

1 St. Peters Lakeside 370 Levee Project,

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5 U.S. Army Corps of Engineers

6 Public Hearing

7

8 October 21, 2004

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St. Peters, Missouri

St. Peters Lakeside 370 Levee Project,

Transcript of U.S. Army Corps of Engineers
PUBLIC HEARING, taken at St. Peters City Hall,, One
St. Peters Centre Blvd., in the City of St. Peters,
State of Missouri, on the 21st day of October, 2004,
before Pamela K. Needham, RPR, CCR, CSR (MO, IL) and
Notary Public.

1 CORPS OF ENGINEERS PANEL

2 Alan J. Dooley

3 Chief, Public Affairs

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5 Colonel C. Keven Williams

6 Commander/District Engineer

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8 G. Ward Lenz

9 Regulatory Project Manager

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1 WELCOME AND INTRODUCTIONS

2 COLONEL WILLIAMS: I'd like to well everyone
3 here for this very important public hearing tonight.
4 My name is Kevin Williams, I'm the St. Louis
5 District Commander for the U.S. Army Corps of
6 Engineers, and it's very important that you all are
7 here today, that's why we're here, to get your input
8 on this permit application. And I know that we have
9 a great interest and a great number of people that
10 have signed up to speak, so we're going to try to
11 move through things as quickly as possible, and I
12 know that there is some very contentious,
13 potentially some very contentious issues and a lot
14 of very back and forth, and, you know, the role of
15 the Corps of Engineers in these things is to always
16 remain neutral and be an unbiased party to this,
17 and I just want to assure you that we do that as
18 best we can in almost every circumstance.
19 But there is a circumstance today that even the U.S.
20 Army Corps of Engineers has not been able to
21 maintain its objectivity, and as such.

22 (APPLAUSE.)

23 I think we can all agree right now that this is
24 vitally important to all of us, and we will be
25 scheduling breaks as appropriate so we can get up

1 and look at the score.

2 But on a more serious note, we are here as part of
3 this application process, part of the, to be in
4 compliance with NEPA, to make sure that we're
5 getting public input on this permit application in
6 the City of St. Peters for the project. My
7 regulatory branch, the staff at St. Louis District,
8 have been working with the City for the past year to
9 evaluate the impact, potential impact, to wetlands
10 and aquatic resources in the project area. And I
11 know many of you took the opportunity to go through
12 the public workshop portion of this evening and
13 learn a little bit more or see what the project is
14 all about. That's another great opportunity that
15 many of you availed yourselves to, I appreciate you
16 taking the time to do that. As I said, we've been
17 working with the City for about the past year. I
18 anticipate that if the project is built, that there
19 could be intense pressure to develop the remaining
20 wetlands and aquatic resources that are confined
21 within the proposed levee, therefore, our evaluation
22 includes the potential impact to those areas, as
23 well.

24 There's also a major concern over the potential for
25 the development to increase flood heights in the

1 Mississippi River floodplain. In addition to the
2 hydrologic analysis conducted by Jacobs Engineering
3 for the City of St. Peters, we and the Corps are
4 also conducting an independent hydrologic analysis
5 of the impact of the proposed project on flood
6 levels.

7 Before we start, I'd like to thank obviously the
8 City of St. Peters for the wonderful facilities that
9 they've provided for the hearing tonight; I think
10 everyone will agree it's an ideal setting; and I'd
11 also like to introduce the other folks here at the
12 table with me tonight, they're all from the St.
13 Louis District, to my left, your right, is Mr. Ward
14 Lenz, he's the project manager for us on this permit
15 application, he works in our regulatory branch, and
16 to my right, your left, is Alan Dooley, he'll be
17 kind of moderating the calling up of the speakers
18 and that kind of thing, and he's also with my
19 district, and he's the public affairs officer in the
20 City of St. Louis. So he'll be tasked with managing
21 the clock and order of speakers and who says what,
22 and all those kinds of things.

23 We also have a bunch of district personnel
24 throughout, they're in the workshop portion and
25 scattered throughout the auditorium tonight. I

1 think you can identify most of them by the red name
2 tag most of them will have on as a Corps of
3 Engineers employee.
4 Please feel free at any portion or at any time
5 during the hearing if you have a question or
6 something you want to ask, need clarified while the
7 hearing is going on, I'd ask you to seek out one of
8 those folks with the red name tags, just ask them
9 and they'll be able to hopefully either answer your
10 question or get you to the right person who can
11 answer it for you.
12 As you entered the auditorium you were asked to fill
13 out a registration and speaker request card, which
14 will be included as part of the record for this
15 proceeding. If there is anyone present who has not
16 fill out one of these cards, please hold up your
17 hand now, and someone from my office will get one to
18 you. It's especially important if you plan to make
19 an oral statement that you have that card so we know
20 that we can call you at the appropriate time.
21 We have many elected -- many representatives,
22 elected officials and some elected officials with us
23 today. Rather than go through those, many of them
24 are going to speak, so they can identify themselves
25 as they come up. We are going to try to organize

1 the speakers such that the elected officials will be
2 able to speak first, because I know some of them are
3 out on the campaign trail and will have to leave
4 prior to the end of the hearing.

5 At this point I guess I'll turn it over to Alan
6 Dooley, who will explain the order of business and
7 how we're actually going to conduct the hearing this
8 evening. Alan.

9 MR. DOOLEY: Thank you, Colonel. Tonight's
10 proceedings are going to be conducted as follows.
11 I'm going to explain how we're going to conduct the
12 public hearing, and then I'll introduce Ward Lenz
13 again from our regulatory staff, and Ward's purpose
14 is going to be to briefly explain the 404 permit
15 process, this is the type of permit that the City of
16 St. Peters has applied, for what it entails, and the
17 status of the proposed project at this time.
18 These public hearings are not a question and answer
19 session, and the public hearing will focus on those
20 who wish to make a formal statement on the project.
21 To ensure that we get all the available information,
22 we're going to allow everyone wishing to speak an
23 opportunity to do so. This hearing is being
24 transcribed in its entirety by a stenographer,
25 therefore, it will be necessary that every speaker

1 talk directly into the microphone located out here
2 at the podium, to ensure that the record is accurate
3 and complete. Those of you speaking should state
4 your name and address, you don't have to have the
5 street, but at least enough address, the city and
6 everything, as well as the names of any agencies or
7 groups or organizations that you are representing.
8 Those of you that have indicated on your
9 registration card a desire to present an oral
10 statement will be called upon to do so in the
11 following order.

12 First, as the Colonel said, we're going to hear the
13 elected officials and representatives of federal,
14 state and local government agencies, and then we
15 will work our way down the list of individual
16 speakers. As of the last time I checked, and there
17 was still people registering when I came in, we had
18 in excess of 60 people who had signed up desiring to
19 speak. Therefore, we are going to limit you to
20 three minutes for your oral presentation. If you
21 have additional information you wish to present, we
22 would ask that you would present it in the form of a
23 written statement. If you don't have it with you
24 tonight, then you can turn that written statement
25 in, I'll tell you how that process goes. We will be

1 accepting additional written statements until the
2 1st of November. We've established a three minute
3 timeframe for the oral presentation to ensure that
4 this does not go on all night long. The clock over
5 here will indicate when your time is nearly up,
6 you'll be able to see that, it will count down from
7 the three minutes back down to zero, and each
8 speaker should please close within the allotted
9 time. Please remember that if you do not get to
10 finish your statement, or if you have a written
11 statement, please give it to our staff and the full
12 statement will be included in the report. So
13 whether you present it tonight orally, or if you
14 choose not to and you choose to present a written
15 statement, either way it will be entered in the
16 official record.

17 As previously stated, the purpose of this public
18 meeting is for us to obtain information from you for
19 our use in evaluating the permit application. Let
20 me emphasize that this is not an adversarial
21 proceeding, nor is it a question and answer session
22 or a debate. There will be no cross examination or
23 rebuttals, it's not a courtroom. In the interest of
24 a fair and orderly presentation of views, and in
25 order to give everyone an opportunity to be heard,

1 each individual should be allowed to present and
2 explain their comments freely and fully within the
3 confines of the timeframe; and in the interest of
4 fairness and courtesy we ask that the audience give
5 all speakers the opportunity to speak without
6 interruptions. If you're going to read a prepared
7 statement, please tell us before you begin, and if
8 possible, provide a copy of that prepared statement.
9 If anyone plans to hand in written statements for
10 the record without speaking, please do so at the end
11 of the hearing or as you leave. In addition, we
12 have forms for written statements if you wish to use
13 them, you saw these at the registration table, and
14 you can obtain one there. And you may turn in your
15 written statements in the comment box on the
16 registration table before you leave. Our public
17 hearing record will be open through Monday, November
18 1st, 2004, until the close of business that day.
19 Close of business at the Corps of Engineers is 5 PM
20 in the afternoon. So if you have a written
21 statement that you wish to enter into the public
22 record, that may be mailed or brought to the U.S.
23 Army Corps of Engineers, St. Louis District
24 Regulatory Branch, 1222 Spruce Street, St. Louis,
25 Missouri, 63103. Any comments must be received by

1 the close of business November 1st, 2004, to be
2 included in the official public record. If you're
3 mailing a comment, make sure to make it to the
4 attention of the Regulator Branch, again of the U.S.
5 Army Corps of Engineers. We expect that tonight's
6 public hearing transcript will be available sometime
7 next month in November. A copy will be available
8 for review at the Corps' downtown office in downtown
9 St. Louis, or it will be posted on the Corps
10 website. Are there any questions on conduct in this
11 meeting at this time? No questions, I will --

12 AUDIENCE PARTICIPANT: I have one. I wasn't
13 aware that you had to sign up before you came in if
14 you wanted to talk on the issue, and I would like to
15 be on that list. But I can't get out there.

16 MR. DOOLEY: Okay, we'll get you a card.
17 Thank you, that's the purpose of the reading of the
18 rules, find out if we've got anybody who has a
19 disagreement or if we have something else that you
20 would like. Sir.

21 AUDIENCE PARTICIPANT: You may want to
22 announce everyone to turn off their pagers and
23 phones.

24 MR. DOOLEY: Good idea. If you have pagers
25 or wrist watches that beep on the hour or whatever,

1 cell phones, please turn them off, or put them on
2 vibrate, something that won't disturb your
3 neighbors. We're now going to turn the floor over
4 to Ward Lenz, the Regulatory Project Manager for
5 this application. Ward is going to briefly explain
6 the permit process, the current status, and the
7 possible future evidence of progress on this?

8 MR. LENZ: Good evening, everyone. As
9 Colonel Williams has stated, the purpose of this
10 public hearing is to obtain your comments and views
11 on a permit application from the City of St. Peters
12 to place fill material in the waters of the United
13 States in conjunction with the construction of a
14 levee to provide 500 year flood protection to a
15 proposed development known as Lakeside Business Park.
16 Lakeside Business Park is proposed as a mixed use
17 development area that would include office,
18 warehouse, manufacturing, dining, entertainment,
19 hotel, conference, cultural and recreational uses.
20 It's located in the Mississippi River Floodplain on
21 the north edge of the City St. Peters. The project
22 site is within an area bounded by Spencer Creek on
23 the west, Dardenne Creek on the north, and the City
24 of St. Charles and Sanfort Creek on the east. The
25 levee would protect a 1400-acre area, and would be

1 constructed by excavating soil from a borrow area
2 located between the proposed levee and Dardenne
3 Creek. The project would require direct impacts to
4 1.7 acres of wetlands, 40.2 acres of open water, and
5 an existing borrow area that was created for the
6 construction of Highway 370, and 4.2 acres of
7 jurisdictional tributaries. And basically that's
8 7800 lineal feet of tributaries. There are
9 approximately 106.4 acres of wetlands contained
10 within the proposed levee protected area that are
11 being assessed for indirect impacts due to their
12 being cut off from flood events, changes in
13 hydrology, and impacts from potential future
14 development.

15 So now I'd like to briefly explain the Corps of
16 Engineers 404 permit process and how it relates to
17 the City's application. Section 404 of the Clean
18 Water Act assigns responsibility to the Secretary of
19 the Army to administer a permit program to regulate
20 placement of fill material in the waters of the
21 United States, which includes wetlands. Any
22 placement of fill material into wetlands must be
23 first authorized by a Section 404 permit. The
24 applications for these permits are processed in
25 accordance with the 404(b)(1) guidelines. The Corps

1 of Engineers is neither a proponent or opponent of a
2 permit request from an applicant.

3 In most permit applications, an applicant contacts
4 the Corps of Engineers to discuss a proposed project
5 and the possible need for a permit. If wetlands or
6 other waters of the United States are known to be
7 present and are proposed to be impacted, such an
8 application must be processed as an individual
9 permit, a preapplication meeting is held with the
10 Corps of Engineers to review the proposed project.
11 Generally a meeting is also held between the Corps
12 of Engineers and the natural resource agencies with
13 the applicant in order to discuss the project and
14 identify alternatives to avoid wetland impacts, or
15 impacts to other aquatic resources.

16 Once the Corps of Engineers receives a complete
17 application, a public notice is issued describing
18 the proposed project. After a 15 to 30 day public
19 notice, the Corps of Engineers prepares a decision
20 document and determines whether to issue or deny the
21 permit. A public hearing may be held if the Corps
22 decides that new or pertinent information may be
23 obtained. Most permits that are issued normally
24 include mitigation measures for unavoidable wetland
25 or other aquatic impacts.

1 The Corps considers all factors which may be
2 relevant to a proposal. These factors include
3 conservation, economics, aesthetics, general
4 environmental concerns, wetlands, historic
5 properties, fish and wildlife values, flood hazards,
6 floodplain development, land use, navigation, shore
7 line erosion and accretion, recreation, water
8 supplying conservation, water quality, energy needs,
9 safety, food and fiber production. The Corps
10 considers all comments received on a proposed
11 project and then prepares an environmental document
12 in order to make a permit decision.

13 Specifically for the City of St. Peters' proposal
14 for construction of a levee for the development of
15 Lakeside Business Park, the following have been
16 conducted.

17 A preapplication meeting was held between the
18 applicant and the Corps at the Corps office in St.
19 Louis on February 5th, 2003. Complete application
20 was received on October 17th, 2003.

21 An interagency onsite meeting was held on December
22 10th, 2003.

23 A public notice was issued by the Corps of Engineers
24 on December 31st, 2003, which ran through February
25 13th, 2004.

1 Due to the number of requests for a public hearing
2 and the determination that additional pertinent
3 information may be obtained through this mechanism,
4 the Corps of Engineers announced the public hearing
5 for tonight, October 21st, 2004.

6 The Corps of Engineers will accept comments for the
7 public hearing until close of business November 1st,
8 after which the Corps will begin preparation of our
9 environmental document and make a decision on
10 whether to Issue, issue with special conditions, or
11 to deny the permit.

12 At this time, concerns over the project have been
13 raised by the US Fish and Wildlife Service, Missouri
14 Department of Conservation, Missouri Department of
15 Natural Resources, Missouri Department of
16 Transportation, approximately 15 organizations, 37
17 individuals, three city governments, the Governor of
18 Missouri, the Attorney Generals from Missouri and
19 Illinois, and has received congressional interest
20 from elected officials in both Missouri and
21 Illinois.

22 Based upon the comments received, and in order to
23 comply with the requirements of the 404(b)(1)
24 guidelines, the applicant has modified the original
25 proposal in order to minimize wetland impacts. The

1 modification is proposed on the east tie-in of the
2 levee, which originally proposed to impact 2.6 acres
3 of forested wetlands. The City has redesigned this
4 tie-in point of the levee, which has reduced direct
5 wetland impacts at this location to .7 acres. As a
6 result, the total direct wetland impacts from the
7 proposed project have been reduced from 3.6 acres to
8 1.7 acres. In order to mitigate the indirect
9 impacts identified for the approximate 106.4 acres
10 of wetlands that are within the proposed levee
11 protected area, the applicant has proposed to
12 protect and preserve most of these, the areas that
13 they own by placing them under a conservation deed
14 restriction. Additionally, the applicant has
15 proposed compensatory mitigation for the wetlands,
16 tributaries and water bodies that will be directly
17 impacted by the proposed project. The compensatory
18 mitigation has been proposed in the area between the
19 proposed levee and Dardenne Creek.
20 That concludes my presentation on the Corps of
21 Engineers regulatory process, and the status of the
22 proposed project. As I mentioned earlier, all
23 comments received to date and any comments generated
24 tonight and until the close of business November 1st
25 will be considered in the Corps of Engineers'

1 decision process. Thank you.

2 MR. DOOLEY: Thanks, Ward. We'll now begin
3 taking statements on the proposed project. I will
4 call on speakers who are elected officials first, as
5 we have indicated, or representatives of federal,
6 state or local governments and agencies.
7 And again, will all of the speakers please remember
8 to state your name and where you are from, and who
9 you represent clearly into the microphone, and to
10 hand any written statements to our staff or put them
11 in the comment box on the registration table.
12 We will start with our first elected representative,
13 the Honorable William R. Haine, Illinois State
14 Senator from Alton, Illinois.

15 SENATOR HAINE: Colonel Williams,
16 Mr. Dooley, Mr. Lenz, on behalf of the Illinois
17 Senate, the citizens of Illinois, the Illinois
18 Attorney General, we appreciate very much the
19 opportunity to state these few words, and we'll keep
20 it brief considering the admonishments and the facts
21 laid forward by Mr. Lenz. Just to remind the Corps
22 once again, and we have a deep appreciation of the
23 work that this Corps has done in our area, at the
24 Alton site, and up and down the rivers. This
25 project arguably is in the narrow interest of this

1 city that we're in today, this evening, St. Peters.
2 But it is arguably not in the interest of the people
3 of Illinois, many of the citizen I represent, my
4 district, 56 Legislative District runs from Jersey
5 County, Elsah, Illinois, all the way south on the
6 river to Fairview Heights. So the citizen of my
7 area are deeply apprehensive about the impact of
8 this 500 year levee. We recall a few short years
9 ago the waters at the top of our own 500 year levee
10 down the river. We are also concerned about the
11 impact on the loss of wetlands on the tributaries.
12 These great rivers, since Grant took Vicksburg, are
13 under the jurisdiction of the United States Army and
14 its Corps of Engineers. We appreciate that very
15 much. These great rivers are assets to this
16 republic and to all of these states and its
17 citizens, not a village, a -- or a city. We ask,
18 once again, that the Corps review this application
19 and inform the Attorney General of Illinois, as was
20 stated, and render a decision denying the permit,
21 which would not do irreparable harm to this fine
22 city of St. Peters, but would save the people of
23 Illinois, and indeed south on the Missouri side,
24 from irreparable harm. Thank you very much,
25 gentlemen.

