

Big Oak Tree in the Vortex

Big Oak Tree State Park has gone from being of almost no account in the Corps of Engineers-Memphis District proposal for closing the last remaining 1500-foot gap that connects the Mississippi River to its natural backwater habitat anywhere in the state of Missouri—a proposal that was stoutly opposed by both the Missouri Parks Association and the Missouri Department of Natural Resources when it was at issue more than a decade ago—to being a major justification for the project. But both the St. Johns Bayou New Madrid Floodway Project (SJM) and the mitigation plan for Big Oak Tree in the new environmental impact statement (EIS) just issued by the corps—the seventh such analysis since the project was originally authorized back in 1954—are virtually the same as the earlier project and EIS rationale struck down by a federal judge in 2007 as “arbitrary and capricious.”

When the Mississippi River flood of 2011 forced the Corps of Engineers to breach the front-line levee in three places in Mississippi County, one of them only a half mile from Big Oak Tree, to allow floodwaters to spread out over the 130,000-acre New Madrid Floodway in order to protect cities, levees and farmland elsewhere along the river—for only the second time since the floodway was authorized by Congress in the wake of the dev-



Big Oak Tree State Park is an ark of extraordinary biodiversity left aground in an expanse of ditched and drained cropland.

astating flood of 1927—park managers and supporters hoped the breach near the park could be the basis for wetland restoration and a more natural connection of the park to the river (see *Heritage*, June 2011). In numerous places along the Great Rivers the corps has partnered with other agencies and organizations in restoring more natural floodplains, and here was an incredible opportunity.

But it was not to be. Missouri politicians perennially responsive to a small number of very large farm operators in the floodway immediately began calling for the corps to rebuild the levee bigger and better and also to proceed expeditiously with the long-sought project to close the 1500-foot gap in order to drain more wetlands and allow even more intensive agriculture. It did not matter that farmers still man-

aged to plant crops after the floodwaters receded and reportedly produced eighty percent as much as in a normal year; the 2011 intentional flooding of land in the floodway provided the perfect argument to close the gap with a new 60-foot-high barricade known as the New Madrid levee. This in turn would leave even less floodplain for the river during floods and would likely lead to further development that would make it even less likely that the corps would ever again activate the floodway, thus placing at greater risk dozens of cities and hundreds of miles of other levees and agricultural lands along the river.

The gap at the downstream end of the floodway had originally been designed by the corps as an outflow for waters in the floodway, but during high water stages it also functions as an inflow for backwaters of the Mississippi, and these occasional backwaters have proved critical to maintaining at least a bit of the hydrologic cycling so vital to the swamp flora and fauna that had won National Natural Landmark designation for the eighty-acre core of Big Oak Tree—the only uncut portion of the vast 2.5-million-acre swamp forest that had once covered virtually the entire Mississippi lowlands of Missouri.

The U.S. Fish and Wildlife Service (FWS) since 2002 has taken the position that this last remaining connection of the Mississippi River

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President's Message by Steve Nagel:

Let's Celebrate: 31st MPA Annual Gathering

If you haven't already, be sure to mark your calendars October 11-13 for MPA's 31st annual fall gathering at Lake of the Ozarks State Park. This year's event has all the promise of being a unique and memorable adventure in Missouri's largest state park with behind-the-scenes tours of Lake of the Ozarks and nearby Ha Ha Tonka state parks and meals, panels, entertainment and meeting events in the newly rebuilt dining lodge at Camp Pin Oak.

In retrospect the first annual meeting I remember attending was in 2007 at Arrow Rock (after I returned to Missouri from many years working in California), and with certainty many of you have a lot longer history with MPA than that. I recall Governor Nixon (then attorney general) gave our gathering a rousing speech after dinner at the Huston Tavern. I was convinced that Missouri State Parks would be a priority—for him and for me. The hot button issue for us that year was the proposed CAFO development, a 4,800-hog operation, at the edge of Arrow Rock. Now, again, Missouri State Parks are a priority and stood out as one of the substantive subjects encountering the "wild ride" during this past 2013 state legislative session (see *Heritage*, May 2013).

In follow-up to that wild ride and the pressing need to address maintenance and infrastructure issues in the park system we are organizing a panel discussion with key legislators and other park supporters for Saturday morning at Camp Pin Oak. In spite of the ups and downs in the 2013 legislative session, in the end the governor and the Missouri General Assembly provided the first substantial infusion of state general revenue into the park system—a last-minute \$20 million appropriation for infrastructure rehabilitation—since 1990, when all general revenue funds for park operations were cut from the budget and the system had to rely solely on the parks and soils sales tax. (The parks appropriation has been withheld by the governor to help cover projected state budget shortfalls in case the legislature overrides his veto of a major income-tax-cut bill that also passed in May.

