers and he allows the Slow Food Organization to hold meetings at the Tap Room on a monthly

basis. The Slow Food Movement strives to defend biodiversity in the global food supply and to link consumers with farmers. In addition, Mr. Schlafly has been active in the Confluence Greenway project to restore natural lands to the confluence of the Missouri, Mississippi and Illinois Rivers.

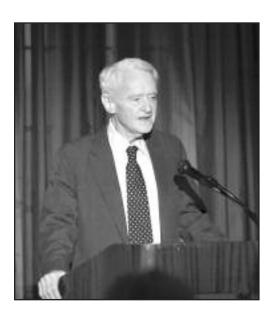
Ben Senturia, active participant in and leader of many environmental organizations in St. Louis. As the Executive Director of the Center for Active Citizenship he has trained leaders for nonprofit organizations in 32 states. He is a co-founder of Missouri Votes Conservation, a nonprofit organization dedicated to making conservation a top priority for



Missouri's elected officials, political candidates and voters. He serves as a consultant to many national nonprofit environmental organizations.



Guests mingling before the dinner.



Senator Thomas F. Eagleton, presenting an award to Tom
Schlafly, made what he called his "last political speech." In it, he criticizes President Bush for disregarding scientists' studies on global warming.



Richard LagesonMaster of Ceremonies



Frank Hackmann gving introductory remarks



The Courthouse Steps provided entertainment.

Photos by Dale Dufer, Dale Dufer Studios, daleduferstudios@mac.com

We are very grateful for your financial support.

Contributions received November 2005 - April 2006

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Brief Update (continued from page 3)

location or other characteristics" lacks validity. Parcels that are small and isolated nevertheless provide habitat for endangered and other species and perform valuable services in cleaning the air and water. The statement that the parcels are "difficult to manage" is odd: the parcels have been "managed" until there was a budget

crunch; that does not make them "difficult" now. Furthermore, there is no shortage of people who use these lands who might be willing to volunteer their expertise to manage them. •

Your Support Made These Two Victories and Other Projects Possible!

Traditional, for-profit law firms take cases when their clients pay them, often at a large hourly rate, or when there is the likelihood of attorney fees at the end of the case. In public interest environmental cases, these two factors are often missing.

The Levee case and the Buehler Park case illustrate this problem. A nonprofit law firm can afford to take these cases only through the generosity of its donors. We are grateful for the generosity of our donors!



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