1 (APPLAUSE).

2 MR. DOOLEY: Mayor Shawn Brown, City of St.
3 Peters.

4 MAYOR BROWN: Good evening, Colonel. My
5 name is Mayor Shawn Brown, I am a resident of St.
6 Peters, Missouri, my address is 108 Golden Harvest
7 Court, St. Peters, Missouri, 63376.
8 As the Mayor of St. Peters, I would like nothing
9 more than to see continued growth in development in
10 this fair city. But the fact is this current plan
11 is not going to work. When I first ran for mayor of
12 St. Peters in April of 2004, I opposed this project
13 then, and I stand before you today still opposed,
14 because I simply think that we can do a better job
15 and work together for a stronger city. I will not
16 pretend to understand everything about flow and the
17 current of the river and those kind of technical
18 issues. I only hope that the regulatory agencies,
19 including the Corps, the Missouri Department of
20 Natural Resources, and the US Fish and Wildlife
21 Service do their job by making sure that we are not
22 putting people and businesses at risk by relying on
23 a levee. I do have or understand that the City has
24 spent more than \$11 million of the people's money on
25 this project. Thusfar, I do understand that we

1 don't have the developers that the City has publicly
2 identified or permits yet that will allow this
3 project to go forward.

4 I do understand that the City has repeatedly made
5 claims that there is no cost to the city's
6 residents, and we found three lawsuits just a short
7 time ago, in fact, there is over \$1 million the
8 first year alone that will be re -- or will not be
9 reimbursed to the City if this project doesn't
10 receive these permits. And I do understand that
11 there makes no sense to develop in a floodplain and
12 a floodway when there are other choices.

13 Unfortunately, this isn't the first time that the
14 citizens of St. Peters have been sold a bill of
15 goods. We were told that if just, if we would build
16 the Old Town Levee, that we could develop hundreds
17 of acres of land, we were told that it would only
18 take \$10 million, and I think that we owe it to our
19 citizens to take a look at the project that is
20 forward and make a good decision.

21 And now, the City wants to try it again with even
22 more money, as in \$35 million. The taxpayers of St.
23 Peters deserves better. That's the reason why I was
24 elected. I've heard those who support the project
25 say that we have to be willing to take risks, and we

1 have to be willing to face controversy and stand up
2 to the naysayers, but I would say this in response.
3 I wasn't elected to take risks in taxpayers' money
4 where the, of any other opinion that makes sense.
5 It seems pretty clear that we have two choices, we
6 can continue to fight on this issue, endure never
7 ending legal challenges, and hope one day that we
8 have something to show for that, or we can work
9 together to revise this project in a way that makes
10 sense economically and environmentally, which will
11 make the job of the Corps much easier from a
12 regulatory standpoint.
13 For example, I would be willing to consider
14 supporting some development on 370 and to find a way
15 to do that without the 500 year levee. The St.
16 Charles County Economic Development Center has sent
17 a letter to myself and to the City and to the Great
18 Rivers Habitat Alliance requesting that both parties
19 sit down, offer to facilitate a meeting. That makes
20 a lot of sense to me. And I hope the Corps and
21 other parties will use their influence to get both
22 sides and come together, and that we all elected
23 officials can work together. And I urge that this
24 meeting take place soon. If it doesn't happen, I
25 would strongly urge the Corps to deny the 404 permit

1 based on the current application, and please put
2 emphasize on current, what is in now for the 404
3 permit. Thank you.

4 (Applause.)

5 COLONEL WILLIAMS: I know everyone is very
6 proud to have their elected officials here to make
7 presentations, and we'll let -- allow clapping or
8 whatever you want to do for your elected officials,
9 but once the elected officials are finished
10 speaking, we're not going to put up with all
11 clapping and all that, we'll just let the people say
12 their piece, otherwise we'll be here all night, so
13 once we get through the elected officials, fine,
14 after that, please hold your applause.

15 MR. DOOLEY: The updated count on the people
16 who have registered with us to speak this evening is
17 in excess of 80, so I think that's a good reason for
18 that. Joe Brazil, St. Charles County Council. And
19 I ask for people's forbearance of my mispronouncing
20 names. Thank you.

21 COUNCILMAN BRAZELE: Good evening, my name
22 is Joe Brazil, I represent the people of St. Charles
23 County and their District 2 Councilmen. I would
24 first like to thank the Army Corps of Engineers for
25 holding this hearing tonight. It is important to

1 give the public an opportunity to express their
2 views about the proposed Lakeside 370 Project. I
3 will say at the outset that I hope that this is an
4 issue in which all parties can ultimately work
5 together to find an reasonable compromise, and I
6 offer my support toward finding solutions that will
7 not threaten our county's valuable floodplain, while
8 providing the City of St. Peters the opportunity to
9 grow and prosper. I know that organizations like
10 the Great Rivers Habitat Alliance and numerous
11 individuals want to find a reasonable solution, and
12 I understand that this, just recently the St.
13 Charles County Economic Development Council has
14 agreed to facilitate discussions so that both sides
15 of the issue can try to resolve their differences.
16 I hope that the St. Louis District office of the
17 Corps will encourage this meeting, and even use its
18 influence to find a compromise.

19 As the Corps already knows, the St. Charles County
20 Council has gone on record with the resolution
21 passed by the County Council that opposes the
22 floodplain development in certain areas of the
23 county. And the one of those areas certainly is the
24 land in question, the land north of 370. As a
25 co-sponsor of that resolution, I strongly stand by

1 it, because it provides reasonable guidance filed on
2 a continuing development in areas where it makes
3 sense, while keeping other areas free for
4 conservation and floodplain management purposes.
5 The bottom line is that the City is rushing ahead
6 too quickly without careful and judicious review of
7 the plan. Unfortunately, even with the County's
8 resolution and court action to slow the process
9 down, the City still was intent on moving forward
10 without trying to address legitimate concerns
11 expressed by many people. In simple terms, Judge
12 Schneider's recent ruling to prohibit the City from
13 issuing the remaining 22.5 million in bonds for the
14 project put a runaway horse back in the corral.
15 Let's hope that the City will now sit back and
16 realize that it needs to compromise by stopping any
17 plans to develop any land north of 370 and propose
18 any project that doesn't rely on a 500 year levee.
19 Lastly, let me say it was highly unfortunate that it
20 took litigation for the City of St. Peters to
21 acknowledge that there are real substantial costs to
22 the taxpayers involved with the issuance of bonds
23 for this project. Contrary to the City's original
24 claims that there were no cost to the taxpayers, the
25 public now knows that more than 660,000 in taxpayer

1 money would be lost and is nonrefundable if this
2 project does not receive the needed permits.
3 Furthermore, as the Court stated, the City would
4 incur at least an additional 500,000 per year in
5 interest fees bringing the total cost to the
6 taxpayers of \$1.1 million that would be lost if the
7 City does not receive the permits. I submit rather
8 than the City pinning its hopes on building a levee
9 in an area that was 15 feet under water in 1993 and
10 hoping that levee never breaks in the event of a
11 flood, that we need to work together to resolve our
12 differences equitably. I stand willing to do my
13 part and help achieve a compromise that provides our
14 citizens a win/win scenario. Thank you very much.

15 MR. DOOLEY: Next speaker would be Alderman
16 Rocky Reitmeyer from St. Peters.

17 ALDERMAN RIGHTMEYER: Gentlemen, good
18 evening. My name is Rocky Reitmeyer, Alderman, Ward
19 1, City of St. Peters. Tonight I'd like to talk
20 about April of 2001. Our voters went to the polls
21 and voiced their opinions in favor of the
22 development now known as the St. Peters Lakeside 370
23 Business Park. More than 67 percent of the voters
24 said yes to 370. They were asked to approve a \$35
25 million no tax bond issue on the April 4th, 2000,

1 election. This was to enable the City to purchase
2 land and build a levee to flood protect and develop
3 this area. Those voting in favor of the project
4 were looking forward to what the project would mean
5 to the City and to the surrounding communities.
6 What it would mean would be jobs, new shopping and
7 dining opportunities, park land, and a lake to
8 provide water recreation, trails and a pass of park
9 land, picnic and playground areas, and the City
10 is -- the City's leaders expected the Highway 370
11 development to provide back then these benefits what
12 we expect here today.
13 When the City leaders at the time envisioned the 370
14 booming into a mixture of office, warehouse,
15 manufacturing and retailer to the similar area of
16 Earth City. That has not changed. All of this was
17 publicized in the City's upfront newsletter before
18 the April, 2000, election. The St. Charles County
19 Post published the following on March 1st, 2000.
20 Quote, "The most important task is building a 500
21 year levee to be situated half way between Highway
22 370 and Dardenne Creek to hold back the flood water.
23 Other improvements included road construction and
24 placement of water lines, sanitary and storm water
25 sewer lines. The City's next step would be using

1 the ready made TIF area to attract developers. The
2 area if developed according to plan would resemble
3 Earth City's business and industrial park." That
4 same article said, "The ballot wording is straight
5 forward, so not dissuade voters for or against this
6 project." Our residents knew what they were voting
7 for. They have patiently waited for, and now it's
8 time to move. To move forward with the future of
9 St. Peters. Thank you very much.

10 (APPLAUSE.)

11 MR. DOOLEY: Doug Funderburk, St. Charles
12 County Councilman. The next speaker after this
13 gentleman will be Joe Cronen, so if you can be ready
14 to come up when he is done, be on deck.

15 COUNCILMAN FUNDERBERG: Good evening, my
16 name is Doug Funderburk, and I'm the current
17 chairman of the St. Charles County Council. I
18 appreciate the opportunity to be here tonight to
19 share with the U.S. Army Corps of Engineers the
20 concerns of many people of St. Charles County about
21 the proposed Lakeside 370 Business Development
22 Center. I joined, as you've heard earlier, the
23 majority of my colleagues on the council in voting
24 for a resolution to oppose floodplain development in
25 certain areas of the county, including in particular

1 this proposal we are discussing tonight. I based my
2 vote on the fundamental principle that it is wrong
3 to put hard working taxpayers at risk by situating a
4 development project in a place where we know that it
5 floods, leaving taxpayers to hold the bag, holding
6 the bag, and businesses to take the, take on the
7 heavy losses. Taxpayers depend on the leaders of
8 our region to make reasonable decisions and make
9 responsible decisions, and then put that, and they
10 expect us to put their interests first.

11 I understand and absolutely support the need for
12 attracting new businesses and bringing new jobs to
13 our county, but with so much land available in this
14 area that does not flood, why would we want to
15 consider putting the taxpayers at risk and at the
16 same time undermine some of what is left of this
17 region's floodplain? I seriously question in this
18 instance the proposed project -- that this proposed
19 project is the only way we can grow new jobs and
20 opportunities for new businesses in St. Charles
21 County. I truly believe that this parochial project
22 is a -- as its proposed, is going to make,
23 potentially create county-wide consequences. We all
24 know that if the worst happens, and if history has
25 taught us anything over the years, the cost of the

1 resulting flood bail-out will ultimately be borne by
2 the taxpayers; and that, my friends, is
3 counter-intuitive to the core reason for building
4 this business park, which is to spark economic
5 development and create jobs in this county.

6 Let's look at another argument that my friends had
7 put forward from the other -- to the opposing views.
8 Reasonable people can agree to disagree. And the
9 argument of whether or not the proposed levee would
10 worsen the flooding elsewhere would be a legitimate
11 discussion to hold if it were not for the fact that
12 there are alternatives. The core problem with the
13 process that's occurred thusfar, though, and the
14 point that I would like to leave with you, is that
15 the City would have you believe that we don't have
16 any other choices but to build where they say the
17 proposed development should occur. This is just
18 simply not the case. As the maps that you have will
19 be presented to you this evening for your review
20 will prove, there are viable and reasonable
21 alternatives to the proposal being considered that
22 do not threaten our floodplain and do not need a 500
23 year flood levee.

24 Given the fact that this project will in all
25 likelihood increase flooding, especially when you

1 consider the cumulative impact of other floodplain
2 developments in this region, it seems only fair that
3 we consider other alternatives. We can find
4 solutions that make sense for all parties involved,
5 and we have the ability to do this. I know, for
6 instance, as you've already heard, that the St.
7 Charles County Economic Development Center has
8 agreed to arbitor discussions so that both sides can
9 come together and air out their differences and work
10 to achieve a consensus plan. It is prudent,
11 forward-looking, and brings all the stakeholders to
12 the table to make this decision.

13 Furthermore, I've had discussions with the
14 conversationalists involved, and the proponents that
15 say they would be willing -- those proponents say
16 that they would be willing to support an alternative
17 plan for a proposed business park, and beyond them,
18 as well, the environmentalists who are concerned
19 about the loss of wetlands and the hazards to the
20 Missouri wildlife have pledged their commitment to
21 an alternative plan. As I talk to the people who
22 are against this project, they aren't taking the
23 extreme position all or nothing. This is not a "my
24 way or the highway" situation. So let's go back to
25 the blueprint and take a hard look and see what we

1 can come up with.
2 We can have economic development, but what is
3 crucial is that we strike the right balance. The
4 state of Missouri has the not-so-prestigious honor
5 of more floodplain development than any other state
6 that was impacted by the 1993 flood. In fact, more
7 than all other states combined. And we also have
8 had the most money provided by the Federal
9 Government to help bail out the situations from that
10 flood, not just figuratively, but literally. We
11 have learned the hard way through bitter experience
12 that the fact of life along the Mississippi River is
13 that floods happen, and if this project happens, it
14 will flood. Let's move forward together and agree
15 to, upon a more reasonable alternative about where
16 to build. It's the best solution for all that are
17 involved.

18 (APPLAUSE.)

19 MR. DOOLEY: Alderman Joe Cronan, St. Paul,
20 Missouri. The next person up will be Bob Morrison,
21 Alderman, St. Peters.

22 ALDERMAN CRONAN: Hello, good evening. I'd
23 like to thank you guys at the Corps for all you do
24 along the river, I've spent a good deal of my time
25 along the Mississippi, I own ground right on the

1 Mississippi, and I know there's a lot of work that
2 you guys do, so I'd like to thank you for what you
3 do for starters. But my name is Joe Cronan, and I'm
4 an alderman from St. Paul, and tonight I'm not only
5 speaking on behalf myself, but I'm speaking on
6 behalf of our Mayor, our board president, most our
7 aldermen, our planning and zoning chair, our City
8 Government in general, they asked me to come speak
9 before you. But most importantly, I'm speaking for
10 the citizens of St. Paul. Our residents.
11 St. Paul is a small rural community that's in this
12 county about seven miles northwest of this project
13 right along the Mississippi River. It's upstream of
14 this project. We're very concerned about anything
15 that can negatively affect our residents, and
16 flooding negatively affects our residents.
17 Basically our residents farm most of the bottoms
18 north of here, our residents are employed by the
19 duck clubs in that bottoms, are agribusiness, we
20 have grain buyers, we're directly tied, our lives
21 are tied to those bottoms. I have a farm
22 personally, you know, in the Clarksville bottoms
23 area. So whatever happens negatively, affects us,
24 you know, it affects our livelihoods, our families,
25 the money we have to spend on college tuition, et

1 cetera. We see a real problem with this levee
2 project and the fact that it's restricting the river
3 at a time when more and more water is coming down
4 that river. There's development all along that
5 Highway 79 corridor, lots of development. Our town
6 alone is expected is to double in size in the next
7 four years; more roof tops, more gutters, more rains
8 going down the storm sewers, and they're all going
9 to head in the Mississippi. We're -- increasing
10 flooding is just, is inevitable with this, and we're
11 real concerned about it and how it will affect our
12 residents.

13 Additionally, our town relies on US Highway 79 to
14 get our residents to I-70, and many of them work in
15 St. Louis. 79 was flooded in 1993, and it created a
16 major problem. We had people boating to work, okay?
17 It's real simple, increased development in the
18 floodplain we feel will increase flooding, and I've
19 lived along those rivers my entire life. I
20 sandbagged in '73, I sandbagged in '93, and floods
21 are devastating, and I can't see any way that we're
22 not going to have more flooding.

23 We don't want you to take risks that affect our
24 residents' lives, plain and simple. We are asking
25 you to please deny this permit and perform a full

1 environmental impact statement. Our kids, our
2 families are too important for, you know, to take
3 chances with, we want this to be done right, and
4 we're concerned that this project is not the right
5 project. Thank you very much for your time.

6 (Applause.)

7 MR. DOOLEY: Bob Morrison, Alderman, St.
8 Peters. The next person up will be Bob Patek, or
9 Pettick, Alderman, O'Fallon, Missouri.

10 ALDERMAN MORRISON: I'm Bob Morrison, the
11 board president here in St. Peters, I live in St.
12 Peters, 102 McClay Crossing Court. I, from what
13 I've heard and seen from the board, they're
14 unanimously for this project. Unlike the Old Town
15 Levee that supports private owned property, this
16 property is for the most part owned by the citizens
17 of St. Peters. Once the levee is built, the money
18 will be returned, the land will be sold and the
19 money will be there for the citizens of the city.
20 It will be you gentlemen who will have to decide
21 whether or not this will impact the river. We look
22 forward for it being permitted. Thank you.

23 (APPLAUSE.)