You can help by calling your state representative and senator before the September 11 veto session to

explain the consequences of an override for state parks.)

Plan to arrive at Pin Oak in time for a 1 pm Friday afternoon tour of nearby Ha Ha Tonka State Park with its spectacular castle ruins and extraordinary concentration of karst landscape features. Nearly 3,000 acres of this 3,700-acre park have just been designated as the Ha Ha Tonka Woodland State Natural Area, and the park has also been nominated as a National Natural Landmark. On our return to Pin Oak we plan to stop at the marvelous Ozark Caverns on the south side of Lake of the Ozarks, which also boasts the exquisite Coakley

Hollow Fen State Natural Area. And, if time permits, we may visit the swinging bridges.

Our headquarters for the weekend activities is the beautiful new dining lodge at Camp Pin Oak, which was rebuilt through a remarkable partnership



The new Camp Pin Oak dining lodge under construction and the beautiful finished interior.



between Missouri State Parks, State Fair Community College's construction technology program, and the Missouri Department of Economic Development (with a \$1.4 million block grant) after a lightning strike in September 2010 burned the original historic CCC-era lodge to the ground. On Saturday afternoon we'll tour other facilities, infrastructure, and special features of the 17,600-acre park. To make your park experience complete, plan to bunk in one of the CCC-era group camps and hike one of the park's many trails before or after the MPA gathering.

To all our valued members: our member-supported organization is run by volunteers who enjoy our beautiful and diverse state parks and we strive to keep it a system in which we can all take pride. Thanks for all you do for our Missouri State Parks and I'll see you at our 31st gathering in October!

("Big Oak" from Page 1)

with the bottomlands in the lower part of the New Madrid Floodway—at the center of which is Big Oak Tree—is so rare and so vital to the ecological functioning not only of this region but ultimately of the Mississippi River system on downstream that there was no way the New Madrid portion of the SJNM project could be adequately mitigated. Both the FWS and the Environmental Protection Agency (EPA), using somewhat different methodologies, have calculated there are far more wetland acres in the project area (including agricultural wetlands) than the corps recognizes. Although the project would also result in significant loss of wetlands in the adjacent St. Johns Bayou, that basin has long been completely severed from the river, like most of the rest of the Mississippi's floodplain, and hence is not as ecologically rich as the New Madrid floodway. Moreover, the St. Johns basin contains major highways like I-55 and three cities with 35,000 residents that need better flood protection. To FWS and other agencies, it made more sense to concentrate on protecting homes, businesses and infrastructure in St. Johns, with adequate mitigation for lost wetlands, and drop the New Madrid project.

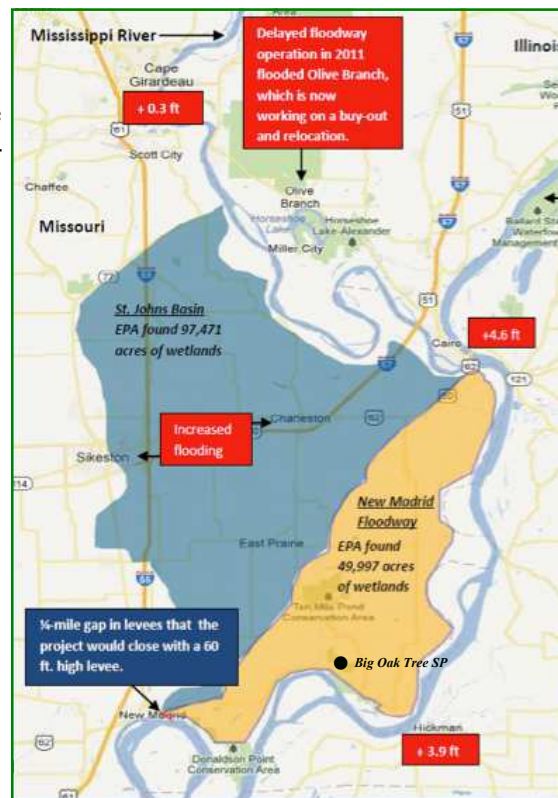
When the corps released its draft EIS for public review in late July, it offered as one of its alternatives a St. Johns-Bayou-only project, but gave it little genuine attention compared with its "tentatively selected plan"—the same plan it had been seeking to construct since the mid-1990s. But the verbiage in the thousands of pages of EIS and appendices places Big Oak Tree squarely in the political cross-hairs

