

Jameson Island Chute Update

Levee Problems



Photographs and Recent Correspondence

- Mr. Tom Waters
 - Missouri Levee and Drainage District Association
- Photographs and Charts
- Letters
 - December 3, 2010 - To COL Hofmann
 - December 14, 2010 - From COL Hofmann
 - December 18, 2010 - To COL Hofmann
 - January 5, 2011- From COL Hofmann

Assembled by

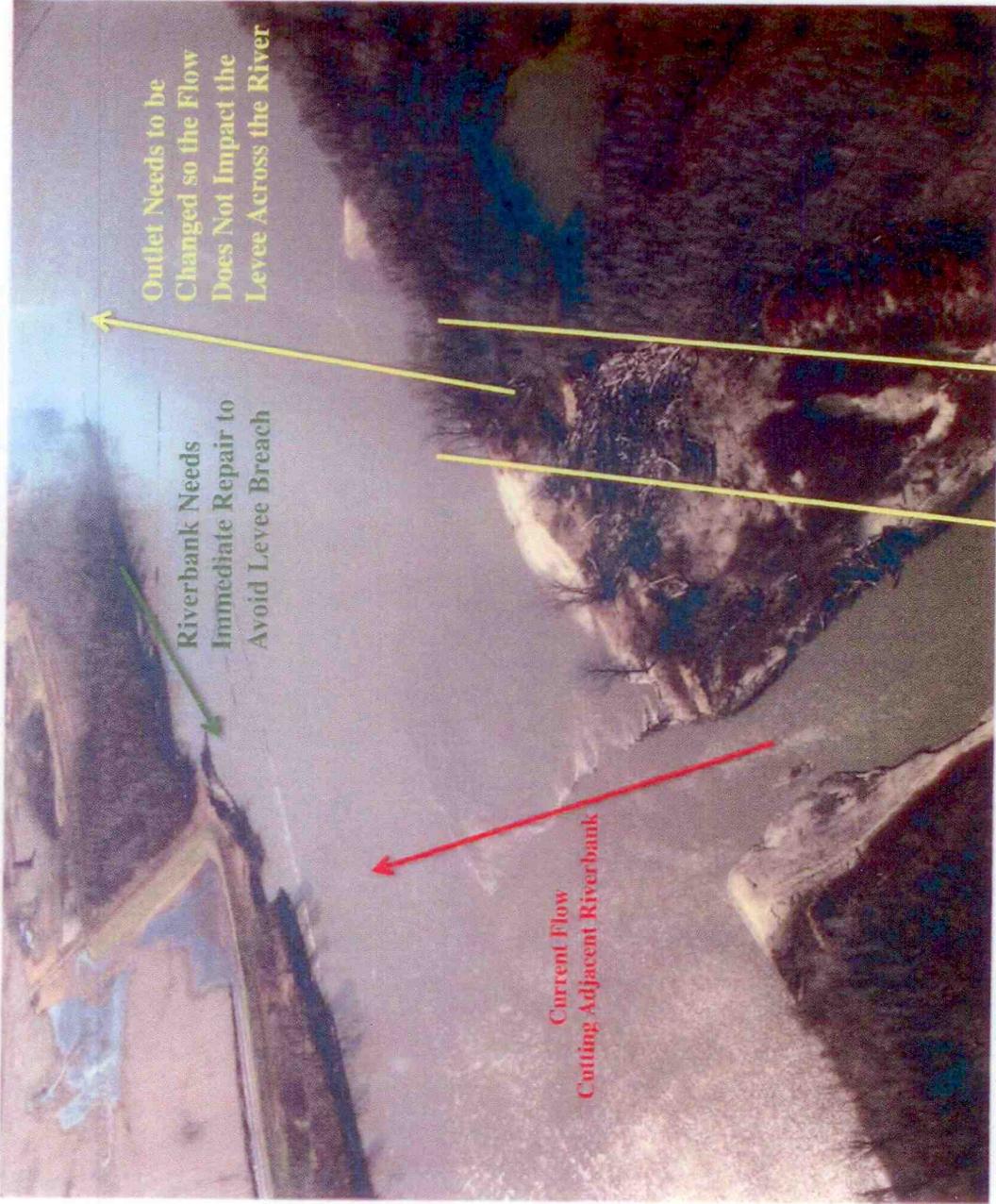
Robert E. Perry IV, J.D.