24 MR. DOOLEY: Bob Patek, O'Fallon, Missouri.
25 The next individual up will be Bill Charnisky from

1 the City of St. Peters.

2 ALDERMAN PATTICK: Thank you very much for
3 the opportunity to speak in front of you tonight.
4 I'm Bob Patek, I'm the alderman of Ward 1, the City
5 of O'Fallon, Missouri. I'd additionally like to
6 offer my support of the consensus building idea that
7 the County Economic Development Center is
8 championing, I think that's a very very good idea,
9 we can get some other people in on this and have a,
10 it will reach the table and see if we can come up
11 with an alternative plan.

12 The main reason I'm here tonight is that everybody
13 wants to rush forward on this levee in St. Peters,
14 but there are some things that you need to know
15 first. If there was not going to be a problem with
16 any flooding, then the City of O'Fallon would never
17 have adopted a resolution that protects the
18 confluence floodplain along Seiberg Road north of
19 370, east of State Highway 79, and south of the
20 Mississippi River. That resolution was passed very
21 similar to the one that was passed by the county,
22 and our vote on this resolution to conserve the
23 confluence floodplain was 8 votes yes, zero no. I
24 bring this vote to your attention just to illustrate
25 that this entire project on 370 is not happening in

1 a vacuum. The flood occurs again, the risk for
2 damage and possible loss of life outweighs the
3 benefits of this entire project. One of our city's
4 near went away unscathed, but somebody is going to
5 suffer for it. I have the dubious opportunity to be
6 the alderman of Ward 1, and I have three watersheds
7 running through that ward, Dardenne Creek, Bareau
8 Creek and Bella Creek. Not once has the City of St.
9 Peters or any other governmental agency approached
10 the City of O'Fallon, and we're their neighbors,
11 about what the impact on the city of O'Fallon might
12 be. We have a significant amount of building going
13 on in these watersheds, and I believe that this
14 levee has the potential to hold water from going
15 downstream, which will back up into those three
16 creeks. The reason I brought this to your attention
17 is I checked with our city administrator and our
18 floodplain administrator, and neither one of them
19 have been consulted by anyone about the impact of
20 the city of O'Fallon, and that concerns me a great
21 deal.

22 We would like to know exactly what the impact on
23 O'Fallon is. I understand that there's an
24 environmental impact study that's yet to be
25 completed, and I think the city of O'Fallon must be

1 included in that. We are now the largest city in
2 St. Charles County, the second largest city in the
3 St. Louis metropolitan area, and our citizens are
4 very concerned about this, especially people who
5 have purchased homes and those homes have been built
6 in the floodplain. I think that you folks need to
7 take a very close look at this 404 process, and you
8 indeed need to take a look at O'Fallon, because it
9 is going to have a direct impact on O'Fallon.
10 In fact, tonight when I leave here, I'm going back
11 to our Planning and Zoning meeting, and we are
12 proposing a six-month moratorium on all building in
13 the 100 year floodplain until we understand what is
14 going on with this project and some of the other
15 projects that other cities are looking at very
16 similar to this. We are very concerned about this,
17 and I think O'Fallon deserves to have the same
18 attention that the City of St. Peters do, because
19 they're our sister city, they're right next door to
20 us, and we don't know a thing about the impact on
21 our city. Thank you very much for your time.

22 (APPLAUSE.)

23 MR. DOOLEY: Bill Charnisky. The next
24 individual up will be Tom Hune.

25 CITY ADMINISTRATOR CHARNISKY: Thank you

1 gentlemen, ladies and gentlemen of the audience. My
2 name is Bill Charnisky, I'm the City Administrator
3 of the City of St. Peters, I live in the City of St.
4 Peters, and I have the unique position to say that I
5 am the official spokesman of the levee project for
6 the City of St. Peters. I've been appointed by the
7 Mayor -- not by the Mayor, but by the Board of
8 Aldermen. As you know, I'm in an unusual position
9 here with the Mayor who spoke against the project,
10 but I have to officially tell that you on behalf of
11 the Board of Aldermen, we are totally supportive of
12 the project.

13 This levee has been in the works for more than five
14 years. Actually, our first study was done in 1996.
15 A lot of planning went into it. The City has
16 already invested \$12 million to get to where we are
17 today. We hired one of the best engineering firms,
18 the best consultants, and I put my very best
19 professional staff on this project. The results of
20 this planning and investment is what we truly
21 believe is a win/win scenario. Not only for the
22 City of St. Peters, but for the entire St. Louis
23 region. The Lakeside 370 Business Park and Levee is
24 economically and environmentally sound.
25 Economically we are creating 900 acres of future

1 economic development, which will be available for
2 the next 20 years. We are creating thousands of
3 jobs and millions of dollars of new revenue for
4 state, county, cities, fire departments, school
5 districts, ambulance districts, library districts.
6 Environmentally, we are creating a 300 acre regional
7 park with 140 acre recreation lake along with a
8 fishing lake. We are creating more than 100 acres
9 of wetlands in this land development. Of the 106
10 acres of wetlands that have been identified in our
11 permit to you, we are committing to set aside 101
12 city owned in a conservation easement that will
13 remain there for eternity. We are hoping again that
14 we will have all 106 acres in this easement.
15 In 1999, the City agreed to compromise. We moved
16 the levee, we moved it in to assure that we would
17 not reduce -- we would not create any flooding
18 problems. We only impact 1.7 acres of wetlands.
19 Our city ordinances, as the landscaping requirement,
20 a tree preservation program, the water detention
21 program that will create an additional 300 acres of
22 green space once this project is approved. Because
23 our city owns the land, this project will be
24 controlled by us. It will share quality
25 development. We're not driven by pride, but we're

1 driven by substance. We can decide what can be
2 built on this project, who will build it, and what
3 it will look like. The City has followed all the
4 rules. We have been honest and forthright in all
5 our presentations, we have taken the high road at
6 all times. Our residents expect nothing less of the
7 City, and we have delivered that.

8 Tonight you're going to hear comments and concerns
9 during the public hearing regarding flooding, levee
10 failures, for poor planning, floodway concerns,
11 cumulative effects, environmental impact statements,
12 you'll see maps and pictures of the disastrous
13 events. Stories of failed levees include mostly
14 these agricultural levees that were not designed to
15 withstand the flood of 1993. The Monarch
16 Chesterfield Levee, for example, was designed as
17 originally an agricultural levee, it was designed
18 for a 100 year flood protection. Well, in 1993 I
19 believe it was a 250, 260 year flood. Still, that
20 levee held for weeks. That levee now has been
21 improved and been replaced by a 500 year levee.

22 During that same storm event in 1993, there were 500
23 year flood protected areas, Earth City and
24 Riverport, that withstood that flood. They were
25 designed properly, as our is, and ours will also add

1 that protection.

2 While I respect the opinion of the others, facts are
3 facts. This is not fiction, this is not an opinion,
4 this is a project that is based on factual evidence.

5 And the facts are that we will not cause flooding to
6 our neighbors upstream, downstream, or across the
7 river in Illinois during the 100 year flood event.

8 I know we're going to have our engineer come up and
9 talk about this project, but I honestly think that
10 we have done everything right. I respect the fact
11 of having this public hearing, but I tell you that
12 this is an important project for the City of St.
13 Peters, and we support it unanimously as far as the
14 Board of Aldermen. Thank you.

15 (APPLAUSE.)

16 MR. DOOLEY: Tom June. The next individual
17 up will be Ron Jarmon, representing the City of St.
18 Peters.

19 MR. TOM JUNE: Good evening, Colonel,
20 Mr. Dooley, Mr. Lenz. My name is Tom June, and I'm
21 employed by Jacobs Civil, Inc., based in St. Louis,
22 and I reside in Glen Carbon, Illinois. I want to
23 address some of the concerns that have been raised
24 about this project. First of all, effects on the
25 hundred year flood stages. As Mr. Charnisky alluded

1 to, we've been planning this project since 1999 for
2 the City, and our preliminary studies, we looked at
3 three different alternatives, we picked a location
4 for this levee that's three miles away from the
5 river. I don't advocate building levees along
6 rivers, and we're not intending to build this levee
7 along the river, it's three miles from the river to
8 allow for adequate flow during hundred year floods
9 and other flood events. We performed computer
10 modeling for the proposed levee alignment using
11 recognized software and the methodologies that are
12 used by the Federal Emergency Management Agency to
13 do their flood insurance studies, we used those same
14 methodologies to analyze this proposed project, and
15 the results of that analysis show that there will
16 not be any increase in the hundred year flood
17 elevation. A negligible amount, essentially less
18 than 2 percent of the hundred year discharge, would
19 occur between the existing Route 370 embankment and
20 the proposed levee alignment. The results of the
21 model show that there will not be any increase in
22 the hundred year flood elevation.

23 In regards to the design of the proposed levee, in
24 our preliminary studies, we evaluated both hundred
25 year and 500 year levels of protection, and we

1 recommended to the City that they should construct a
2 500 year levee with a minimum of three feet of free
3 board. I would not have recommended any less level
4 of protection. It's our intention to provide the
5 safest project reasonable.

6 Before we commenced design of this project, we
7 conducted extensive subsurface investigations, over
8 100 test borings were drilled before we started
9 design. The design of this levee is based on U.S.
10 Army Corps of Engineers guidelines regarding slope
11 stability, underseepage control. We followed Corps
12 of Engineers engineer manuals when we designed this
13 project.

14 Regarding the existing wetlands inside the levee,
15 these existing wetlands are now behind a historic
16 farm levee that's located along Dardenne Creek.
17 There is negligible hydrologic connectivity to the
18 river, we've reviewed over 60 years of records, and
19 within those 60 years, this existing levee would
20 only have been over top five times. The proposed
21 wetland mitigation plan, the City will provide
22 compensatory mitigation as determined by the Corps
23 of Engineers in consultation with natural resource
24 agencies. All impacted waters of the US will be
25 appropriately mitigated by the City. Mitigation

1 will consist of a combination of emergent, wooded
2 and shrub scrub mitigation, and this mitigation is
3 proposed in the northeast and northwest corners of
4 the recreation park side, adjacent to existing
5 undisturbed wetlands.

6 In closing, I just want to add that Jacobs has
7 designed the Riverport Levee, other levees for Corps
8 of Engineer districts, including 500 year levees in
9 the Kansas City District, and we stand behind our
10 design and the safety of our design and the
11 engineering that supports it. Thank you.

12 (APPLAUSE.)

13 COLONEL WILLIAMS: Before we move on, and I
14 apologize for not having done this prior to Tom
15 speaking, but I think, were there any other elected
16 officials? I know we have some other city and
17 government representatives yet to speak, but are
18 there any other elected officials who wish to make a
19 statement? Would you, sir, please?

20 ALDERMAN HOLT: Good evening, Colonel,
21 gentlemen. My name is Bruce Holt, I live at 14
22 Wells Fargo Drive in St. Peter, Missouri, I'm an
23 elected official, I'm one of the aldermen from Ward
24 3. Before I start, I'll just tell you this.
25 Opinions are like armpits, everybody's got a couple,

1 some of them stink, some of them ain't too bad. But
2 I know that you and the Corps will find your
3 decisions on sound evidence and scientific study. I
4 have full confidence that you will make the wisest
5 decision based on the information relevant to the
6 City of St. Peters' request for a 404 permit.
7 As an elected alderman representing St. Peters
8 residents, I can tell you the City of St. Peters has
9 taken all the steps necessary to ensure a sound,
10 responsible development of the St. Peter's Lakeside
11 370, and the proposed 500 year levee will be built
12 three miles back from the river to allow ample
13 floodplain if it's needed. We hired the nationally
14 acclaimed firm Albert Jacobs to conduct the water
15 studies. Those studies clearly show that the levee
16 will not have an impact here on our region,
17 downstream, upstream, or across the river. And as
18 you know, the flood in 1993 was a 250 to 260 year
19 flood event, and to my knowledge, no Corps of
20 Engineer designed, approved, or built levee has ever
21 failed.
22 The City of St. Peters also has included several
23 features of the project to protect the environment
24 that the City Administrator has gone into.
25 I won't take any more of your valuable time,

1 gentlemen, I just ask you to continue to do the job
2 you're going to do. Thank you.

3 (APPLAUSE.)

4 ALDERMAN HAWKINS: Good evening, members of
5 the Corps, and ladies and gentlemen of the crowd, I
6 appreciate the attendance we got here, especially
7 from our surrounding communities. My name is Terry
8 Hawkins, I'm an alderman in Ward 1 of the City of
9 St. Peters. I am from the City of St. Peters for 23
10 years, and prior to that I lived in the City of
11 O'Fallon for 13 years. Many of these people back
12 behind me here, regardless of the color their
13 stickers, you know, black and gold, red and white,
14 we grew up friends, we're still friends, and I'm
15 sure when we leave here tonight we'll be friends.
16 We all have differences amongst each other, but the
17 good thing about this community is we've always
18 learned to get through these differences, we discuss
19 them, making sure that we make the right move and
20 the right decision not just for ourselves, but for
21 all of us. And maybe sometimes it might have been 8
22 on 2, in one situation before it was over with and
23 we got to talking, everybody figured out, you know
24 what, this isn't such a bad deal, and it went on.
25 There's several communities around us and several of

1 the people that spoke tonight, some of the elected
2 officials from these communities are good friends of
3 mine, and I can tell them and I will stand before
4 you tonight and tell you, I will not be part of
5 anything that would impact their area and change
6 their lives any bit whatsoever. None whatsoever.
7 The City of St. Peters has went to an extreme
8 attempt to try to make sure that we preserve that
9 fact, and that we don't impact our neighbors,
10 because the last thing I want to be part of is
11 somebody to stand here before you, before the
12 citizens that elected me, because I'm a fool for
13 what I do, because I enjoy it, I truly do, and it's
14 a thankless job, but the feeling it gives me in my
15 heart is second to none. And the people that
16 elected me voted 67 percent to have this project go
17 through. But even if they voted 98 percent to have
18 it go through, if the Army Corps of Engineers came
19 before us and said we will not give you a court
20 permit, or we don't stand behind this project, or we
21 feel that this could happen or that could happen, I,
22 myself, know in my heart with the people that we
23 have hired to do our work, Jacobs Engineering being
24 one of them, they've done their homework. I'm not
25 an engineer, nor are anybody -- but, you know, I

1 can't say all of them, but most of the people that
2 spoke before me, but the one thing I'll do is just
3 like the Senator from Illinois said, those rivers
4 are now in the hands of the Army and the Army Corps
5 of Engineers, and it has been that way for quite
6 some time, you've done a very very good job of doing
7 it. There's been accusations that the Army Corps of
8 Engineers has issued out permits before and th was
9 several floods, I think the number was said at 1000
10 Corps of Engineers levees broke in 1993 by one
11 gentleman, and that was untrue. The truth of the
12 fact was there was one Corps of Engineers levee that
13 did break, and we all seen it down there at
14 Valmeyer, Illinois, when the house floated down the
15 river. That was a 50 year approved levee. And it
16 got hit with a flood that was beyond its
17 capabilities, and they were told in order to protect
18 their community by the Army Corps of Engineers, that
19 they should put up a 500 year flood levee, but they
20 didn't have the support financially from the state
21 or the local community, nor their own community to
22 put this levee up. So therefore, they did the best
23 they could, and it was approved by the Corps of
24 Engineers as a 50 year flood levee, and it did
25 break, as was told from, that if a flood of that

1 magnitude came.

2 I'd ask you tonight just to do everything you can to
3 make sure that this levee is done in the proper way,
4 if, indeed, we do do this, which I feel very sure
5 that we will, but I want to make sure that the
6 people that I represent, along with the friends and
7 the community that also represent themselves here
8 tonight, know that we wouldn't be part of anything
9 that's going to disrupt or misdirect their lives in
10 any form or fashion whatsoever. And I do know that
11 the Army Corps of Engineers goes to an extreme level
12 when it comes to issuing these permits, and that
13 when and if these permits do get issued, they will
14 be done in the scrutiny that they always have been
15 done, with the integrity and the intelligence level
16 that the Corps has always done throughout this
17 nation. This is all in accordance that there has
18 never been in the history of the Army Corps of
19 Engineers of a 500 year flood levee breaking.

20 That's an issue tonight. A big issue. It's a major
21 issue. But the other one is is the impact on our
22 communities around us, because we don't want that to
23 happen, but I do know that the Army Corps of
24 Engineers takes that into effect also.

25 But with that being said, once we do approve this

1 and we do carry on with our project, unlike the
2 beginning of this project where there was said to be
3 no compromise, there is compromise there, we've
4 compromised already in the change of the structure
5 in which we want to do. So we look forward to
6 getting our permits and moving on with this project,
7 and we want to make this a project that's not only
8 good for the City of St. Peters, but it's good for
9 the citizens in the St. Charles County area and for
10 the state of Missouri that have struggled so hard
11 year in and year out to try to make budget with
12 their tax law.

13 And we appreciate your gentlemen's time, and we look
14 forward to hearing from you, and we know that you
15 will do the right thing. Thank you very much.

16 (APPLAUSE.)

17 MR. DOOLEY: Last call for any more elected
18 officials that we may have missed. Mr. Darling, we
19 do thank you for your patience, sir. We have one
20 more elected official, sir.

21 TRUSTEE LUTZ: I'm Edward Lutz, a member of
22 the Board of Trustees of the Village of Elsay,
23 Illinois, and the acting mayor of that village, and
24 I'm speaking on behalf of the voters and taxpayers
25 of the Village of Elsay, Illinois. We're right on

1 the banks of the Mississippi, and the village has
2 suffered damage in several big floods, '73 and '93.
3 In the past year, we have the very cooperative group
4 from the Army Corps of Engineers make a study of the
5 flooding in our area, and because of the location of
6 the village on the edge of the Mississippi in a
7 valley with a creek flowing into the river, there's
8 no way that there can be any protection for the
9 village, itself, in the event of any flooding, so
10 we're very concerned about even the slightest raise
11 in the flood crest, because even a one foot raise
12 could spread very deeply throughout the village. So
13 we're just asking that we have a part in the
14 environmental impact statement and a review of the
15 basic floodplain analysis in the area to give us any
16 protection that we need. Thank you very much.