by numerous repetitions that project mitigation would restore Big Oak Tree and that without the project—or with only the St. John's portion—the swamp forest in the park would continue its slow death. The EIS states that there are currently no structures in the lower Mississippi River levee system for the purpose of habitat restoration or mitigation and that lessons learned from restoration of Big Oak "could significantly restore river connectivity to other high valued areas throughout the lower Mississippi"—but with no acknowledgement that other Corps districts along the great rivers such as St. Louis, Rock Island, Kansas City, and Omaha, if not the Memphis district, have already completed

plan, the EIS describes in detail the extraordinary natural values at stake in Big Oak Tree, and from the same source pulls references to the progressive deterioration of the park owing to disruption of normal flood cycles by levees and drainage ditches, with no acknowledgement that the park is already working on various aspects of restoration pursuant to the management plan. The EIS then states that "a hydrologic connection to the Mississippi River would be *restored* to the park" via a water delivery system, described as *two five-foot-diameter culverts* within the Mississippi mainline levee and a channel to the park itself (p. 242), while failing to acknowledge the essential trade-off: plugging of the *existing quarter-mile gap* in the mainline levee by a new 60-foot-high levee.

The mitigation is said also to include acquisition and restoration of a minimum of 1,800 acres of farmland surrounding the park and berms and other structures to prevent flooding of adjacent farmland, but the joker is a single grammatically-hidden mention that such acquisition would be "*from willing sellers*," when surrounding landowners have repeatedly proven unwilling to sell. The additional acreage restored to forested wetland would help greatly to buffer the park from the increased frequency and intensity of windstorms that have taken a major toll on its old-growth giants in recent years. The EIS also states, based on a memorandum of understanding between DNR and the corps, that park hydrology restoration would be constructed concurrently with other floodway features and completed prior to operation of the proposed new project, but there is no guarantee that 1,800 acres of additional lands would be acquired by then, if ever.

Hence the dilemma: the SJNM project is by all odds one of the worst and least defensible water development projects in the nation by modern standards (including corps



St. Johns Bayou and New Madrid Floodway, with Cape Girardeau to the north and New Madrid to the south, showing location of the quarter-mile gap and Big Oak Tree State Park east of New Madrid.

numerous successful restoration projects. In fact, there have also been numerous cooperative floodplain restoration projects in bottomland forests farther downstream.

Drawing from the park's own 2005 natural resource management

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standards), yet Big Oak Tree could stand to benefit from its mitigation provisions. Although it seems highly unlikely that the additional 1,800 acres would actually be acquired and included in the hydrological restoration package, the addition of culverts through the front-line levee, which would provide a more frequent flow of water into the park at lower river stages than backwaters reaching the park through the levee gap at New Madrid, would undoubtedly provide an important lifeline for the park. Other Corps districts have repeatedly undertaken such cooperative restoration projects along the great rivers as mitigation for past adverse impacts, however, rather than as justifications for a damaging new project.

Even a corps independent review panel (with personnel from other corps districts), has said that the "loss of this last remaining connection [the 1500-foot gap] and its ecosystem functioning would be the 'straw that broke the camel's back' in terms of the total cumulative impact." The U.S. Environmental Protection Agency has said that the project "could potentially have the larg-

est negative impact on wetlands and streams of any project ever proposed in Region 7" (the EPA region in which Missouri is located). It is not known, however, what sort of deal might have been struck by EPA or the White House in order to get the new EPA administrator, Gina McCarthy, confirmed by Congress in July after a hold was placed on her nomination by Missouri Senator Roy Blunt. National conservation organizations and public officials from numerous communities that would be put at greater risk of catastrophic flooding by completion of the project have spoken out against the SJNM project, as have editorials in papers including the *St. Louis Post-Dispatch* and the *Washington Post*. More recently, an op-ed in the *St. Louis Business Journal* by James Blair IV, chair-elect of the Great Rivers Habitat Alliance and a Mis-

souri conservation commissioner, called on legislators to stand up for taxpayers and demand that the Corps account meaningfully for overall cumulative impacts, and asked agencies to "do what is right" even in the face of massive political influence.

In Missouri, while wealthy landowners in the two basins and other interests in the project area steadfastly advocate for the project and many politicians have cast their lot with them, it is not yet clear what position the Department of Natural Resources—and its park division—will be asked to take by higher authorities. One suspects that park managers would love to secure a hydrological lifeline and 1,800 additional acres for Big Oak Tree, unlikely though one or both of those fixes may be, but that they also wince at the larger implications of

the project. Even the Missouri Parks Association has not yet, at press time, had an opportunity to discuss the current imbroglio, though it has been on record for more than a decade in opposition to the project as a whole because of its devastating consequences for wetlands in the larger area and in support of restoration efforts for Big Oak Tree.

