

American Rivers ♦ Earthjustice
Environmental Defense ♦ Defenders of Wildlife
National Audubon Society ♦ National Wildlife Federation
Natural Resources Defense Council ♦ Sierra Club

July 16, 2007

The Honorable Harry Reid
Majority Leader
United States Senate
S-221 Capitol
Washington, D.C. 20510

The Honorable Robert C. Byrd
Chairman, Committee on Appropriations
United States Senate
S-131 Capitol
Washington, D.C. 20510

Re: Remove Anti-Environmental Rider from the Energy and Water Appropriations Bill

Dear Chairman Byrd:

We write with grave concerns about an anti-environmental "rider" included in the Energy and Water Development Appropriations bill for 2008. The language referencing the St. Johns Bayou and New Madrid Floodway project in Missouri is clearly an attempt to interfere with the application of our nation's bedrock environmental laws, including the National Environmental Policy Act and the Clean Water Act. We strongly object to this and any other efforts to undermine the protections provided by our nation's environmental laws, and urge you in the strongest terms to remove this rider from the bill before it is considered by the full Senate.

The rider attempts to undermine an anticipated federal court decision that is likely to find the project to be in violation of the Clean Water Act, the National Environmental Policy Act, and a variety of other laws that communities count on to protect them from harm. Similar attempts to undermine the application of environmental laws to this project were soundly rebuffed by the Environment and Public Works Committee, making this rider both substantively unacceptable and a clear infringement on the jurisdiction of that Committee.

Specifically, the rider directs the Secretary of the Army to proceed with the St. Johns Bayou and New Madrid Floodway project and states that the project is both "economically justified and environmentally acceptable." The reality is quite different. The project would drain more wetlands than are impacted by all the individual permits granted by the U.S. Army Corps of Engineers to all the nation's private individuals and companies in a single year. The U.S. Fish and Wildlife Service has found the project "would cause substantial, irretrievable losses of nationally significant fish and wildlife resources, and greatly diminish rare and unique habitats in southeast Missouri." The Missouri Department of Conservation has found the project "makes no more than a token effort to mitigate fish and wildlife losses." Internal Corps memos call it a

The Honorable Harry Reid
The Honorable Robert C. Byrd
July 16, 2007
Page 2

"bad project. period" and "an economic dud[]" with huge environmental consequences." In addition, the Corps' plan to close the gap at the lower end of the New Madrid Floodway fundamentally complicates and increases the risk of flooding of communities in the adjacent states.

The project also will not provide the promised level of protection. As reported in the press, the project was intended to provide flood protection for the community of East Prairie, Missouri, but will in fact leave that community as unprotected to floods as it is today. The Corps has ignored alternatives and criticism, rejecting far cheaper alternatives that would have eliminated the town's flooding and instead clings to an analysis for the project that contains basic mathematical errors.

You have a long history of resisting the use of riders to undermine the enforcement of the nation's environmental laws, and we urge you to continue to ensure that all communities receive the full protection of those fundamental and vitally important legal requirements. We ask that the language related to the St. Johns Bayou and New Madrid Floodway project be removed from the Energy and Water Development Appropriations bill.

Sincerely,

Melissa Samet
Senior Director, Water Resources
American Rivers

Mike Daulton
Director of Conservation Policy
National Audubon Society

Noah Matson
Vice President for Land Conservation
Defenders of Wildlife

Adam Kolton
Senior Director, Congressional and Federal Affairs
National Wildlife Federation

Joan Mulhern
Senior Legislative Counsel
Earthjustice

Ann Alexander
Senior Attorney
Midwest Regional Office
Natural Resources Defense Council

Mary Kelly
Co-Director, Land, Water, Wildlife Program
Environmental Defense

Debbie Sease
National Campaigns Director
Sierra Club

cc: The Honorable Barbara Boxer
The Honorable Byron L. Dorgan