Perry Law Office LLC

P.O. Box 418, Bowling Green, MO 63334

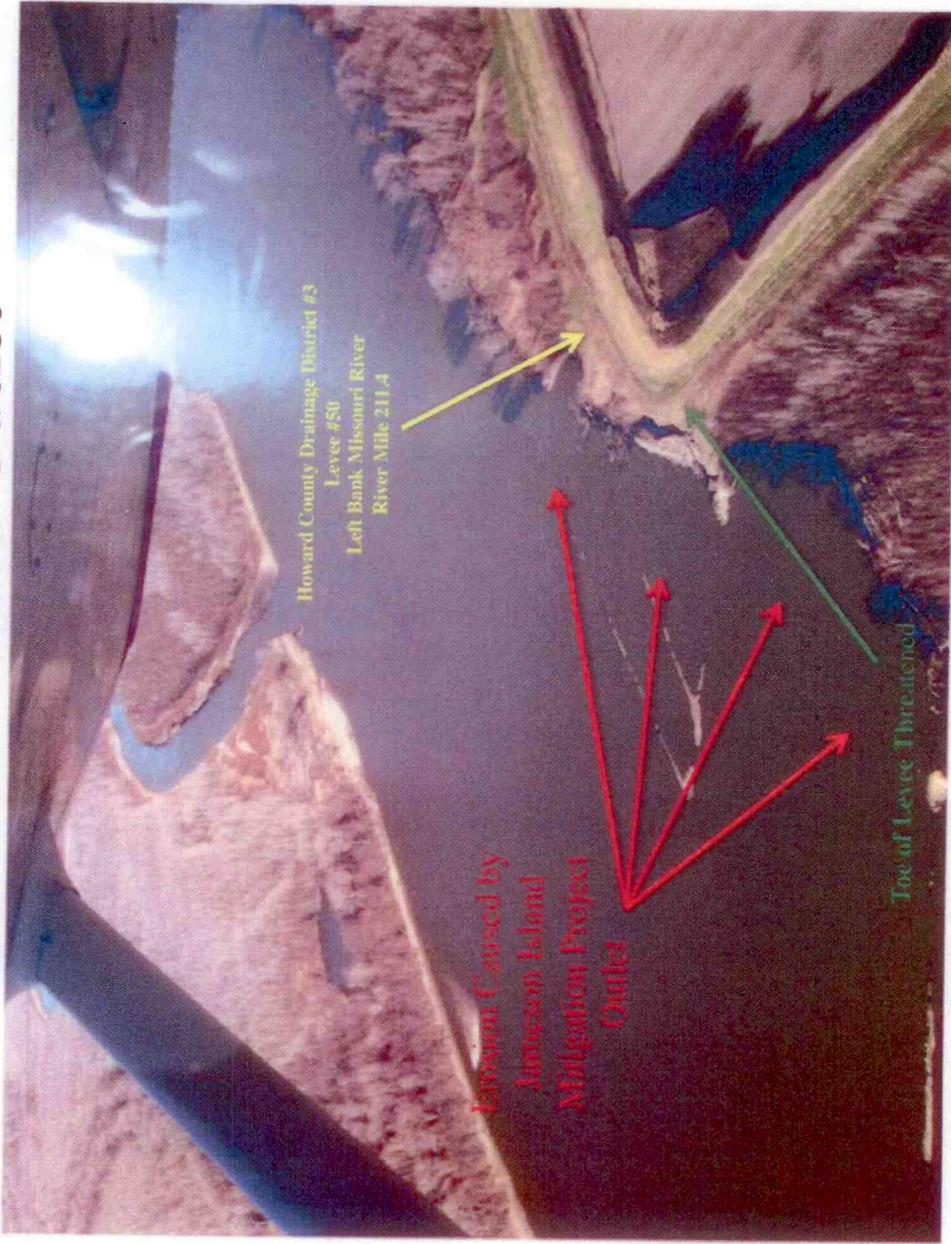
(573) 324-6538 / bob@perrylawoffice.net

Jameson Island Outlet



11-28-10

Jameson Island Outlet



11-28-10



04-29-07

MISSOURI LEVEE AND DRAINAGE DISTRICT ASSOCIATION

TOM WATERS, CHAIRMAN
36257 HIGHWAY Z
ORRICK, MISSOURI 64077
(816) 770-5562

LANNY FRAKES, VICE-PRESIDENT
13371 SW ST., RT. KK
RUSHVILLE, MISSOURI 64484
(816) 688-7820

CARL LENSING
CHAIRMAN EMERITUS
447 HIGHWAY 94
RHINELAND, MISSOURI 65049
(573) 236-4577

BILL LAY, SECRETARY
ROUTE 3, BOX 119
FAYETTE, MISSOURI 65248
(660) 248-3068

PAUL SEIGFREID, ATTORNEY
108 NORTH JEFFERSON
MEXICO, MISSOURI 65265
(573) 581-8888

December 3, 2010

Colonel Anthony J. Hofmann

District Commander, Kansas City District, USACE
700 Federal Building
601 East 12th Street
Kansas City, Missouri 64106-2896

RE: *Emergency Situation*****

Dear Colonel Hofmann:

The U.S. Army Corps of Engineers Jameson Island Mitigation Project is causing an emergency situation at Missouri River Mile 221.4. High flows earlier this year have created a chute with an outlet directing water into the Howard County Drainage District #3, Levee # 50. The riverbank has been eroded and the toe of the levee is now at risk. If this levee is breached by high flows or continued erosion, flood waters will travel as far as 22 miles damaging, farmland, home, roadways, pipelines and other important infrastructure.

In a heated meeting earlier this week with U.S. Army Corps of Engineers representatives, several angry and vocal stakeholders voiced their concerns and requested the Corps use emergency repair funds through the mitigation program to protect the levee and change the flow from the Jameson Island Outlet.