17 (APPLAUSE.)

18 MR. DOOLEY: Mr. Darling. The next
19 individual will behind Mr. Darling will be Dale
20 Howdershell.

21 MR. DARLING: Good evening. My dad was a
22 mayor, so I'll kick it off here as a nonpolitical
23 person. My name is Ron Darling, I'm a resident of
24 Hazelwood, Missouri, and currently an employee of
25 the City of St. Peters. I'm expressing my approval

1 of the pending 404 permit on the levee. I'm in a
2 unique position as sort of an amateur naturalist, I
3 was director of the St. Louis Audubon Society for a
4 number of years, and their past conservation chair
5 of that organization, and I'm currently the
6 environmental -- or the manager for the Health and
7 Environmental Services Group for the City of St.
8 Peters.

9 As a supervisor for 14 years with St. Peters, I
10 certainly take pride in being the environmental
11 conscious for the City. With my leadership, my
12 leadership and the City's full support, award
13 winning recycling programs, the environmental
14 friendly health programs have been implemented, the
15 City takes pride in allowing professionals like
16 myself to do the right environmental thing. The
17 environmental accomplishments, including bad Purple
18 Martin houses from a (inaudible) control,
19 sponsorships of environmental Eagle Scout projects,
20 stocking fish to control mosquitos, Tree City, USA,
21 pumpkin recycling, Christmas tree recycling, Earth
22 Day celebrations, that list goes on and on. Our
23 track record is indicative of the environmental
24 sensitivity for which the Lakeside Development
25 Project will be managed. The acreage north of the

1 levee planned as open space, passive park land
2 provides several unique opportunities to enhance
3 habitat for the local fish, bird and plant
4 populations. As in the past, and certainly, the
5 City would certainly be open to consider unique
6 projects like artificial homes for bats, selected
7 artificial nesting boxes for birds, shoreline
8 habitat, selected plant habitat, Audubon observation
9 sites, development of environmental education
10 programs for local universities so they can take a
11 look at some of these areas, mandatory recycling of
12 businesses in the developed area.

13 In summary, the City of St. Peters takes great
14 respect for the environment, and will use that
15 opportunity to, in the City managed development to
16 be the right stewards for these natural resources.
17 Thank you.

18 (APPLAUSE.)

19 MR. DOOLEY: Dale Howdershell. Next
20 individual up will be Rick Hanson from the US Fish
21 and Wildlife Service.

22 MR. HOWDERSHELL: Good evening, Colonel
23 Williams, Members of the Corps. For the record, my
24 name is Dale Howdershell of the City of St. Peters,
25 I'm here on behalf of the City of St. Peters,

1 Missouri. I'm here to present you and the
2 Regulatory Branch some facts regarding the efforts
3 that the City of St. Peters has gone to to make the
4 St. Peters Lakeside 370 Business Park safe and
5 environmentally friendly. I appreciate the
6 opportunity to participate in this public hearing.
7 From the outset, city leaders saw this area as the
8 economic future of our community where planned and
9 controlled growth could occur, creating an influx of
10 new taxes and amenities that a growing community
11 needs. For that reason, in 1999, before any plans
12 for this project were initiated, the City selected
13 the nationally acclaimed Sverdrup Civil, Inc., now
14 Jacobs Civil, to evaluate the technical feasibility
15 of the levee protecting this area without creating
16 any flooding issues. The primary criterion for
17 selecting a levee alignment was no impact. Three
18 alternate alignments for the primary alignment of
19 protection were investigated. Preliminary results
20 indicated that alternates A and B could meet
21 regulatory requirements, given the unconventional
22 nature of incorporating a levee into the existing
23 sand embankment of Route 370 and less protected
24 area. Alternate C was considered less feasible.
25 Alternate A, located adjacent to the overhead

1 electric transmission land easement near Garden
2 Creek, provided the maximum protected area. It was
3 desired that the City of St. Peters limit all
4 project impacts to only lands south of Dardenne
5 Creek owned by the City. Therefore, alternate B,
6 the alignment of the proposed project before you
7 tonight was recommended as the most favorable
8 alignment. Sverdrup also looked at whether to
9 recommend a 100 year protection, which meets the
10 FEMA criterion for flood protection for a 500 year
11 flood protection, such as Earth City and Riverport
12 levees, because the 500 year levees performed
13 admirably during 1993 event, and the 100 year levees
14 suffered damage from breaches, overtopping and
15 underseepage. It was Sverdrup's recommendation that
16 we proceed with the 500 year flood protection
17 system.

18 Because of our concern for being a good neighbor, we
19 allowed the engineering firm of URS Corporation to
20 review on behalf of the Busch family the exterior
21 flood protection study prepared by Sverdrup Jacobs
22 for the City in a letter to Mr. Steven Busch, III,
23 Mr. William L. Durbin, vice-president of URS,
24 indicated, quote, "In general terms, the report
25 shows no increase in elevation for the 100 year

1 flood condition," unquote, and that, quote,
2 "Construction of the proposed levee will have little
3 or no effect on the Busch property," unquote.
4 Because of the concerns expressed regarding our
5 project as initially proposed, the City, as you've
6 heard tonight, has reduced the direct impacts from
7 2.6 acres of forested wetlands to .7 acres of total
8 direct wetlands impacts from 3.6 to 1.7 acres. The
9 City has proposed also to protect and preserve over
10 100 acres of wetlands owned by the city by placing
11 them under permanent conservation deed restriction.
12 In conclusion, the studies by Jacobs Civil clearly
13 show that the proposed levee will not have a
14 negative impact in our region or in the areas along
15 the river. The levee will be built over three miles
16 back from the Mississippi River, allowing ample
17 floodplain to remain. The proposed levee meets the
18 FEMA standards and will not raise the base flood
19 elevation at all.
20 Additionally, the Lakeside 370 Business Park is
21 environmentally friendly, and this project will
22 actually protect over 100 acres of wetlands, and
23 creates over 300 acres of public park and family
24 recreational amenities.
25 We appreciate our consideration of this information.

1 Thank you.

2 (Applause.)

3 MR. DOOLEY: Rick Hanson, US Fish and
4 Wildlife Service.

5 MR. HANSON: My name is Rick Hanson, and I
6 represent the US Fish and Wildlife Service, my
7 office is located in Columbia, Missouri. Our
8 mission is working with others to conserve, protect
9 and enhance fish, wildlife and plants and their
10 habitats for the continuing benefit of the American
11 people.
12 Under the provisions of the Fish and Wildlife
13 Coordination Act, the National Environmental Policy
14 Act, and the Endangered Species Act, we routinely
15 provide comments and projects such as the proposal
16 by the City of St. Peters for a Department of Army
17 permit to construct a levee that will provide a 500
18 year level of protection for a 1400 acre area in the
19 Mississippi River Floodplain in St. Charles County.
20 We have today provided comments on this project and
21 letters dated February 17th and March 16th, 2004.
22 In summary, our letters have stated that the service
23 opposes the issuance of a permit for this project
24 that's currently proposed. We believe that the
25 proposed project will result in substantial direct

1 or indirect adverse impacts to 110 acres of wetlands
2 and 4.2 acres of streams and associated fish and
3 wildlife species. Private duck clubs and
4 environmental organizations and land managed by the
5 Missouri Department of Conservation, the Missouri
6 Department of Natural Resources, the U.S. Army Corps
7 of Engineers and the Fish and Wildlife Service on
8 the Mississippi and Missouri River help protect some
9 of the most important remaining fish and wildlife
10 habitats in St. Louis and St. Charles Counties.
11 Habitats include some of the last remnant bottom
12 land forests, marshes, (inaudible) lakes, river
13 shoots, slues, shifting sandbars and mud flats.
14 Conversion of land for urban development associated
15 with the growth and expansion of the St. Louis metro
16 region, including St. Louis, St. Charles and
17 Jefferson Counties in Missouri, and St. Clair and
18 Madison Counties in Illinois has negatively impacted
19 important fish and wildlife resources. The
20 construction of levees impact the hydrology of the
21 wetlands and the river's floodplain. The Service is
22 concerned about the cumulative impacts of the many
23 separate development activities occurring on the
24 floodplain of the Missouri and Mississippi Rivers in
25 St. Louis and St. Charles County. In St. Louis

1 County alone, there are 500 year levees protecting
2 upwards of 25 miles of floodplain. In its April,
3 2001, report, the Kansas City District Corps
4 indicated that the need to increase flood protection
5 for the L142 Levee at Jefferson City from 100 to
6 eventually the proposed 1000 year protection, was
7 due to the spiraling effect of the many structural
8 measures such as levees on raising flood heights on
9 the Missouri River floodplain. The Service believes
10 this is the reason for the proliferation of 500 year
11 levees in the metro area. The Corps acknowledges
12 that cumulative losses of floodplain storage
13 capacity in the Mississippi River Valley have led to
14 increased flood stages in the lower river. Those
15 higher stages, in turn, lead to additional flood
16 control projects like levee enlargements to protect
17 both existing development, and attract new
18 floodplain development. The proposed project will
19 directly impact three and a half acres of wetlands
20 in the Missouri Department of Transportation wetland
21 mitigation site, and 4.2 acres of stream habitats.
22 Approximately 106.4 acres of wetlands that came
23 within the area proposed to be protected by the
24 levee may be eliminated or degraded due to changes
25 in hydrology and impacts from future development.

1 These impacts may be caused by direct filling,
2 contaminant input and hydrological modification due
3 to the need to provide enhanced and secure drainage
4 to support the developing infrastructures. Man made
5 channels with no riparian vegetation cause increased
6 water temperatures, and -- increased water
7 temperatures having no shade for fish life.

8 The Service has provided the following
9 recommendations to support this project. Require
10 the applicant to conduct an alternative analysis in
11 accordance with Section 404(b). If the applicant
12 fails to select a non-water dependent project site
13 for the alternative analysis, or if the Corps fails
14 to alternative analysis, require the applicant to
15 prepare a detailed mitigation plan to avoid
16 minimizing competency of the project.

17 And last, the Corps should conduct an assessment of
18 the cumulative impacts on wetlands and aquatic
19 impacts from the floodplain development and
20 floodplain protection in the Mississippi and
21 Missouri River Floodplains of St. Louis and St.
22 Charles County. The results of this cumulative
23 floodplain assessment should be a principle
24 instrument in determining if it is prudent to issue
25 the current permit by the City of St. Peters and all

1 future permits and federally funded projects by the
2 Corps. Thank you very much.

3 (Applause.)

4 MR. DOOLEY: Next up is Drew Button,
5 Director of Government Affairs, Missouri Department
6 of Natural Resources. Following Drew Button will
7 being Ed Weiss, City of St. Peters Chamber of
8 Commerce.

9 MR. BUTTON: Good evening, Colonel Williams,
10 Mr. Dooley, Mr. Lenz, we appreciate the opportunity
11 to speak to you this evening. I'm here on behalf of
12 our department director, Steve Maffud, and I know
13 that I would be remiss on his behalf if I didn't
14 first compliment the St. Louis District on the great
15 cooperative relationship that we have with your
16 agency. We appreciate that, and are very optimistic
17 that that will continue to be the case in the
18 future.

19 The purpose of my being here tonight is that, as the
20 water quality and quantity agency for Missouri, we
21 are very concerned with the gradual but continual
22 loss of floodway conveyance capacity on the Missouri
23 and Mississippi Rivers in the St. Louis area.
24 Combined with ever larging and higher levees, along
25 with evidence that river stages are increasing

1 during periods of flooding, that these are
2 significant issues that need to be addressed. I'm
3 here to reiterate the Department's position that in
4 accordance with the Council of Environmental
5 Quality's regulation for implementing the National
6 Environmental Policy Act, the Corps of Engineers
7 consideration of a Clean Water Act Section 404
8 permit for this levee project should be considered a
9 major federal action, thus requiring the preparation
10 of an environmental impact statement. Therefore, we
11 are again reiterating our February, 2004, request,
12 that the Corps conduct such an EIS on this project
13 in order to properly assess the cumulative and
14 secondary impacts that will result from the
15 construction of the proposed 500 year levee. Only
16 an EIS is capable of adequately addressing the
17 cumulative risks to public health and safety that
18 may be posed by this proposed 500 year levee
19 project, and we believe only the Corps has the
20 resources and capability to conduct this analysis.
21 Thank you for your time.

22 (APPLAUSE.)

23 MR. DOOLEY: We're going to take one more
24 speaker before we take a short break, Ed Weiss.

25 MR. WEISS: Gentlemen, thank you for the

1 opportunity, and ladies and gentlemen. My name is
2 Ed Weiss, I'm president of the St. Peters Chamber of
3 Commerce, I am here representing our Board of
4 Directors. I drew the short straw, the others are
5 at the game.

6 Our organization represents over 700 businesses in
7 the St. Peters area. The Board did pass a
8 resolution of support for the construction of the
9 500 year levee in the project known as Lakeside 370.
10 I've given a copy of the resolution to the check in
11 list.

12 The mission of the Chamber is to provide leadership
13 to stimulate and support commerce in our community,
14 and we believe this project fits the mission of our
15 Chamber, as Lakeside 370 is basically an economic
16 development project. We don't assume to know
17 engineers or be engineers, and we have to trust what
18 they tell us, but we believe the economic future of
19 St. Peters area is directly impacted by the
20 continued growth in St. Charles County, and that
21 this project is a keystone to the future of our
22 economic prosperity. It is the primary reason why
23 the Board chose to support the project. But here
24 are some other points we would hope you would
25 consider before, in reaching your decision.

1 Lakeside 370 will be an economic generator for years
2 to come in the St. Peters area, at least two
3 decades. Growth has been the driving force behind
4 the success and prosperity of the St. Peters and St.
5 Charles areas, and Lakeside 370 will allow that
6 prosperity to continue for years. Lakeside 370 will
7 provide more tax revenue, reducing the burden of all
8 by increasing that base within the county; and maybe
9 more importantly, Lakeside 370 will create new jobs
10 and opportunities for our residents.

11 Lakeside 370 will create new the opportunities for
12 our business community. New jobs equal new
13 opportunities for growths in the existing businesses
14 and the addition of new businesses, and Lakeside 370
15 is the only place in St. Peters able to provide the
16 sustainable growth that is needed for the next two
17 decades. The recreational opportunities located
18 within Lakeside 370 will draw visitors to St. Peters
19 who will dine, who will shop, and help the St.
20 Peters business community prosper.

21 These are just a few of the positive points, and in
22 view of the number of people waiting, and my want to
23 see some of the Cardinal game, I'm going to cut this
24 short and will provide the rest of it in written
25 comments. Again thank you for your consideration.

1 (APPLAUSE.)

2 MR. DOOLEY: We will start again about 12
3 minutes after 8. Please try to be back in your
4 seats and ready to go, and we'll roll on.

5 (Recess taken at 7:55 p.m.)

6 (Back on the record at 8:11 p.m.)

7 MR. DOOLEY: Jerry Fellhouse.

8 MR. FELLHOUSE: Good evening. My name is
9 Jerry Fellhouse, I'm executive secretary/treasurer
10 to St. Louis Building and Construction Trades
11 Council representing 40,000 union members and their
12 families, all living and working in the metropolitan
13 area. We have reviewed this project with great
14 interest. We've had representatives of both the
15 City of St. Peters and the Great River Habitat
16 Alliance visit with us to present their information
17 and issues. And after a careful review of all these
18 issues, the St. Louis Building and Construction
19 Trades Council is united with the City of St. Peters
20 in support of Lakeside 370 and the levee which is
21 essential to the Lakeside project being built.
22 For St. Louis construction workers, it means
23 millions of manhours of new work for the next decade
24 or so. That translates into thousands of new
25 construction jobs for our members, and when we're

1 finished building that, the business park with its
2 office buildings, hotels and recreation facilities,
3 there will be need for 6 to 10,000 permanent new
4 jobs. Gentlemen, I don't have to tell you the
5 positive economic impact that this \$350 million
6 construction project will have on thousands of
7 families.

8 The central issue here is a new levee. Frankly,
9 I've been hearing the environmentalists' concern
10 that the 1993 flood all but leveled Chesterfield
11 Valley. And when they raised -- and they raised the
12 vision of that happening here. I'm upset because
13 that's a scare tactic, plain and simple. The
14 Chesterfield Valley levee was a 100 year levee that
15 was not the Corps of Engineers approved levee, and
16 the 250 year flood in 1993 simply overwhelmed the
17 100 year flood levee. I know the Corps will not be
18 swayed by such misrepresentations. I stand to be
19 corrected, but I understand that the Corps of
20 Engineers designed or approved a 500 year levee that
21 has never been breached. And out at Chesterfield
22 Valley has been rebuilt to the Corps' standard 500
23 year levee, we see the incredible growth of that
24 protected area. The businesses that located there
25 are not dumb, and if they thought the levee would

1 break, they would have never rebuilt there. This
2 should put the environmentalists' misrepresentation
3 to rest once and for all. Our Council urges the
4 Corps of Engineers to approve the permit for the St.
5 Peters levee so that our members and the rest of St.
6 Charles County region can begin to see the benefits
7 of this positive project. Thank you.

8 (APPLAUSE.)