For More Information & To Take Action

The corps is holding public hearings on the project in East Prairie MO and Cairo IL on August 27 and 28, and the hearing record will be open for public comment until November 25 (recently extended from an earlier deadline September 9). For the EIS and appendices see: <<http://www.mvm.usace.army.mil/Missions/Projects/StJohnsBayouandNewMadrid-FloodwayProject.aspx>>. For further information about the history of the project and documents related to environmental impacts see: <<http://www.nwf.org/newmadrid>>. Comments must be submitted by November 25 to: <joshua.m.koontz@usace.army.mil>.

Park Briefs

Clean Waters for Missouri. Missouri has some of the best waters in the nation but the state has been among the weakest in protecting them. More than 150,000 miles of streams as well as wetlands, lakes and ponds remain without scientific standards to prevent excessive pollution, as required by the Clean Water Act. But the state's Clean Water Commission on September 11 will be hearing a major proposal intended to address part of the deficiency. Although the proposed new rule would classify fewer than half of the stream miles intended by law to be clean enough for swimming and to support fish and other aquatic life (including many in the watersheds of state parks), half is still a great improvement. **Plan now to attend the hearing at 9am September 11 at the DNR headquarters in Jefferson City (Lewis and Clark Building, 1101 River-**

side Drive) to demonstrate your support of clean water and also to submit a written comment by the September 17 deadline. We can be sure that people who do not want to see more streams classified for water quality protection will be at the hearing in force, so the commission needs to see an equal or larger number who care about clean water. Come early to get a seat, speak up in support of the rule and in favor of further efforts to strengthen it, and in any case send written comments by September 17 to John Hoke, DNR Water Protection Program, P.O. Box 176, Jefferson City MO 65102-0176, or email him at: john.hoke@dnr.mo.gov. For more information see the website of the Missouri Coalition for the Environment, which has led for years in the effort to secure better protection for Missouri's waters: www.moenvirom.org.

(See "Park Briefs" on Page 6)

MPA 31st Annual Gathering at Camp Pin Oak, October 11-13, 2013

Stay at a rustic group camp or a family outpost cabin at Lake of the Ozarks State Park with meals and meetings at the new dining hall at Camp Pin Oak. Enjoy insider tours of Missouri's largest state park and nearby Ha Ha Tonka. All are welcome. Some activities may be planned for kids.

To stay at a group camp, register on the meeting form (here or on-line at <http://parks.missouri.org/>). For a more private outpost cabin (\$55/night), being held for MPA until September 20, call the park office at 573-348-2694 from 8am-4:30pm M-F (for outpost information see <http://mostateparks.com/lodging/lake-ozarks-state-park>). Both group camps and outpost cabins require your own bedding, pillows and towels and have central rest-rooms and parking. You may also reserve a campsite on-line at www.mostateparks.com or book your own nearby motel room along Grand Glaize Parkway: Super 8 (888-946-3379), Comfort Inn (800-992-2694), Inn at Grand Glaize (800-992-2694), etc.

Friday, October 11

1:00pm. Leave dining lodge at Camp Pin Oak with park division staff for visit to Ha Ha Tonka State Park with return by way of Ozark Caverns on the south side of the huge Lake of the Ozarks State Park.

5:30pm Arrive back at Pin Oak for lodging check-in (early check-in available at lodge for group camps)

6:00pm Happy hour and dinner at Pin Oak dining lodge

Saturday, October 12

7:30am Continental breakfast at Pin Oak lodge or on your own

8:00am Registration opens in Pin Oak lodge

8:45am Welcome and introduction to the park: MPA Pres. Steve Nagle and Bill Arnold, park superintendent

9:00am State of the Parks Address and discussion: Bill Bryan, Director of State Parks

10:00 Break

10:30 Panel discussion on park system infrastructure and the funding crisis with legislators and other park supporters

12:00n Box lunch at Pin Oak; leave in vans and cars for behind-the-scenes tour of Lake of the Ozarks State Park.