The riverbank across from the outlet needs to be stabilized and repaired as soon as possible. The outlet needs to be modified to direct the outflow downstream and away from the opposite riverbank. A control structure needs to be placed at the upper end of the chute to control the flow of water entering the chute. **It is imperative this work be done immediately!**

There is not time for their usual slow process of modeling, studying and simply looking at the problem for days, months or years. It is plain to see what needs to be done and it needs to be done quickly.

I have enclosed photos of this emergency situation. I hope you and your staff will take swift action to correct this problem at once. This is an emergency that cannot wait!

Sincerely,

Tom Waters, Chairman
Missouri Levee & Drainage District Association

Enclosures: Photos

cc: Brigadier General John McMahon, Division Commander



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
635 FEDERAL BUILDING
KANSAS CITY, MISSOURI 64106-2896

December 14, 2010

REPLY TO
ATTENTION OF:

Civil Works Branch Planning,
Programs and Projects Management Division

Mr. Tom Waters: Chairman
36257 Highway Z
Orrick, MO 64077

Dear Mr. Waters,

Thank you for your December 3, 2010 letter regarding the Jameson Island Chute Project, located in Saline County, Missouri on the Jameson Island Unit of the Big Muddy National Fish and Wildlife Refuge. The US Army Corps of Engineers (Corps) is aware of stakeholder concerns at Jameson Island including the maintenance of Bank Stabilization and Navigation Project (BSNP) structures adjacent to the Howard County river bank near river mile 211, the amount of flow in the chute, and the alignment of the chute exit.

