

**ENSURE PROJECTS PROTECT THE ENVIRONMENT
OPPOSE ANY AMENDMENT TO S. 1248 TO EXEMPT ST. JOHN'S
BAYOU PROJECT FROM ENVIRONMENTAL LAWS**

THE BOND AMENDMENT. Senator Bond previously raised and then withdrew an amendment asking Congress to allow construction of the St. John's Bayou/ New Madrid Floodway Project "notwithstanding any other provision of law." You should oppose such an amendment if it is reintroduced. This amendment asks Congress to disregard the Clean Water Act, the National Environmental Policy Act and water resource statutes governing the adequacy of environmental mitigation – laws written by Congress to protect our natural resources.

THE ST. JOHN'S BAYOU BASIN/NEW MADRID FLOODWAY PROJECT WOULD DRAIN 80,000 ACRES OF FLOODPLAIN HABITAT. Ninety percent of the Mississippi River floodplain has already been cut off from the River and drained. This project would separate the last remaining floodplain habitat in southeastern Missouri. This project would impact as many wetlands as are affected by all the permits the Corps grants to private businesses in an entire year.

RESOURCE AGENCIES HAVE FOUND THAT THE PROJECT WOULD HAVE TERRIBLE ENVIRONMENTAL EFFECTS. The U.S. Fish and Wildlife Service and the Missouri Department of Conservation have found that the mitigation for the project is woefully inadequate. Neighboring officials in Cairo, Illinois have expressed concern about adverse ramifications to their area. Even officials at the Corps have said that the project is "an economic dud[] with huge environmental consequences."

THE PROJECT DOES NOT PROVIDE PROMISED BENEFITS. The project was initially exempted from certain cost-sharing requirements because it was supposed to "eliminate" flooding in the economically depressed town of East Prairie. In fact, the project has virtually no impact on flooding and the town will continue to flood – as now – once every ten years after the project is implemented.

THE PROJECT IS NOT COST-JUSTIFIED. The Corps attempts to defend the project using an outdated 2.5% discount rate from 1954. Even with this rate, the project only passes the benefit/cost test by 1.01 to 1. The project would not be permitted using a modern discount rate.

THE PROJECT IS UNDER REVIEW IN FEDERAL COURT. Authorized projects must still comply with our nation's laws, including the Clean Water Act, NEPA and requirements regarding the timing of mitigation and cost-sharing. Because this project violates those requirements, in 2004, environmental groups sued to stop the project, alleging violations of the Clean Water Act, NEPA and various water resource statutes. The case is now before the Federal District Court in Washington DC. The Court should rule very soon. Meanwhile, the Corps has been allowed to take initial construction steps. At best, Senator Bond's amendment would be unnecessary. At worst, this amendment would explicitly override the judicial branch's role of ensuring that this project abides by our nation's laws. The court should be allowed to continue its legitimate role in deciding this matter.

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