9 MR. DOOLEY: Bill Trendley. Following Mr.
10 Trendley will be Jeff Hutzler. Bill Trendley?
11 Going once. Sir.

12 MR. HUTZLER: Hello. Thank you for letting
13 me speak tonight. My name is Jeff Hutzler, and I'm
14 the group manager in charge of Parks and Recreation
15 for the City of St. Peters. I want to talk about
16 the wonderful new parks and recreation facilities
17 that will be created by the Lakeside 370 Project.
18 Lakeside 370 will create a new 300 acre public park
19 with a 140 acre recreational lake for fishing and
20 boating. In addition, it creates other small
21 fishing lakes, picnic areas, walking and biking
22 trails, and large playground areas that will
23 substantially enhance the quality of life, not just
24 for St. Peters residents, but for people and
25 families across our region. Another 100 acres will

1 be dedicated to protected wetlands, an additional
2 300 acres will be devoted strictly for green space.
3 As a park professional, I'm excited about the
4 project. This is a tremendous opportunity to create
5 something that will truly serve people. The actual
6 Lakeside 370 Development will be 900 acres of the
7 total 1600 acres, so almost half of Lakeside 370
8 will be open space, park land, water features, and
9 other recreational opportunities. We will continue
10 to study the area to develop recreational uses that
11 would benefit the community. We will make the best
12 use of this unique opportunity. I would also like
13 to go on record as opposing a proposal by the Great
14 Rivers Habitat Alliance to develop our municipal
15 golf course instead of Lakeside 370. The existing
16 golf and recreation center is a popular amenity for
17 the community, and one of the better municipal golf
18 courses you will find.

19 The opposition to this project argues that they are
20 against development in the floodplain and in the
21 floodway. It is important to note that the existing
22 St. Peters golf course is located entirely in the
23 floodway and floodplain. They are sending very
24 mixed messages about what their real priorities are.
25 Our priority is to build a project that will benefit

1 the entire region. It will create thousands of
2 jobs, and will be a tremendous recreational venue
3 for our region. Thank you for your time.

4 (APPLAUSE.)

5 MR. DOOLEY: Next up, Bill Hellibush. On
6 deck, Cookie Potter.

7 MR. HELLIBUSH: Good evening. My name is
8 Bill Hellibush, I'm from Glasgow, Missouri, central
9 part of the state of Missouri. Give you a little
10 bit of a background, I worked for the Corps of
11 Engineers out of Kansas City District for about 15
12 years up till '93. And '93 was quite an event for
13 everybody, that taught I think a lot of us a lot of
14 lessons the hard way, and some in good ways, but I'm
15 just going to make a statement here, being born and
16 raised on the river and lived beside the river my
17 whole life, that everybody better understand the
18 importance of respecting these waters of the
19 Missouri River and Mississippi River. I personally
20 lived behind a Corps of Engineers levee at that
21 time, and that levee broke, so what I'm saying is,
22 you know, mother nature is still the boss here, even
23 though the Corps had built this levee, and there was
24 several other levees up and down the Missouri system
25 that did break at that time. So even though the

1 Corps did design it, they're still not bullet proof,
2 you know, mother nature is the boss, it overtopped
3 it, and it went out.
4 But the point is here, any time you put a
5 restriction in a floodway, mother nature has made
6 this floodway for a floodplain, and any time you put
7 a restriction in this thing, it's going to slow the
8 water down, and any time you slow the water down,
9 it's going to go up. So there's got to be a
10 definite impact somewhere upstream with all the
11 folks upstream and adjacent through these
12 properties.
13 You know, and surely your developers and whatever
14 want to do this, but what happens, sure, you think
15 it's out of your flood levee is going to hold, what
16 happens if it don't, who's going it pay the bill on
17 something like this? This is a, you know, a
18 substantial investment here for us. Plus, with the
19 environmental impact study on this with the
20 additional stopping this flowage even, what is it
21 going to do for scour affect possibly in areas that
22 it never has before, there's other wetland, lots of
23 other wetland areas in this complex in here that, is
24 it going to possibly affect them by scouring out
25 some of them deeper and depositing silt in other

1 areas and destroying natural ecosystems that's out
2 there now? I think that's something that needs to
3 be addressed, not only with the wetlands, but it's
4 entailed inside this levee system, but a hard look
5 at all the other issues outside this levee and what
6 this additional necking down of the so-called river
7 is going to do to this point. Thank you.

8 (APPLAUSE.)

9 MR. DOOLEY: Cookie Potter, followed by Jim
10 Blair.

11 MS. POTTER: Hello, Colonel Williams, my
12 name is Cookie Potter, I am a resident of St. Louis
13 County, I also own property in the beautiful river
14 city of Clarksville, Missouri, and I am a land owner
15 and a business owner in O'Fallon. I'm a board
16 member of Great Rivers Habitat Alliance and the
17 Habitat Alliance. I'm an active water fowler, and
18 my entire family enjoys the confluence of the
19 floodplain. We see it as a wonderful example of the
20 remnant wetlands and the unique floodplain of which
21 precious little now remains along the Mississippi
22 River in the St. Louis area.
23 I'd like to give a brief history of the goings on
24 during the past 24 months in the floodplain habitat
25 in the neighboring City of O'Fallon. In 2002, the

1 City of O'Fallon placed an involuntarily annexation
2 referendum issue on the ballot which would have
3 annexed thousands of acres of floodplain out of
4 unincorporated St. Charles County along Highway 79
5 in the City of O'Fallon. Primarily through the
6 effort of the citizens of St. Paul, this bond issue
7 was rejected. Next the City began the process of
8 shoestring annexation out into the floodplain
9 aggressively eating its way along Highway 79. In
10 some cases these annexations were 10 feet wide and a
11 half a mile long, a clear violation of the State
12 statute requiring contiguous and compact
13 annexations. The only way to stop this effort was
14 to critically pinch the City off at some point, so
15 five board members of Great Rivers Habitat Alliance
16 each pulled in about \$100,000 and purchased an
17 annexation restriction and a small tract of land. I
18 want you to know that I am a proud one-fifth owner
19 of one of the ugliest little bait shops on Highway
20 79. Since this time, I've also financially
21 supported Proposition S, along with hundreds of
22 other equally minded involved individuals. Prop S
23 discouraged these aggressive annexations by granting
24 the County the authority to challenge illegal
25 annexations. By the way, Prop S passed

1 overwhelmingly by a 79 percent margin, and since
2 then, there have been no shoestring annexations. It
3 is not a coincidence that the City of O'Fallon has
4 abandoned plans to develop the floodplain. The new
5 aldermen were swept into office promising to
6 preserve the floodplain. Ironically, the City of
7 O'Fallon formally passed a resolution to preserve
8 the same area it proposed to develop six months
9 prior.

10 My point, Colonel, is this. You asked for new
11 information since the end of the comment period.
12 Well, you have much new information. At your
13 February comment deadline, St. Peters had a Mayor
14 Brown. Today it is still Mayor Brown, but his given
15 name is Shawn, not Tom. Shawn Brown opposes the
16 levee project, unlike his predecessor, which is one
17 of the primary reasons he leads the city today. In
18 the state of Missouri, fourth class cities do not
19 allow their citizens the right to petition for
20 referendum. The aldermen are the only means that
21 allow that referendum. In 2000, the citizens were
22 aggressively lobbied by Mayor Tom Brown to pass a
23 bond issue to develop a 500 year levee. That very
24 quiet and unopposed bond issue is why we are here
25 today and in this mess.

1 Now Colonel, if you listen to nothing else tonight,
2 know this. As I have demonstrated, times and
3 attitudes have changed. If the citizens are allowed
4 to vote on this bond issue, and we believe that
5 ultimately they will, this time it's educated
6 voters, these understanding citizens of St. Peters
7 will roundly reject the project. And I'd bet my
8 bait shop on it.

9 (APPLAUSE.)

10 MR. DOOLEY: Jim Blair. With Carla Kline
11 next up.

12 MR. BLAIR: Gentlemen, thank you. My name
13 is Jim Blair, and I'm president of the Missouri
14 Department of Conservation, Heritage Foundation, as
15 well as a board member of the Great River Habitat
16 Alliance. I have both owned, leased and/or operated
17 income producing and recreational private ground in
18 the St. Charles floodplain for over the last 25
19 years. I've personally witnessed over the past 25
20 years incremental development of this floodplain and
21 the increased hardship due to flooding on those who
22 live, farm and/or choose to use our property for
23 conservation and/or recreational purposes. And I'll
24 go off my notes just for a minute to say, you build
25 higher levees, you build stronger levees, and the

1 Corps, nobody is better in the world than the Corps
2 of Engineers at building big strong levees, but to
3 the gentleman who spoke earlier, you build bigger
4 stronger ones, the little smaller ones are going to
5 incur more pressure up and downstream. It seems to
6 be a pretty simple concept, and I hope we can keep
7 that in our minds tonight. We're not suggesting
8 that your work will fail or that you can't do a good
9 job, we're questioning what the result and what the
10 impact will be on others as more pressure is put on
11 their small farm levees and their agricultural
12 levees and the communities that have counted on
13 those levees for a long time.

14 The frequency with which we in certain affected
15 areas have to boat to and from our homes, or the
16 duration with which we cannot access our property
17 continues to worsen as the development and the
18 sprawl continues. So any speaker tonight who wants
19 to talk about computer models or engineering studies
20 of how the proposed levee won't have an impact has
21 no credibility with the people who are familiar to
22 the area.

23 Further, these studies should be considered for what
24 they are. They are bought and they are paid for,
25 they're reports where variables and data input are

1 massaged to produce the results the politicians and
2 the developers requested. Throughout this debate
3 there has been a consistent chorus from City Hall
4 that this project would be good for St. Peters. Yet
5 only 5200 out of the 52,000 residents supported this
6 at the polls. Further, I ask why are the interests
7 of these politicians or anyone else more important
8 than the interest of those of us who are tired of
9 seeing our tax dollars continually wasted fixing the
10 mistakes that could have been avoided? Why are our
11 interests minimized by stereotyping us and our
12 motives for being here? I'm here because of my
13 passion for conservation, and as a spokesman for
14 thousands of people who understand this issue, but
15 don't have the time to participate in the fight, or
16 feel that their officials only care about the tax
17 revenues, no matter the cost. Putting trades people
18 to work is good, but not at the expense of our
19 neighbors up and down the stream, or if it means the
20 loss of precious floodplains.

21 I apologize to the City's aldermen if they feel
22 we're being unfair to them, but the prior mayor was
23 hell bent on this development, and has left them to
24 deal with the mess. They are burdened with having
25 spent too much money on this ground and see this

1 levee as their way out. I ask you to help them, to
2 make it easy on the aldermen, to do what's right by
3 denying them this permit. I think they'd be glad to
4 have a way out at this point, and I'm here to say
5 that I've played that golf course, and I've competed
6 in national golf venues all over the country. I
7 don't think they should hold that up as an example
8 of why that should go forth.

9 It's worth noting that 90 percent of the wildlife
10 habitat in this state is provided by private land
11 owners, and your agency, the US Fish and Wildlife
12 Service and the Missouri Department of Conservation
13 continue to seek private land owners to work with
14 you through easements, the sale of our land, and to
15 help you undo the mistakes of the past. Let's not
16 repeat the cycle here.

17 Further, let's be realistic. Losing hydrologic
18 connection to the rivers and the natural wetlands
19 cannot be mitigated by a lifeless retention pond or
20 what people would have you believe is an ecosystem
21 behind the levee. Subsequent to the '93 flood,
22 Governor Carnahan formed a task force which produced
23 an interagency report. This report concluded
24 legislation is needed to further stop ill-conceived
25 floodplain development. Shame on all of us for not

1 having --

2 MR. DOOLEY: Sir, I'm going to have to ask
3 you to wrap it up.

4 MR. BLAIR: I've got 30 more seconds.

5 MR. DOOLEY: Okay.

6 MR. BLAIR: Colonel, you have the awesome
7 responsibility to determine whether or not we will
8 continue to let selfish interests of a few or
9 individual communities thumb their nose at what
10 previous governors, our current governor, or State's
11 Attorney General and virtually every conservation in
12 the organization in the state agree on, and that is
13 the continued exploitation of our floodplain is a
14 bad idea. At the same time our governor's task
15 force was producing its report, I believe your own
16 General Galloway concluded that floodplain
17 development needs to be stopped, and issued a
18 document on the subject which I'm sure you're
19 familiar with. I'll provide a copy of the letter
20 from the Missouri Department of Conservation asking
21 you not to permit this levee; Mr. Lenz, I think
22 you've already received that letter, and Colonel,
23 finally, I find it beyond ironic that the Missouri
24 River Fish and Wildlife mitigation program calls for
25 the Corps with our tax dollars to acquire some

1 20,000 more acres along the river in our state for
2 the purpose of correcting the hydrology of our
3 rivers and to accomplish the goal of allowing our
4 rivers to operate more naturally. It's also beyond
5 ironic, and I would say absurd, to think that we
6 might permit this levee eliminating 1500 acres,
7 which is 8 percent of your \$20,000 --

8 MR. DOOLEY: Sir, you have to --

9 AUDIENCE PARTICIPANT: Time is up!

10 (APPLAUSE.)

11 MR. DOOLEY: Carla Kline. Next up will be
12 Mickey Hitemeyer. If we could withhold the
13 applause, we have many many many more people here
14 tonight, we'd like to give as many as possible the
15 opportunity. Thank you very much.

16 MS. KLINE: Good evening. My name is Carla
17 Kline, I'm the chapter director for the Ozark
18 Chapter of the Sierra Club. We are the state level
19 of the Sierra Club here in Missouri, and we have
20 over 10,000 members across the state. The Ozark
21 Chapter Sierra Club would like to go on record as
22 opposing the permitting of St. Peters 500 year levee
23 project. We have many objections to this project,
24 but the three that I'd like to discuss tonight
25 include, first, the proposed development is not a

1 water dependent activity. Second, the mitigation
2 efforts have been largely unsuccessful, and lastly,
3 the wetland delineation is vague and inadequate.
4 Section 404 of the Clean Water Act provides
5 protections for wetlands when alternatives for
6 proposed projects exist. Residential and commercial
7 developments are not water dependent. There are
8 plenty of alternative places to build houses and
9 restaurants, but there are very few remaining
10 wetlands. Missouri, Illinois, and Iowa, have
11 destroyed 89 percent of their original wetlands, and
12 we cannot afford to lose any more. Mitigation
13 efforts to replace lost wetlands have not been
14 successful. According to the recent National
15 Academy of Science report, compensating for wetland
16 loss under the Clean Water Act, the no loss of
17 wetlands is not being achieved. Many mitigation
18 wetlands have been constructed poorly, or not at
19 all. This has also been the case locally, as the
20 St. Louis Corps District, itself, has found that
21 mitigation banks and their service areas have not
22 been doing the mitigation they were contracted to
23 do. Also, the Stream Stewardship Trust Fund set up
24 to mitigate for stream impacts across the state has
25 only completed a handful of projects, despite

1 receiving over \$1 million over the last four years.
2 Mitigation wetlands cannot be relied on to
3 compensate for functioning wetlands if the
4 mitigation, itself, is unreliable. No impacts to
5 jurisdictional water should occur if other less
6 environmentally damaging options exist.
7 Next, not enough information is available about the
8 impacted wetlands. The current public notice
9 describes the wetland area to be impacted by this
10 project in very approximate terms. With so few
11 intact wetland areas remaining, we need a clear
12 picture of what is at stake. The description of 48
13 acres of direct impacts and approximately
14 106.4 acres of wetlands that may be indirectly
15 impacted due to the loss of connection with Missouri
16 rivers seem inadequate. Many of these wetlands
17 provide habitat for river fish to spawn, and these
18 shallow wetlands provide refuge for young fish and
19 amphibians alike. Large artificial borrow pits,
20 such as the one being proposed to be dug in
21 conjunction with the levee, do not provide a good
22 habitat as natural wetlands, because the crudaceous
23 fish can persist in those areas and tend to eat the
24 young fish. A large wall and a big hole are not a
25 fair trade for the public's natural resources.

1 Especially when the public is entering into the
2 trade without proper knowledge of the resources that
3 may be lost. More information is needed to fully
4 understand the total impacts.
5 Furthermore, future wetland destruction as a result
6 of future development is not taken into account. As
7 we have seen in other areas, the construction of a
8 levee is a part of a greater development plan. And
9 thus, the public has only seen part of the potential
10 impact on the nation's waters. Wetlands play an
11 important role in maintaining water quality by
12 protecting many of the river's beneficial uses, such
13 as drinking water, recreation and aquatic life.
14 Approximately 106 acres of wetlands, the vast
15 majority of the impacts, are proposed to be
16 protected by this levee.

17 MR. DOOLEY: Ma'am, I'm going to have to ask
18 you to complete your statement, please, or submit
19 the rest in writing.

20 MS. KLINE: Sure. The protection of our
21 wetlands is what the -- to protect our wetlands, we
22 need to stop improper development. For the above
23 reasons, the Ozark Chapter of the Sierra Club
24 opposes the issuance of this permit, and we request
25 the wetlands be fully studied and delineated, and

1 that a study of the accumulated impacts on water
2 shed be conducted. Thank you.

3 (APPLAUSE).

4 MR. DOOLEY: Mr. Hitemeyer, followed by Rick
5 Snyder.

6 MR. HITEMEYER: Good evening, my name is
7 Mickey Hitemeyer, and I'm a research associate with
8 the Gaylord Memorial Laboratories Research facility
9 of the University of Missouri at Columbia. Our lab
10 has over 50 years of experience working with wetland
11 and water ecology and floodplain ecosystems. Our
12 comments tonight briefly describe significant
13 environmental impacts that are -- of the proposed
14 St. Peters levee, that previously have not been
15 identified or evaluated. No comprehensive detailed
16 and scientifically documented text has been provided
17 for the record.

18 We've talked about two issues, one on the inside of
19 the levee, and one on the outside. First, on the
20 inside of the levee it is true that certain direct
21 and indirect impacts have been acknowledged.
22 However, other impacts have not, and they include
23 first, most of the wetlands that are impacted are
24 bottom land hard with wetland types which are among
25 the most productive and biologically diverse in

1 North America. Consequently, they're also among the
2 most complex and valuable and difficult to replace.
3 These wetlands support nearly 300 species of plants
4 and animals, including several rare and endangered
5 species. This makes restoration of food webs,
6 nutrient cycling, the (inaudible) bases nearly
7 impossible. The integrities of these systems depend
8 on large contiguous patches of nonlevee floodplains
9 and interconnected forest patches, seasonal
10 inundation by flood water, and regular inputs of
11 nutrients and sediments, all of which would be
12 negatively impacted by the proposed levee. The case
13 in point I think we all understand, the conservation
14 easement will not restore flood to this area, nor
15 protect these wetlands.