For a variety of reasons, there have been many instances of damage caused by bank erosion to river banks and levees along the Missouri River, including banklines near the Howard County Levee. A review of aerial photographs taken over the last twenty years reveal that river bank erosion next to the Howard County Levee near river mile 211 has been a recurrent problem since at least the 1993 flood. In response to these pre-chute erosion issues, the Corps placed rock on the bank adjacent to the levee in 2003 and in 2007. Additionally, photographs from the June 2010 flood show water exiting the chute and turning downstream immediately. Accordingly, the Corps assessments do not relate any of the levee toe erosion or required maintenance of BSNP structures to flows coming out of the Jameson Island Chute.

Since halting construction in October 2007, high water has accelerated the development of the Jameson Island Chute. Features that remain unconstructed include the chute control structure and the revision to the alignment of the chute exit previously discussed with the Howard County Levee Districts. Regarding these concerns, the Corps offers the following path forward.

First, the Corps intends to repair any BSNP structures in need of maintenance adjacent to the Howard County river bank as soon as possible, perhaps starting as soon as February. The Corps will also investigate whether additional rock hard points or other stabilization measures are warranted.

Second, within the Missouri River Recovery Program (MRRP), the Corps has a team assembled and moving forward to ensure we have the chute control structure ready for construction later this fiscal year to limit flows in the chute. This is one of the highest priorities for MRRP.

Third, also within MRRP, the Corps has contacted representatives of the levee districts to hold a meeting in January to discuss options for the downstream end of the chute to add additional shallow water habitat at the site. The Corps and the USFWS will consider the levee districts concerns, and are optimistic that a win / win solution is within reach.

Regarding completion of the downstream end of the Jameson Island Chute, it is important to note that the original Clean Water Act permits for construction from the State of Missouri have expired. Construction of shallow water habitat in Missouri, including the Jameson Island Chute, was halted over issues with the Clean Water Act permits, and those issues have not yet been resolved. The Corps is currently working with several State and Federal parties to determine a path forward to resume construction of shallow water habitat in Missouri. Therefore, since a new Clean Water Act permit is required for any work at the lower end of the Jameson Island Chute, the time required for completing the work will depend heavily on resolution of issues not entirely within the control of the Corps.

I hope this path forward will address the concerns of the Howard County Levee Districts. The Corps has heard the stakeholder concerns and we are taking action. Any questions on this matter can be directed to my Executive Assistant, Larry Myers. He can be reached at 816-389-3205.

Sincerely,



Anthony J. Hofmann
Colonel, Corps of Engineers
District Commander

MISSOURI LEVEE AND DRAINAGE DISTRICT ASSOCIATION

TOM WATERS, CHAIRMAN
36257 HIGHWAY Z
ORRICK, MISSOURI 64077
(816) 770-5562

LANNY FRAKES, VICE-PRESIDENT
13371 SW ST., RT. KK
RUSHVILLE, MISSOURI 64484
(816) 688-7820

CARL LENSING
CHAIRMAN EMERITUS
447 HIGHWAY 94
RHINELAND, MISSOURI 65049
(573) 236-4577

BILL LAY, SECRETARY
ROUTE 3, BOX 119
FAYETTE, MISSOURI 65248
(660) 248-3068

PAUL SEIGFREID, ATTORNEY
108 NORTH JEFFERSON
MEXICO, MISSOURI 65265
(573) 581-8888

December 18, 2010

Colonel Anthony J. Hofmann

District Commander, Kansas City District, USACE
700 Federal Building
601 East 12th Street
Kansas City, Missouri 64106-2896

RE: Jameson Island Mitigation Emergency Situation

Dear Colonel Hofmann:

Thank you for your letter in response to the emergency situation at the Jameson Island mitigation project outlet. I appreciate you looking into this problem and look forward to you meeting with the Howard County Levee District soon. I again want to stress the emergency nature of this problem. High flows in the spring will make it difficult to complete the repairs and threaten the levee across from the outlet.

In your letter, you referred to a review of aerial photographs taken over the last twenty years at this location. Will you please provide us with a copy of the review report and the photographs used in the review? This information will be very helpful to the levee district engineer and us. The photographs may help us better understand the Corps' position.