5:00pm Return to Pin Oak

6:00pm Reception, dinner and program at Pin Oak lodge; Ozark music by MSP Shoe String Band

Sunday, October 13

7:30am Continental breakfast at Pin Oak Lodge

8:30am Annual meeting of members: Pin Oak Lodge (includes UPOP discussion)

9:30am Meeting of MPA board of directors (all are welcome to attend)

12noon Adjourn

Registration Form

Name(s) _____

Address _____

Phone _____ Email _____

Flat Registration Fee (all meals) _____ persons @ \$45 \$ _____

Group Camp Bunk _____ persons @ \$10 \$ _____

Ha Ha Tonka Tour Friday _____ persons (free)

Individual Meals:

Dinner Friday _____ persons @ \$13 \$ _____

Continental breakfast Saturday _____ persons @ \$5 \$ _____

Lunch Saturday _____ persons @ \$10 \$ _____

Dinner Saturday _____ persons @ \$17 \$ _____

Continental breakfast Sunday _____ persons @ \$5 \$ _____

Total \$ _____

Make check payable to **Missouri Parks Association** and mail with form by **September 28** to Melissa Hope, MPA treasurer, 7115 Route M, Jefferson City MO 65101. For questions or late registration email Melissa: m4hope@gmail.com. Registration also available on-line at MPA website: <http://parks.missouri.org/>



August 2013

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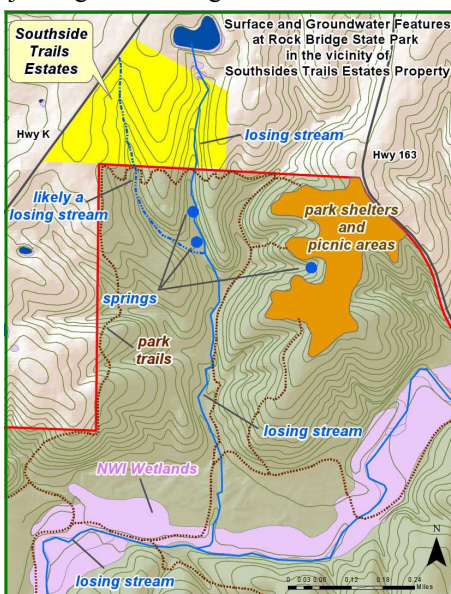
*Big Oak Tree in the Vortex
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<http://parks.missouri.org>

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Current River Trail. The National Park Service is accepting public comment through August 30 regarding issues to be addressed in an upcoming Environmental Assessment on a proposed Current River hiking trail from Current River State Park through Ozark National Scenic Riverways to the Roger Pryor Pioneer Backcountry. Comments or encouragement for development of the trail may be submitted on-line by going to <http://parkplanning.nps.gov> and selecting Ozark National Scenic Riverways, or sent to Superintendent-Current River Trail, Ozarks National Scenic Riverways, 404 Watercress Drive, Van Buren MO 63965.

Rock Bridge development at issue September 3. The Columbia Planning and Zoning Commission, which voted unanimously in January in opposition to rezoning for a proposed 76-unit Parkside Estates subdivision on 36 acres adjoining Rock Bridge State Park in an urbanizing area south



Rock Bridge State Park with proposed Southside Trails (now Parkside) Estates along northwest boundary.

of Columbia, in July voted unanimously in support of a revised proposal for up to 69 units. The commission, with several new members, was impressed by the developer's willingness to reduce the number of units, provide for a 75-foot-wide buffer along the common boundary with the park, and write various other conditions into protective

covenants regarding protection of 90 percent of existing trees, planting of native vegetation in public areas, and annual seminars on pesticide use.

Opponents of the project, including state park officials, pointed out that this would still be the most dense development directly adjacent to a state park anywhere in the state, that the standard for impervious surfaces in sensitive karst areas is 15 percent, whereas this development would still be 24 percent impervious, that expecting a homeowners' association or state parks to enforce the protective covenants was unworkable, and that the development would set a bad precedent for future requests for rezoning along the borders of the park, which Columbia citizens and officials have sought over the years to protect. **The proposal next comes before the city council on Tuesday, September 3 at 7 p.m.,** and both proponents and opponents are seeking to rally supporters to attend and speak up. **Please lend your presence and your voice.**

Scenic Riverways—Comments Needed. The long-awaited general management plan for Ozark National Scenic Riverways is expected to be released for public comment in late September, with a 60-day period for comment. The plan is expected to generate a large number of responses by both those who want no restrictions and those, like many in MPA, who want to see the park begin to address more vigorously its vexing management problems such as off-road ATV use, excess river access points, proliferation of undesignated horse trails, and scenic easement violations. Public meetings are expected in Van Buren and St. Louis during the comment period. Watch for more information on the websites of Ozark National Scenic Riverways, the Missouri Parks Association (<http://parks.missouri.org/IssuesAction/CurrentRiver.aspx>), and Friends of Ozark Riverways (<https://www.facebook.com/CurrentRiverFriends> or <http://www.friendsofzarkriverways.org/>). **If you love the riverways, resolve now to submit your comments.**