16 The St. Peters levee area also is very complex and
17 highly unique, both geomorphologically and
18 hydrologically in the confluence area. This unique
19 geomorphology cannot be adequately replaced or
20 mitigated. Simply put, the technology and
21 geomorphology is not there to do so.

22 Next, no impacts have been identified for over 1200
23 acres of agricultural prop land that is heavily used
24 when flooded by foraging water birds, spawning river
25 fishes, and amphibians and reptiles. Based on

1 documented waste drain and water fowl use patterns,
2 the agricultural area could provide up to 325,000
3 water fowl use days, or 10 percent of all of the
4 food needs of the water fowl in this area. Thusfar
5 assessments for the environmental impacts have only
6 considered impacts within the levee. I repeat what
7 others have said, that clearly cumulative impacts
8 must be addressed. For example, over 40,000 acres
9 of significant wetlands are within ten miles of this
10 levee, that include several Missouri Department of
11 Conservation areas, the Two Rivers National Wildlife
12 Refuge, and private duck clubs.

13 In conclusion, the proposed St. Peters levee would
14 have significant environmental impacts that have not
15 been addressed or considered. Clearly these impacts
16 must be carefully and thoroughly evaluated before
17 decisions can be made about cost, benefits,
18 ecological damages, mitigation, and ultimately
19 whether the permit should be granted. Thank you.

20 One final thing I would say, this will be submitted,
21 as well, for the record. It demonstrates over 600
22 acres of wetlands adjacent to the levee on the
23 outside that were not considered in the proposal,
24 and yet they are closer than the wetlands on the
25 inside.

1 MR. DOOLEY: Rick Snyder. Then next up
2 after Rick will be Cheryl Hammond.

3 MR. SNYDER: Good evening, gentlemen. My
4 name is Rick Snyder, I live in St. Louis County.
5 I'm president of the Ballwin Land Company, which is
6 an 800 acre tract of land which lies directly
7 adjacent to the property on the north -- or it's the
8 project on the north. I'm also a Board Member for
9 Great Rivers Habitat, and the Habitat Alliance. I
10 represent 13 members of Ballwin, and we are
11 adamantly opposed to the proposed project. If the
12 project is developed, it will completely devalue our
13 investment and destroy our land use of the site.
14 The proposed project, if permitted, will have an
15 immeasurable affect on Ballwin, and no doubt on
16 other neighboring clubs in the other. This project
17 will negatively affect more than 100 acres of
18 wetlands on the inside of the project. This has
19 already been discussed this evening, and it's
20 obviously indisputable. However, what has not been
21 identified by the City is the project will
22 negatively affect more than 300 acres of wetlands on
23 Ballwin Land Company, and also another 400 acres on
24 a wetlands that are on adjacent areas next to the
25 Dardenne Creek.

1 Ballwin relies on these wetlands as an integral
2 component of our overall success of the club. If
3 the levee is built, it will channel and redirect the
4 flow of the Dardenne Creek through our property,
5 changing the habitat's height from emergent wetlands
6 to open water habitat, thus prefer emergent
7 wetlands, and obviously at some point in time we'll
8 give up using the area. As we have seen during the
9 height of the flood of 1993, mass trees along the
10 Mississippi River were -- Basin were drowned, and it
11 will take a human lifetime to replace them. What
12 this project proposal will do to Ballwin is
13 basically a microversion of the 1993 flood. The
14 Dardenne Creek will be limited to flooding only on
15 Ballwin and a few other upstream clubs.
16 The real flooding impacts from this project will be
17 from the Dardenne Creek. Currently, the Dardenne
18 Creek floods virtually every year, and often many
19 times a year. This year alone it has flooded us
20 three times. Heightened and frequent flooding will
21 affect wetland vegetation and water fowl habitat in
22 our club. You must take this into account when
23 evaluating the project, and you can only evaluate it
24 based on performing a thorough environmental impact
25 statement. Our own property for the use of duck

1 hunting, we own the property basically for the use
2 of duck hunting and bird watching. If the City
3 builds the levee, it will cause additional flooding,
4 impact or land use, and destroy our investment, but
5 more importantly, it will probably impact our
6 life-style, or what we've become accustomed to.
7 Some of us have been Ballwin members for over 30
8 years, and I speak from that experience, I've been
9 there over 30 years.

10 In addition to the flooding problems, the damage of
11 the wetlands, we will also feel the impact of light
12 pollution. Thousands and thousands of foot candles
13 of light will spill onto our property, basically
14 creating perpetual daylight, and I'm sure you know
15 that obviously that will impact wildlife habitat,
16 whether it's ducks, deer, or anything else. On
17 behalf of the members of Ballwin Land Company, I
18 implore the Corps to study this project and the
19 affects on Ballwin Land Company. Please do your job
20 and perform an environmental impact statement.
21 Thank you very much.

22 (Applause.)

23 MR. DOOLEY: Cheryl Hammond is up next, with
24 John Basillico following her.

25 MS. HAMMOND: My name is Cheryl Hammond, I

1 live at 12231 Philcrest Place, Maryland Heights,
2 Missouri. I am the secretary of the executive
3 committee of the Eastern Missouri Group of the
4 Sierra Club, and I'm representing that group.
5 I'd like to speak to the issue of cumulative
6 effects. This year and the end of last year, we
7 have seen the completion of a major levee in
8 Maryland Heights and the completion of a Page Avenue
9 extension across the Missouri River. To ensure that
10 the extension and the bridge did not induce unwise
11 use of the floodplain through which it passed, the
12 Page Avenue permits specified that if a major road
13 would connect from Page to the floodplain, then an
14 EIS would be required. That requirement should have
15 put the City of the Maryland Heights and the Howard
16 Bend Levee District on notice that any levee
17 development in the floodplain would be subject to
18 intensive scrutiny. Instead, what occurred was a
19 convoluted process where a major 500 year levee was
20 built, avoiding wetlands, and then a draft EIS was
21 prepared to study the effects of interior levees
22 with the main levee taken as a done deal. This
23 process guaranteed that the Maryland Heights EIS
24 promised by the Page extension was not used to study
25 the cumulative environmental impacts of levees in

1 the confluence area, and in fact, no analysis was
2 done of the main levee, itself. My question is when
3 will the cumulative effects be studied? If the
4 study is not done this time on the proposed St.
5 Peters levee, then when will it will be done, and
6 who will be responsible when the next major flood
7 occurs and we find that we've already reached our
8 tipping point? Who will we blame? Will we blame it
9 on the Maryland Heights levee, the St. Peters levee,
10 or the next levee?

11 As a final note, I would like for the Corps to
12 consider what has happened down river on the
13 Mississippi in the city of New Orleans. This is a
14 city built with levees and pumps. Scientific
15 America has said that a major hurricane like
16 Hurricane Ivan that just missed the city last month
17 would put the city under 20 feet of water and kill
18 thousands of people. Certainly New Orleans is in a
19 different situation than the St. Louis confluence
20 region; however, this is a city that did not
21 consider the cumulative impact of its levees and the
22 losses of its buffer lands. I am sure that each
23 levee was built -- as each levee was built, people
24 were assured that it would only raise the water
25 level a small amount. Now is the time to look at

1 cumulative effects here in St. Peters before another
2 levee is built. This will show that the levee
3 should not be built, and we ask the Corps not to
4 approve this permit. Thank you.

5 (Applause.)

6 MR. DOOLEY: John Basillico, followed by
7 Bill Rupp.

8 MR. BASILLICO: My name is John Basillico,
9 and I'm the executive director of the St. Louis
10 County Levee Association. St. Louis County Levee
11 Association was formed a couple of years ago. It
12 consists of four major levee districts in St. Louis
13 County fronting on the Missouri River. From the
14 south that would be Monarch Chesterfield Levee
15 District, running northward the Howard Bend Levee
16 District, Riverport Levee District, and the Earth
17 City Levee District.
18 In addition to that, since mid 1980, I've been
19 actively involved in the operation, management and
20 development of the Earth City Business Park; in 1994
21 I was instrumental in the formation of the 1891 acre
22 Earth City Levee District, of which the Earth City
23 Business Park is part of. Who incidentally, in
24 size, the Earth City Business Park is almost exactly
25 the same size as the business park being proposed

1 here, or being discussed here tonight.

2 Let me just cover a couple things quickly so we can
3 get out of here and hopefully find out what the
4 final score is. The economic impact of the
5 floodplain development. The four levee districts
6 that comprise the association membership have a
7 significant and have had a significant impact on the
8 economic welfare of St. Louis County, this region
9 and this state. I have personally sold over 600
10 acres in the floodplain in -- since my career here
11 in St. Louis County, between the period of 1980 and
12 1993, so I've been eyeball to eyeball with a lot of
13 people looking to build and develop their businesses
14 on the floodplain.

15 Within our particular demographic area, if you
16 include the four districts as a single entity, we
17 have over 1000 businesses of all sizes and types,
18 more than 37,000 employees -- 37,000 employees -- at
19 work behind these levees, over \$2 million in real
20 estate evaluation and similar evaluation for
21 equipment and inventory. Let me say all of those
22 items, real estate and inventory, are taxed. Over
23 30 million square feet of space occupy the land
24 behind these levees.

25 The next point, 500 year levees are safe. Since

1 1972 when the Earth City levee was completed, there
2 have been four major floods identified as a flood
3 stage 10 feet or higher. Not a single incident in
4 Earth City has ever occurred. I have been there for
5 three of them, 1986, 1993, and 1995. The 500 year
6 levee for Earth City was designed and constructed to
7 the highest standard. Not to push your button, that
8 was the Corps of Engineers's standard. It has
9 performed as designed. We have a \$500,000 annual
10 operating and maintenance budget, and we spend every
11 damn dime of it. On what? Maintenance,
12 maintenance, inspections, inspections that we pay
13 for by outside engineers on a regular basis,
14 inspections made by the Corps of Engineers, so we
15 don't take our management operational responsibility
16 lightly.

17 The naysayers are wrong to this extent. After the
18 1993 flood, frankly, we in Earth City were concerned
19 about the pace of our future development in the
20 park. What happened? Or what's happened since
21 1993? In the Earth City Business Park alone, over 5
22 million feet of space have been built. An
23 additional 3 million feet of space has been built
24 outside the park.

25 MR. DOOLEY: Mr. Basillico, I'm going to

1 have to ask you to finish your statement in writing
2 so we can move on to the next person.

3 MR. BASILLICO: Okay, fine, thank you.

4 MR. DOOLEY: Bill Rupp, followed by Ronald
5 Newbauer.

6 MR. RUPP: Good evening, gentlemen. My name
7 is Bill Rupp, and I live at 263 Timberbrook Drive in
8 St. Peters, Missouri, I'm a long-time resident of
9 St. Peters. I lived through the historical flood of
10 1993, just as most of the people here tonight have.
11 It was terrible, but do we just sit and wait for
12 another flood that may or may not ever occur in our
13 lifetime or our children's lifetime? Progress is
14 what makes this country great. Progress is what has
15 made St. Peters and St. Charles County such a
16 wonderful place to live and raise our families. It
17 is my understanding that the proposed levee is
18 designed to protect against a 500 year flood, which
19 is nearly twice the size and magnitude of the 1993
20 flood, so flooding would have to be much worse than
21 that in 1993 to affect this development. The threat
22 of flooding did not stop the progress in
23 Chesterfield Valley, and I repeat, did not stop the
24 progress in Chesterfield Valley. So please do not
25 stop progress here. Do not prevent our ability to

1 build our quality of life.

2 I'm looking forward to the opportunities that this
3 venture will bring us. I think the businesses will
4 flock to this development, because the area has a
5 lot to offer. St. Peters is a wonderful place to do
6 business, and the location is ideal. Lakeside 370
7 is 15 miles from Lambert Airport, has many accesses
8 to interstate highways and rail transportation, and
9 United Parcel Service and Fed-Ex are also located
10 just a short distance away in Earth City.

11 Preinstalled high tech fiberoptic cable throughout
12 the development will encourage high tech
13 corporations to locate in this area. After all,
14 (inaudible) lakes is now (inaudible) two other
15 business parks along the 370 high tech corridor that
16 are filling up fast, with locations farther out such
17 as Winghaven Development in O'Fallon to be
18 successful. St. Peters Lakeside Business Park
19 should have no trouble competing for tenants. I am
20 proud of my city and what has been accomplished here
21 over the years. St. Peters does not go into
22 projects with their eyes closed, no matter what
23 anyone says. History shows that the leaders in our
24 city do their homework and are good stewards of the
25 region. I am proud of the foresight these leaders

1 had to call for preliminary studies to make sure
2 this project would not impact our neighbors. It was
3 only after these initial studies that St. Peters
4 began seriously considering this development. This
5 is a 500 year levee, the way I understand that the
6 FEMA only requires that the project have a zero rise
7 impact or a 100 year flood elevation, and the levee
8 in question here tonight is designed to do more and
9 more. Please keep this in mind. I'll wait for your
10 decision, thank you.

11 MR. DOOLEY: Ronald Newbauer is next up,
12 followed by Robert Rieves, or Reeves.

13 MR. NEWBAUER: Thank you for providing me
14 the time to speak on the issue before you this
15 evening. For the record, my name is Ronald
16 Newbauer, I live in the Richland subdivision here in
17 St. Peters. I'm very much in favor of the proposed
18 Lakeside 370 project and the construction of the 500
19 year flood levee. I've listened to the opponents of
20 this project state reason after reason why it is not
21 in the best interest of this community to move
22 forward with the levee. Each argument that has been
23 offered is either based on improper information, or
24 represents less than half the facts, claiming that
25 any new levee will fail and cause devastation,

1 asserting environmental damage downstream which will
2 harm our neighbors, insisting that the City has
3 acted in bad faith. All statements that raise false
4 fears. When faced with the true facts, these
5 arguments all fall away, and we find that the City
6 has acted responsibly, and has conducted proper
7 planning to move this project forward.

8 The three points I would like to stress this evening
9 are flooding, growth and economy.

10 Flooding is a great concern to everybody. That's
11 why I took the time to review the studies that have
12 been done regarding the proposed levee. While
13 hundreds of levees did fail in the 1993 flood, every
14 single Corps approved 500 year levee remained
15 intact. The engineering studies that have been done
16 on the proposed levee verified that there would have
17 been virtually no difference in the flood of 1993
18 had it been in place back then. In the event of a
19 500 year flood, the studies indicate that there will
20 be no more than .24 inches rise in the flood level,
21 and virtually no impact downstream. Even the
22 engineers hired by Anheuser Busch agreed with this
23 determination. While I can certainly understand the
24 concern of our neighbors from Illinois, all the
25 facts indicate that there will be no impact with

1 this levee being built.

2 Growth is taking place throughout this area. St.

3 Peters has a proven record of planning

4 responsibility -- planning responsibly, excuse me,

5 for growth of the city. The area to be protected by

6 the levee will provide for the largest last

7 undeveloped tract within St. Peters. It represents

8 the City's economic future. It will provide for

9 controlled growth and development to ensure the

10 financial security of our future. It will further

11 the high quality of life for the entire region. It

12 will meet the needs for St. Peters for years to

13 come. The economic boost that this project will

14 give to the community will assist in bringing new

15 jobs to local residents, provide additional tax

16 dollars to sustain the local government, and

17 increase the probability that businesses will

18 flourish. The development will bring prosperity to

19 the region.

20 The City of St. Peters has never rested on its

21 laurels. It has always been ahead of the power

22 curve with innovative programs to it ensure its

23 future, and so it is with the Lakeside 370 project.

24 An innovative way to ensure for proper land

25 management, sustain growth, and a stable economy for

1 St. Peters. I proudly add my name to the list of
2 supporters and ask that you approve and issue the
3 appropriate permits to allow this to move forward.
4 Thank you.

5 MR. DOOLEY: Bobby Rieves, or Reeves
6 followed by Michael Shaw. Mr. Rieves? Robert
7 Rieves? Michael Shaw. Michael Shaw will be
8 followed by Wayne W-E-A-S-E, Wease.

9 MR. SHAW: Good evening, Colonel Williams,
10 and thank you for the opportunity to speak on this
11 very important subject. My name is Michael Shaw,
12 I've lived in St. Peters, and I've been a resident
13 of St. Peters for over eight years and a resident of
14 St. Charles County for 18 years. I'm here to
15 express my support of St. Peters effort to develop
16 the Lakeside 370 Business Park, and the construction
17 of the 500 year levee. And by the way, I did vote
18 for the levee.
19 The development of this land is vital to the future
20 of St. Peters residents. Among the many claims you
21 will hear from those opposed to the levee is that
22 St. Peters should not build in the floodplain
23 because hundreds of levees broke during the flood of
24 1993. This is true. But like the political ads
25 that we are bombarded with on television, critical

1 facts are conveniently left out or distorted to
2 cause fear, create undue concern, or sway public
3 opinion in their favor. This issue is no different.
4 What the public isn't told is that most of the
5 levees that failed during the flood of 1993 were
6 agricultural levees, and some were even sabotaged.
7 Levees protecting agricultural areas are designed to
8 provide a relatively low level of protection, using
9 no more than a 50 year flood. Not one of these
10 levees broke that was designed by the Corps of
11 Engineers was built to the Corps's approved 500 year
12 levee specifications. The flood of 1993 which
13 affected so many along Missouri and Mississippi
14 River has been determined to be a 250 year flood
15 event. If the St. Peters levee is built to Corps of
16 Engineers approved specifications to withstand a 500
17 year flood, it will certainly hold off another flood
18 of the magnitude of the flood of 1993. The levees
19 at Riverport and Earth City were built to Corps of
20 Engineers approved specifications for a 500 year
21 flood event, and they both held during the flood of
22 1993. The new Monarch levee in Chesterfield is now
23 a 500 year levee, all three levees are within a
24 stone's flow of the Missouri River. The St. Peters
25 levee is three miles from the Mississippi River.