You mentioned previous work the Corps had completed at river mile 211 and indicated there was a recurring problem at this location. The fact there have been problems in the past at this location only highlights the danger created by the addition of the Jameson Island outlet. Water flowing out of the mitigation site is forcing the flow of the river current coming from above the outlet into the bank on the opposite side of the river. The outlet has escalated an already existing problem and clearly intensified the erosion of the opposite bank.

While I appreciate your commitment to repair a Bank Stabilization and Navigation Project structures in need of maintenance adjacent to the Howard County river bank as soon as possible and investigate whether additional rock hard points or other stabilization measures are warranted, I cannot help but to believe, while the Corps is aiming to fix the problem, more immediate focus should be placed on the cause of the problem. You noted the expiration of the original Clean Water Act permits for the construction of the mitigation projects in your letter. I encourage you to seek a site-specific emergency permit from the State of Missouri to address the Jameson Island outlet and construction of a control structure at the project's inlet. While our Association continues to support the Missouri Clean Water Commission order not to dump soil into the Missouri River, I believe this work can be completed without dumping soil in the River. In fact, the soil excavated to change the outlet could be placed in the existing chute created by the recent high water and earlier Corps construction.

It is my understanding the Missouri Clean Water Commission will be meeting next on January 5, 2011. I encourage the Corps to contact the commission immediately to discuss the emergency nature of this

problem. From recent conversations I have had with Mrs. Kristin Perry, Past Chair of the Missouri Clean Water Commission, I believe the commission would allow a site-specific permit to be issued in an expedited manner to address the inlet and outlet at the Jameson Island Mitigation Project. It is my understanding the commission had no objections to the construction of the Jameson Island chute. The commission's concerns were and continue to be related to the dumping of soil, which nutrients are considered pollutants under the Clean Water Act, into the River.

I intend to discuss the Jameson Island issue with Mr. Ron Hardecke, current Chairman of the Missouri Clean Water Commission, in the next few days. If our Association can help accelerate the site-specific permits required to fix the outlet and construct an inlet structure, please do not hesitate to allow us to help. I believe it is important to work without delay to obtain any permit required to fix this emergency situation. Therefore, it is my hope; the Corps of Engineers will not tie-up the Jameson Island outlet and inlet structure crisis in the unresolved issues surrounding the permits for the numerous Missouri River Recovery Program mitigation projects in Missouri. Please consider this emergency situation site-specific and seek an expedited permit from the State of Missouri. A delay could create more damage and do harm to lives and property protected by the Howard County levee.

Colonel, I share the concerns you expressed to me in our recent phone conversation regarding the heated nature of the recent meeting held in Boonville, Missouri when the issue of the Jameson Island project was discussed. Clearly, there is great stakeholder concern with the Missouri River Recovery Program and its impact on adjacent landowners, property and communities. The perception stakeholders have of the Corps of Engineers activities surrounding mitigation projects has been created over several years. As indicated in the Boonville meeting, there is an overwhelming feeling of distrust and suspicion surrounding the relationship between the Corps of Engineers and Missouri River stakeholders. Problems created by the Corps as in the case of the Jameson Island project only add to this strained relationship.

As Chairman of the Missouri Levee and Drainage District Association, I strive to better the relationships between the Corps of Engineers and those we represent. With that goal in mind, I will continue to seek to build better relationships between the parties, while doing my best to represent our membership. At this time, we have members extremely upset with the way the development of the Jameson Island project and other mitigation sites have been handled. I hope the Corps of Engineers will consider the opportunity presented with the Jameson Island crisis to show a willingness to quickly address these stakeholder concerns. As always, our Association is willing to help and we look forward to working with the Corps of Engineers, the State of Missouri, and stakeholders to resolve the Jameson Island quandary as soon as possible.