1 Many of this country's bravest economic achievements
2 were the result of taking carefully considered,
3 calculated risks. I'm confident that the experts at
4 the Corps of Engineers the carefully consider the
5 facts, not distortions from the opposition when
6 rendering your decision. I'm also confident that
7 when the levee is built to your specifications, St.
8 Peters residents safety will not be an issue. Thank
9 you.

10 MR. DOOLEY: Michael Shaw, followed by Wayne
11 Wease.

12 MR. SHAW: That was me.

13 MR. DOOLEY: Oh, I'm sorry, Wayne Wease?
14 Next, Warren Bunch. Is Mr. Bunch here? I'm sorry,
15 excuse me.

16 MR. BUNCH: Good evening. My name is Warren
17 Bunch, and I've been a resident of St. Peters for 40
18 years. And I have been really appreciative of all
19 of the advances and the vigorous vision that our
20 past mayors have exhibited. I'm somewhat
21 disappointed at the defeatist attitude of our
22 present mayor. Frankly, the City has had to endure
23 a number of deliberately misleading charges. I've
24 heard them again on the radio today, and I've heard
25 them again tonight.

1 I think we need to set the record straight so the
2 Corps and the public are not misled by similar
3 misstatements. Here are a few examples of
4 intentional misstatements found in their most recent
5 meeting. They provide an understanding of how far
6 the Habitat Alliance will go to stop progress for
7 St. Peters residents.

8 Misstatement: We learned in 1993 that even the
9 strongest levees break. Even with the levee
10 flooding could happen again. Fact: In 1993, the
11 strongest levees did not break; only the small
12 agricultural levees not built to the Corps of
13 Engineers standards broke. The 370 Levee will be a
14 Corps of Engineers approved 500 year levee. To my
15 knowledge, not a single 500 year Corps levee has
16 ever failed, even in the '93 flood. And I repeat,
17 as other people said, just look at the Earth City
18 and Riverport levees. They stood up well, and
19 besides that, the '93 flood was a 250 year flood,
20 not a 500 year flood.

21 Misstatement: The project would increase flood
22 height. I'll skip that in order to go on to some
23 other points.

24 Misstatement: The project will put at risk millions
25 of dollars in public and private infrastructure.

1 Fact: The levee will actually protect public and
2 private infrastructure, including Highway 370 that
3 is in the floodplain. A major flood without the
4 levee could confront the highway. The levee will
5 not only protect the highway, but also millions in
6 new investments could be built in the business park.
7 Look at Chesterfield Valley today. After the '93
8 flood a 250 year flood, their levee was rebuilt to a
9 500 year standard, and now hundreds of millions of
10 dollars in new investment is in place, along with
11 thousands of new jobs.

12 Misstatement: The entire existing St. Peters Golf
13 Course is in the floodplain and floodway. This
14 final point is typical of how they use half
15 truths -- no, half truths to try and mislead. A
16 recent mailing, which is this one right here, stated
17 in April, 2000, of the approximately 51,000
18 residents -- note the use of the word residents, not
19 registered voters -- in St. Peters, only 8,519
20 precipitated, participated in the election that
21 authorized the sale of the bond for the project.
22 The Alliance has consistently tried to give the
23 impression that so few St. Peters voters
24 participated that the vote is not a true expression
25 of public support. Fact: In the year -- in the

1 April, 2000 election --

2 MR. DOOLEY: Mr. Bunch, we're going to have
3 to ask you to conclude your statement, please.

4 MR. BUNCH: 30 seconds? I guarantee you.

5 MR. DOOLEY: Okay.

6 MR. BUNCH: I will guarantee that. In the
7 April, 2000, election, the 8500 voters were 30
8 percent of the registered voters who approved the
9 bond by a 67 percent margin, a landslide by any
10 standard. The average voter turn out in St. Peters
11 is nonpresidential elections is normally 20 to 25
12 percent. In the hotly contested mayoral election of
13 2004, only 40 percent voted. The April, 2000, vote
14 was a solid resounding voice of support from St.
15 Peters residents. When the facts are known, it's
16 quite a different story. As you probably have
17 recognized, I am far the 370 project.

18 MR. DOOLEY: Virginia Harris, followed by
19 Beth French? No Virginia Harris? Beth French?
20 Mr -- oh, here we go. Wayne Freeman will be on
21 deck.

22 MS. FRENCH: Thank you, gentlemen. My name
23 is Beth French, I'm a resident of the City of St.
24 Peters, and kind of going to reiterate the gentleman
25 right before me. On April 4th of 2000, I, along

1 with 30 other percent of the voters of the City --
2 registered voters of the City of St. Peters went to
3 the polls. And I, along with another 67 percent of
4 the registered voters voted yes for this project.
5 And I guess after the course of this evening, I
6 should be somewhat insulted, because I was either
7 uneducated, unaware, or didn't know what I was
8 voting for, but I wanted to confirm that I know how
9 to read, the ballot language was very simple, and I
10 knew what I was doing when I voted yes, and that --
11 the other thing I've heard over the last couple
12 months is that we should actually take this back,
13 and I think a woman earlier said this, take it back
14 to the vote of the people. And I think that's
15 probably one of the most ridiculous statements I've
16 ever heard, because we would be back to vote every
17 single thing that has ever been up for election,
18 because voting polls change, that's what the
19 statement that's been said over the last couple
20 months by the opposition is, well, we don't have the
21 same set of voters in the city of St. Peters, let's
22 take it back out to vote. And I would just think
23 that, you know, every time somebody moves out of the
24 country or moves out of the state, to take the
25 governor or the president back to election is just,

1 to me, ridiculous. So I would just like to ask you
2 gentlemen to please consider the facts that have
3 been given before you, the engineering studies that
4 you all have seen and you're going to be doing
5 yourselves, the economic and environmental impacts
6 that have been presented to you, and base your
7 decision and, on the facts, and approve the permit,
8 so that our elected officials can actually move
9 forward at the direction that us, as the voters,
10 have given them, to go forward with this very
11 important project. That's it. Thanks.

12 MR. DOOLEY: Wayne Freeman is next up,
13 followed by Dolphis Busch.

14 MR. FREEMAN: Good evening, my name is Wayne
15 Freeman, I'm the executive director the Great Rivers
16 Habitat Alliance. I'll obviously where you'll be
17 getting my next opus, 3 or 400 pages of notes on
18 this, so I'm not going to talk about that. Tonight
19 I think I would like to just talk about one single
20 issue that no one's touched on, that the City
21 continues to tout "City offers compromise." Really
22 what this is is the City offers a red herring, and
23 again, I'll try to keep my comments just to this
24 issue.
25 The City's claim to offer a 25,000 acre land deal,

1 conservation zoning district, as their form of a
2 compromise to what our proposal was, and our
3 proposal was to buy the property for \$5 million and
4 return it to the City and the citizens for use as
5 parks and open space with a restriction for
6 conservation easements. The 25,000 acre annexation
7 really is a result of what was done by then Mayor
8 Tom Brown, who had proposed an annexation and
9 actually drew up a map which we'll be submitting in
10 our comments of 16,000 acres back in December of
11 '93. Or I'm sorry, December of 2003. This
12 annexation of the floodplain was really a threat to
13 us, we see it that it would be a threat to us, that
14 they would be annexing the property or threat of
15 annexation of the property if we did oppose this
16 project. So really the 25,000 acres came out of
17 that original concept of 16,000 acres of
18 annexations. Why is this unrealistic? First of
19 all, they cannot annex 25,000 acres of land, and
20 then, as touted in their literature, propose to
21 rezone that or redistrict that, it would constitute
22 a taking if they devalued the property by
23 eliminating the right of an individual land owner to
24 build a house or whatever.
25 The second thing they say they've offered is that we

1 would be able to control this conservation district,
2 and we have no desire to do that, we have no desire
3 to control the floodplain, we prefer to work and are
4 working with individual land owners one on one. So
5 we do not want to do that.

6 And the third thing is that the citizens in that
7 area would be required to approve that annexation,
8 as well as the citizens of St. Peters would be
9 required to approve that annexation. The citizens
10 in the land area we know would vote that down, just
11 like the citizens of O'Fallon and the citizens along
12 Highway 79 voted down O'Fallon attempt at
13 involuntary annexations.

14 So again, it's a bogus offer, I just want to make
15 that clear, because really nobody has talked about
16 that issue. Thank you.

17 (Applause.)

18 MR. DOOLEY: Dolphis Busch, followed by Don
19 Musich.

20 MR. BUSCH: Thank you, gentlemen. My name
21 is Dolphis Busch, I live in St. Charles County on
22 Highway 79, and I am chairman of the Great Rivers
23 Habitat Alliance. I would like to, in deference to
24 the City officials, like to stick to the facts, as
25 well. The facts are, we oppose this development as

1 it is currently designed, as the levee is currently
2 designed. We need an environmental impact
3 statement, we need the cumulative effects study, no
4 question about it. We have three resolutions from
5 St. Charles County, O'Fallon, and St. Paul, which
6 directly address the issue of this development north
7 of 370. The original vote on this project was
8 clearly not representative. We also know that some
9 of the aldermen would like to sit down and work out
10 common ground and a win/win solution for this with
11 Great Rivers Habitat Alliance. We also know that
12 the City has not always told the impact, its
13 aldermen, its mayor, or its citizens the truth about
14 all of the issues regarding this, as was seen in the
15 court appearance and the testimony taken several
16 weeks ago in the lawsuit.

17 And last but not least, we know for a fact that my
18 brother, August Busch, after reviewing all the
19 documents back in 2000, had a conversation and a
20 meeting with Charnisky and with other City
21 officials, and he at that point expressed his
22 concern over this particular project as it was
23 designed to be built north of 370. That again is a
24 fact, and yet, given all that, we at Great Rivers,
25 do not want this thing to be a completely one way

1 situation. We want to sit down, we welcome the
2 Economic Development Council of St. Louis -- of St.
3 Charles, and their desire to facilitate a meeting,
4 we would like to see that happen. Thank you.

5 MR. DOOLEY: Mr. Don Musich. Robert Freeman
6 will be next up.

7 MR. MUSICH: Good evening, Colonel,
8 Mr. Lenz, Mr. Dooley. Thank you for allowing me to
9 speak at this important hearing. My name is Don
10 Musich, and I'm president of Musich Construction
11 based in St. Louis. My family has been in the
12 construction and development business for 102 years
13 in the St. Louis region, and I've heard a lot of
14 facts discussed, and just a quick few facts, it has
15 taken decades for the Earth City development to
16 be -- to get where it is today, and it is not yet
17 complete. It actually put Limclay Corporation out
18 of business, who was its original developer, and I
19 think, I'm sorry is John Basillico left, he's a good
20 friend of mine, but he was sweating the bullets the
21 night of the 1993 flood when the levee broke in
22 Chesterfield.
23 A couple other facts. I think it's interesting to
24 note, I do believe there's been a demographic change
25 in the change in the voter makeup of the City of St.

1 Peters, and I think what the election does is point
2 to that. I believe that if there was a great deal
3 of support for Lakeside 370 Development for rampant
4 develop, then I believe Mayor Tom Brown would still
5 be mayor of St. Peters. While I make my livelihood
6 from development, I do so with a clear understanding
7 of what makes a project work and the feasibility of
8 any proposed development. I also consider myself a
9 conservationist, and I appreciate the need to
10 maintain floodplain lands in our area to help absorb
11 the impact of flood waters of the Missouri and
12 Mississippi Rivers.

13 As a developer, I want to speak briefly about this
14 project from that perspective. The first point I
15 would make is that there are better places to build
16 than the St. Charles County floodplain. There's a
17 lot of land available for development up in the St.
18 Charles hill country.

19 The second point is that there will most definitely
20 be some type of subsidization to get this project
21 developed. The City is already pursuing general
22 obligation bonds and tax increment financing will be
23 needed to fund infrastructure and buildings.

24 Everyone knows the quickest way to pay back TIF
25 bonds is with sales tax dollar, and of course,

1 incremental real estate taxes. And for that you
2 need retail, particularly big box retail. The fact
3 is there are big boxes all round the project area,
4 they have no tenants lined up, which calls into
5 question the feasibility of this project from an
6 economic standpoint.

7 The former mayor of St. Peters dreamed of making
8 this a Silicon Valley, high tech development, which
9 sadly won't generate enough sales tax to pay back
10 the bonds. My point is that this all has the
11 makings of a fiasco for the local taxpayers, who
12 will surely be left holding the bag.

13 If the proposed levee were built and we did have a
14 major flood that reached the levee, the project area
15 sits in the floodplain and floodway, so you end up
16 with a catastrophic financial loss to the
17 community -- use that floodway term loosely now,
18 because it seems to be moving around a little bit --
19 catastrophic and financial loss to the community and
20 an inability to pay back the bonds, in either
21 scenario, it's a taxpayer that's going to lose.

22 I want to reiterate again that I'm not against
23 development, far from it, but I am against
24 uncontrolled, illconceived, unfeasible development
25 that puts taxpayers at risk and takes more of this

1 area out of the floodplain that helps protect us
2 from floods. That is what we have with this project
3 as it is being proposed. Ask yourself this, if it's
4 such a great idea, why won't St. Peters share all
5 their documents with the very taxpayers they are
6 asking to pay for it, and if it's so great, why has
7 no developer stepped forward?

8 I would also tell you that one soil boring for 16
9 acres is simply inadequate, I would not do that as a
10 developer. It has been said already that there are
11 better solutions that will allow the city to grow
12 and prosper. I hope the Corps understands how
13 devisive this project is, and I hope that it will,
14 at a minimum, conduct an environmental impact study
15 before it issues any permits to construct this
16 massive levee. But what I would really like to see
17 is the City of St. Peters sit down and find a way to
18 come up with a project that is economically and
19 environmentally feasible. Thank you very much.

20 MR. DOOLEY: Is Robert Freeman here?
21 Christine Pavilla? Following Christine will be
22 Chris Wilson.

23 MS. PAVILLA: Greetings, Colonel Williams
24 and the Regulatory Department of the Army Corps of
25 Engineers. Thank you for taking time to accept the

1 comments from the public regarding this very
2 important issue. My name is Christine Pavilla, and
3 I'm a Three Rivers Project Manager for the Piasa
4 Palisades Group of the Sierra Club in Alton,
5 Illinois. As part of the Bi-State Coalition of
6 Concerned Citizens and Organizations, the Sierra
7 Club is working to protect conservation land and
8 flood plains in the River Bend region. In February
9 of 2004, the Piasa Palisades Group of the Sierra
10 Club met with Alton, Elsay and the Graffton mayors
11 to discuss this permit. All three mayors are
12 greatly concerned. As you may know, our Illinois
13 Senator Haine requested this public hearing, and we
14 are grateful for his concern.

15 The City of St. Peters permit request from Corps of
16 Engineers to build a 500 year levee and to develop
17 the 1,400 acres that will be walled off from the
18 river is not sustainable for this region. The
19 proposed project will have an immediate and direct
20 impact on more than 48 acres of wetlands inside the
21 levee, and 100 acres adjacent to the levee.

22 The St. Charles County floodplain is one of the
23 largest one undisturbed floodplains surrounding a
24 major metropolitan City in the Midwest. It is
25 unique because it is part of the confluence of our

1 nation's two largest rivers. During the height of
2 the 1993 flood, this floodplain stored 260 billion
3 gallons of water directly upstream of the City of
4 St. Louis and adjacent to many unprotected
5 municipalities in Illinois. The key impacts of
6 building this and all other levees in this area must
7 be considered.

8 We urge the Army Corps of Engineers to perform an
9 environmental impact statement on this project. If
10 the Corps does a legally adequate and scientifically
11 accurate environmental impact statement, it will
12 invariably show that building a levee here is not a
13 sound idea, environmentally, economically or
14 sociologically. We urge the Corps to deny this
15 permit for the following reasons. The impending
16 development of the floodplain near the confluence of
17 the Mississippi and Missouri Rivers is not in
18 accordance with the floodplain's natural values.

19 The cumulative effects of existing and proposed
20 levees will be detrimental to Illinois river towns.
21 Specifically, the City is attempting to shrink the
22 Mississippi River floodway in one of the narrowest
23 portions of the floodplain. This has the potential
24 to cause the river to back up in flood areas
25 upstream as much as 47 miles and in Illinois. The

1 hydraulic study for the project has not been made
2 public. A review of the Corps of Engineers document
3 that was released to the plaintiffs on October 4th
4 and reviewed by civil engineers indicated a flawed
5 study approach and numerous questions about the
6 validity of the computer modeling process undertaken
7 by the City's consults. The Sierra Club has also
8 noted that there is a lack of serious consideration
9 of any alternative area proposed. According to the
10 Section 404, the Corps cannot issue a 404 permit for
11 nonwater dependent projects, unless there is a
12 complete absence of practical alternatives. St.
13 Charles County has numerous alternative locations
14 for such development that will not have negative
15 impacts upon the water resources and floodplains,
16 including an adjacent 600 acre parcel already behind
17 a 500 year levee. The Corps cannot legally approve
18 a permit that does not follow the 404(b)(1)
19 guidelines set out by our Environmental Protection
20 Agency. We urge the Corps not to knowingly approve
21 an invalid permit. On behalf of the Piasa Palisades
22 Group of the Sierra Club, we appreciate the Army
23 Corps of Engineers for hearing our proactive
24 position on this matter and allowing us to make
25 comments, and we urge you to deny this permit.