Sincerely,

Tom Waters, Chairman
Missouri Levee & Drainage District Association

cc: Brigadier General John McMahan, Division Commander
Mr. Larry Myers, Executive Assistant



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
635 FEDERAL BUILDING
KANSAS CITY, MISSOURI 64106-2896

REPLY TO
ATTENTION OF:

January 5, 2011

Civil Works Branch Planning,
Programs and Projects Management Division

Mr. Tom Waters, Chairman
36257 Highway Z
Orrick, Missouri 64077

Dear Mr. Waters,

Thank you for your December 18, 2010 letter regarding the Jameson Island Chute Project, located in Saline County, Missouri on the Jameson Island Unit of the Big Muddy National Fish and Wildlife Refuge. Your letter re-iterated several points from your December 3, 2010 letter and asked for additional information related to my December 14, 2010 response.

As previously stated, the Corps assessments do not relate any of the levee toe erosion or required maintenance of BSNP structures to flows coming out of the Jameson Island Chute. As such, we cannot declare a levee emergency as result of the chute. Aerial photographs used by the Corps in its assessments of the Howard County levee toe erosion were provided to members of the Howard County Levee Districts on December 14, 2010, and have also been forwarded to you over email on January 3, 2011. In addition to reviewing the aerial photographs, the Corps has been monitoring the development of the chute. Flow measurements completed in June 2010 indicate that the chute is carrying less than 10 percent of the water, as measured at flows above the top of bank. Completing the control structure is a high priority for the Missouri River Recovery Program to avoid any potential future emergency situations with the navigation channel in the event the chute continues to get larger. Currently we are not observing anything that would constitute a bank stabilization or navigation emergency.

The Corps is aware that a more inclusive forum for mitigation site development is beneficial, and has adjusted its public process using lessons learned from Jameson Island. In the current process, the Corps contacts land owners and levee districts surrounding each proposed project on each side of the river, and invites them to public meetings early in the habitat scoping process and at various points during the design phase of each project. The Corps also added your name to our Regulatory general mailing list to ensure the Missouri Levee and Drainage District Association is aware of any public notices on shallow water habitat projects. Benefits from the revised process have been easy to identify. Since 2006 the Corps has held a minimum of two public meetings for each new mitigation site development plan. Examples of win/win opportunities that have emerged from the meetings that are currently being explored include use of interior drainage waters for wetland development at our Jim and Olivia Hare Mitigation Site, land trading and a levee setback at Providence Bend, and restoring flows in a historic chute to benefit interior drainage at Cora Island, to name a few.

The Corps intends to continue to follow this process as we move forward at Jameson Island. Regarding completion of the downstream end of the chute and the control structure, the Corps and USFWS have developed a list of alternatives that can be discussed with the levee districts in January. Some of these alternatives will include strategies to complete the chute with minimal excavation, other than as needed to place or move rock, which could help expedite permits in Missouri at least for these activities. The Corps and FWS have also developed a conceptual alternative to move the chute exit downstream to river mile 210. This alternative could provide additional shallow water habitat towards compliance with the Biological Opinion and also addresses the levee districts original request, as they were interested in seeing the chute move water further downstream past their main area of concern. The Corps has contacted the Department of Natural Resources to inform them that we are preparing for work at Jameson Island, and anticipates being ready to submit for permits soon after the meeting with the levee districts in January.

Regarding shallow water habitat construction in Missouri, while the Missouri Clean Water Commission Order technically does allow excavation, building stable habitat without any natural cut and fill processes would not meet the requirements of the US Fish and Wildlife Service's 2003 Biological Opinion, nor would it meet the definition of restoration where ecologic form, function, and dynamic process are required. According to the clarified definition of shallow water habitat from the USFWS, one key physical component of shallow water habitat is a dynamic nature with depositional and erosive areas.

As stated in my December 14, 2010 response, the Corps has heard the stakeholder concerns and we are taking action. Any questions on this matter can be directed to my Executive Assistant, Larry Myers. He can be reached at 816-389-3205.

Sincerely,



Anthony J. Hofmann
Colonel, Corps of Engineers
District Commander