1 MR. DOOLEY: Chris Wilson followed by
2 Charles Hager.

3 MR. WILSON: Good evening, my name is Chris
4 Wilson, I'm a licensed professional engineer in the
5 states of Missouri and Illinois, I work at Clayton
6 Engineering in St. Louis. I have specialized in
7 water resources engineering as a consultant for
8 almost 25 years. I perform numerous flood studies
9 in Missouri, Illinois, and throughout the
10 southeastern United States, I prepare original FEMA
11 flood maps and submit revised flood maps to FEMA in
12 connection with proposed floodplain development.
13 I was retained by the Great Rivers Habitat Alliance
14 to perform a technical review of the reports
15 prepared by others in connection with the proposed
16 St. Peters river levee. My review is contained in a
17 ten-page report which I'll submit for the record
18 when I leave.
19 The Jacobs reports were prepared in 1999 and 2004.
20 In those three reports, Jacobs did calculations to
21 assess the hydraulic impacts of the proposed levee.
22 They used generally accepted methods to perform
23 these calculations. In the text of their
24 Mississippi River study, they correctly state that
25 base foot elevations, that is the 100 year

1 elevations, must not increase when fill is placed in
2 a regulatory floodway. However, Jacobs failed to
3 perform any analysis which addresses impacts to
4 BFE's in the Mississippi River. The proposed
5 development encroaches almost 1500 feet into the
6 existing regulatory floodway. Contrary to prior
7 testimony, their models focus on, instead focus on
8 impacts to so-called floodway elevations. In other
9 words, they were comparing two hypothetical
10 scenarios in which the flood fringe on both sides of
11 the river over its entire length was filled to the
12 maximum extent possible. This may be a worst case
13 scenario as far as development conditions go, but
14 not as far as relative impacts for this one
15 development is concerned. They failed to consider
16 and follow FEMA requirements in situation where
17 impacts to the floodway are expected, and as a
18 result, we have no idea about what the impact of
19 this development is on 100 year flood elevations.
20 My report also contains a review of St. Peters
21 ordinances which explicitly prohibit development
22 within a regulatory floodway, and summarizes FEMA
23 regulations and the procedures that are required to
24 be followed in the case of floodway development.
25 I'll just briefly raise a couple of other issues

1 that have not been discussed. All of the studies
2 that have been performed so far were based upon a
3 steady state one-dimensional hydraulic model called
4 Heckrass. It's an accepted model, of course, but it
5 doesn't account for two-dimensional effects which
6 may come into play here. Also, hydrologic impacts
7 resulting from the loss of floodplain storage have
8 not been considered.

9 To summarize, development in a regulatory floodway
10 requires that a developer certify that there will be
11 zero impact on base flood elevations. No studies
12 have been performed that properly evaluate these
13 impacts. Thank you.

14 MR. DOOLEY: Charles Hager, followed by
15 Dwayne Mueller.

16 MR. HAGER: Good evening, my name is Charlie
17 Hager, I'm president of the Great Rivers Habitat
18 Alliance, I'm also president of Hager Hinge Company
19 downtown St. Louis, and I live and reside in St.
20 Louis County. My family and I have owned property
21 along the Mississippi River for decades. I'm
22 obviously opposed to this project. I won't belabor
23 the point that others will make and have made
24 tonight on why permits for this project and others
25 like it should be denied. These projects and the

1 cumulative effect of these are threatening my family
2 farm and hundreds like it in the confluence
3 floodplain. Currently my family owns Raccoon Ranch
4 downstream of the development we're here tonight to
5 discuss. It's a 1300 acre farm, the majority of
6 which is high quality wetlands, wetlands that have
7 deteriorated greatly since the '93 flood. It is
8 critical water fowl habitat, in fact, it holds as
9 many as 15 -- 50,000 ducks in its preserve at any
10 given point in time from October to March of each
11 year. Raccoon Ranch, again like so many hundreds of
12 other farms in the confluence, is quite unique.
13 Increased flooding threatens this wetland ecosystem.
14 In the confluence floodplain you have family farms
15 and wetlands that are being threatened by floodplain
16 development. Those that are not lost to actual
17 investment sites are being threatened by increased
18 flooding frequencies and higher flooding levels. It
19 is one thing to have urban sprawl consuming land at
20 a tremendous rate in the hill grounds, but in the
21 past 30 years urban sprawl in St. Louis has consumed
22 this floodplain. You've already heard here tonight
23 that 25 miles of levees have been built in St. Louis
24 floodplains. Now it is threatening to explode in
25 St. Charles County. Some may argue that this is

1 going to happen, and it is the price of a developing
2 society. I say floodplain sprawl is an unnecessary
3 risk that can be controlled by local ordinances, by
4 legislation, at the state level and/or by the
5 regulating agencies like the Corps, itself. While
6 FEMA plays a role in permitting these floodplain
7 developments, the Corps is certainly an equal and
8 often too willing partner.

9 Colonel Williams, your predecessor shouldered a
10 major responsibility of what has happened on the
11 river in the past 30 to 40 years. You have broad
12 powers to deny this project. We believe the record
13 shows that there are so many unanswered questions
14 about this project and the surrounding wetlands
15 around the project that it should be denied
16 outright. Certainly this project is so damaging
17 that, when combined with others like it, it is your
18 duty to look into the myriad of issues in greater
19 detail. My family and other land owners and
20 business owners along the rivers look to the Corps
21 to protect them through reason and strict
22 regulations that should prevent increased flooding
23 frequencies and the resulting damage they may cause.
24 You cannot look at these developments individually
25 without taking into account the cumulative effect

1 all of these are having on the confluence
2 floodplain, and particularly downtown St. Louis.
3 Our business is right off the flood wall in downtown
4 St. Louis. The flood in '93 was about 14 to 16
5 inches from topping that flood wall. As we remove
6 all these lands from floodplains, who knows what's
7 going to happen in downtown St. Louis. And if that
8 wall is topped, there will be billions of dollars
9 worth of damage.

10 On behalf of Great Rivers Habitat Alliance, my
11 family and other families and business owners who
12 own property in the confluence floodplain and along
13 the Mississippi River, I am requesting you to either
14 deny the permit, or require an environmental impact
15 statement to be conducted before proceeding. This
16 high level of due diligence is necessary before a
17 permit should be considered. Thank you.

18 MR. DOOLEY: Wayne Mueller, followed next by
19 Ted Heizel. Wayne Mueller? Ted Heizel.

20 MR. HEIZEL: Good evening, Colonel Williams.
21 My name is Ted Heizel, I live in St. Louis,
22 Missouri, I'm the executive director of the
23 Coalition For the Environment, which is a statewide
24 environmental organization. Before I make the
25 statement on behalf of the Coalition, I also have

1 with me a letter from the National Wildlife
2 Federation, which is a national conservation
3 organization with approximately 4 million members
4 nationwide, that they asked me to submit into the
5 record in opposition to this project.

6 In terms of the Coalition's statement, I have to
7 wonder first in light of everything else that's gone
8 on in the floodplains of the St. Louis area just
9 what the City of St. Peters is thinking. Ten years
10 after the 1993 flood, the City is proposing one of
11 the largest, most expensive floodplain development
12 projects ever seen on the Mississippi River
13 Floodplain. And it's all in an area that was up to
14 17 feet under water merely a decade ago. This
15 project will not only cost the taxpayers of St.
16 Peters an extraordinary sum to build, but it's
17 setting the City up for financial disaster when the
18 next flood rolls down the river.

19 To me another fundamental question about this
20 project is why is a city government undertaking it
21 at all? Aren't commercial development projects
22 something normally left to the private interests?
23 Well, back in 1999 when the City was first putting
24 together its plans for this project, it actually
25 provided a partial answer to this question, and in

1 its TIF documents, the City said, admitted, "Public
2 funds are" quote "needed to help share the
3 extraordinary development costs and risks associated
4 with the project," which to me just sort of further
5 begs the question that if no private developer is
6 foolish enough to risk their assets on this
7 development, then why is the Board of Aldermen
8 asking the City's residents to put their tax dollars
9 on the line?

10 And developing a floodplain is indeed a risky
11 business. If you read the City's own floodplain
12 ordinance, it calls it a floodway, which is where a
13 lot of this project would be built, quote, "An
14 extremely hazardous area due to the velocity of
15 flood waters that carry debris and potential
16 projectiles." Well, to me this doesn't sound like
17 much of a place to put an office park, I don't know
18 about you. I wonder if anyone in the City
19 Government has actually bothered to read their own
20 rules. To me it seems that they may not have.

21 Annual flood losses in the US now average almost \$6
22 billion, which is a tripling of that amount since
23 World War II. And there is a fairly clear reason
24 for this, and its projects just like this one. Not
25 only are such projects placing millions and millions

1 of dollars of new development in harm's way, but
2 they also serve, as others have indicated tonight,
3 to force flood waters onto neighboring communities.
4 There's been an extensive body of scientific
5 articles written going way back to the early 1970s
6 that have documented increase in flood levels on
7 both the Mississippi and Missouri Rivers, but in
8 reality, you really don't need a Ph.D. to figure out
9 why this is happening. Any time someone builds a
10 levee in the floodplain, it restricts the river to a
11 narrower channel, causing water to back up at higher
12 levels on those upstream and across the river. If
13 the water bumps up against a levee in St. Peters, it
14 will just spread out farther and higher in O'Fallon
15 or in Illinois. This is really just common sense.
16 After the 1993 flood, there was a temporary change
17 in thinking in St. Charles County and around the
18 state about the dangers of developing in
19 floodplains. Various government entities spent
20 nearly \$100 million to buy out nearly 4300 homes
21 that had been flooded. In St. Charles County alone
22 more than \$22 million in federal and local money was
23 used to buy out about 500 homes. St. Charles County
24 was the biggest single buyout location in Missouri.
25 But now we see the City of St. Peters working with

1 apparently local development interests supporting
2 millions of dollars of taxpayers money in the very
3 same area that taxpayers were paying people to leave
4 a decade ago, and to me does this really make sense?
5 For these and other reasons, the Coalition For the
6 Environment encourages the Corps to deny the permit
7 sought by the City of St. Peters, and at the very
8 least to conduct a full environmental impact
9 statement prior to making any decision. And I
10 appreciate your time tonight and giving everyone
11 this opportunity. Thank you.

12 MR. DOOLEY: Andrew Reiney, followed next by
13 Daniel Human.

14 MR. REINEY: Hello. My name is Andrew
15 Reiney, I've been a citizen of St. Peters for 25
16 years, and I'm the co-founder of St. Peters Citizens
17 For Responsible Government. In question, people
18 brought up, city workers have brought up that the
19 ballot in April of 2000 was worded not -- it was a
20 nice wording. Let me read to you exactly what the
21 wording on this ballot was. "Shall the City of St.
22 Peters, Missouri, issue its general obligation bond
23 in the amount of \$35 million for the purpose of
24 acquiring the land necessary for and to be protected
25 by and for the construction of the levee and related

1 improvements." I don't see anywhere in there a
2 mention of a business park or anything like that.
3 There was 28,498 registered voters in April of 2000.
4 5,204 -- and 44 people voted for this project.
5 That's nearly 18 percent of the registered voters
6 said yes. I believe like everyone else here that we
7 all want to see St. Peters grow and thrive. I also
8 believe that there's a right way and a wrong way to
9 do this. Building a 500 year levee on land that is
10 in a floodway and in a floodplain is the wrong way.
11 Issuing bonds without telling the citizens the true
12 cost and risk of this project is the wrong way.
13 Spending \$11 million of taxpayer funds before having
14 a reasonable expectation that all of the required
15 state and federal permits will be granted is the
16 wrong way. The whole deal raises a lot of
17 questions. Why is it that the Board of Aldermen of
18 this City refuses to trust its on citizens when it
19 comes to spending their tax money? Why can't we see
20 the development plans and the studies and be part of
21 the discussion before we vote and issue bonds? Why
22 is it that time after time, we are ignored and lied
23 to? Why is it that the only way we ever hear -- why
24 is it the only way we are ever heard is when we have
25 to file a lawsuit against the City? Where is the

1 developer for this project? What is the City hiding
2 from us? Thankfully, the St. Charles County Circuit
3 Court saw through these serious questions and ruled
4 that the City was arbitrary and capricious and acted
5 in bad faith when it did not wait for necessary
6 permits before issuing their bonds. It is because
7 the City refused to tell its citizens how much of a
8 gamble this deal really is.

9 In my mind, now before it's too late, this is the
10 time to go back to the drawing board. I believe the
11 City ought to sit down with all the concerned
12 parties and together try to create a plan that makes
13 some sense. A plan that protects this
14 environmentally sensitive land, but also allows for
15 some development so we can have more jobs and help
16 the growth of this economy. Until then, I would ask
17 the Corps to resist any pressure to rush through its
18 regulatory process, and carefully take everyone's
19 concern into account, conduct a full environmental
20 impact statement so that maybe you can help answer
21 the many questions that the City has been unwilling
22 to answer. Thank you.

23 MR. DOOLEY: Following Mr. Human's statement
24 we will take a break.

25 MR. HUMAN: Gentlemen, good evening. My

1 name is Dan Human, I'm an attorney with the law firm
2 of Husch and Eppenberger on 190 Carondelet Plaza in
3 St. Louis, Missouri. You've heard a lot of
4 assertions and opinion and exaggeration this
5 evening, you've heard a lot about the politics of
6 St. Peters and O'Fallon and St. Charles; however,
7 you are here to make a, as part of a decision
8 process about a permit to be issued by the Corps of
9 Engineers after exercising its expertise and using
10 its judgment. The real evidence, the studies which
11 the City of St. Peters has produced and worked on
12 for many years shows that there is no flooding
13 impact on the neighboring areas surrounding this
14 project; similarly, the real evidence shows only
15 minimal, insignificant impacts on a few acres of
16 wetlands; therefore, I submit to you that based on
17 this, it is, would be wholly unwarranted and very
18 unfair to the City of St. Peters to require an
19 environmental impact statement. The cost of this
20 would be enormous just in terms of the delay
21 imposed, not to mention the cost of the study,
22 itself, which would be very significant. It is
23 unwarranted and unjustified and unfair to require
24 such delay. This has been studied for many years by
25 the City, it's now been in front of the Corps for

1 more than a year, and again, we submit that an
2 environmental impact statement should not be
3 required.
4 Further, consider the tremendous environmental
5 benefits which are going to be provided by the park
6 that the City is going to dedicate, plus the
7 mitigation which will be provided by the City.
8 Again, applying the expertise of the Corps of
9 Engineers and the judgment imposed upon it, we
10 respectfully submit that there should be a finding
11 that there is no significant impact on the
12 environment, and therefore, an environmental impact
13 statement is not required, and the permit should be
14 issued forthwith. Thank you very much.

15 MR. DOOLEY: 5 till, back in our seats.

16 (A recess was taken at 9:42.)

17 (Back on the record at 9:57.)

18 MR. DOOLEY: Dale Roth will be next up, but
19 before we start I've got the public cards here, you
20 can take these, they have the mail in addresses and
21 everything on the bottom, you can send it in by mail
22 or a delivery person that's down near the Savvis
23 Center. Next up is Dale Roth, followed by Jim
24 Bentzman.

25 MR. ROTH: Good evening. My name is Dale

1 Roth, and I am here representing the Carpenters
2 District Council of greater St. Louis and vicinity.
3 We represent more than 10,000 members throughout the
4 St. Louis metro region. The District Council
5 supports this project because of the potential it
6 brings for jobs and economic development in the
7 region.

8 Colonel Williams, it's good to see you again. We
9 had the pleasure of working with you and your staff
10 most recently on the Holesome project, and I
11 appreciate the job you do in making sure the
12 projects are carefully considered so that they are
13 economically and environmentally sound. We share
14 those goals. The Carpenters District Council is
15 well aware that the Corps has certain guidelines
16 they have to follow, and we understand the difficult
17 position and different constituencies that the
18 Agency has to deal with.

19 As I mentioned, the carpenters support this
20 projects. However, we realize there are different
21 views about this project, and we respect those
22 views. In fact, there are some of our own members
23 who live in this area, and they have questions about
24 the project because of the floodplain development
25 issue. That's why we've said in previous statements

1 that we think it is in everybody's best interest to
2 find a workable solution. We know from having been
3 involved in numerous projects throughout this area
4 that it is almost always impossible to get a project
5 through exactly as proposed. There are always
6 modifications throughout the process. I mentioned
7 Holsome, which is a cement plant that is going to be
8 built in Ste. Genevieve County. As the Colonel
9 knows, the Corps, as well as numerous other state
10 and federal agencies, were very involved in that
11 process, which ultimately took more than four years
12 to get all the permits approved. And that project,
13 as it was originally proposed to the Corps, was
14 significantly modified to address the concerns of
15 the Corps and other constituencies.

16 My point is this. No project gets approved as is.
17 And we know that -- and we know that there may need
18 to be modifications to Lakeside 370 project. It
19 seems to make a lot of sense that rather than having
20 a long drawn out fight involving politics and legal
21 challenges and neighbors against neighbors, it would
22 be our position that the Corps play a leadership
23 role in this, in helping bring both sides together
24 to try and resolve their differences so that we can
25 have a project that provides jobs and investment, at

1 the same time addresses the concerns from the other
2 side. That just seems to make the most sense. We
3 support this project, but it doesn't do our members
4 any good, nor does it do the City of St. Peters any
5 good if this project is delayed with lawsuits and
6 political fights. As the old saying goes, part of
7 the loaf is better than no loaf at all. And both
8 sides should recognize that. The quicker we can
9 have a project that is broadly supported, the
10 quicker the Corps and other the agencies can do
11 their job, and the better off everyone will be.
12 Rather than this project being so controversial and
13 divisive, let's develop a project that can be a
14 model of responsible development and the envy of the
15 St. Louis metro region.
16 Colonel, thank you for the opportunity to share the
17 views of the Carpenters District Counsel.

18 MR. DOOLEY: Jim Bentzman, followed by
19 Sandra Wood.

20 MR. BENTZMAN: Hello, my name is Jim
21 Bentzman, I'm the conservation chair for the Piasa
22 Palisades Group of the Sierra Club, and I hope you
23 will deny this permit, I think I'm not going to
24 repeat all the obvious reasons that were given
25 tonight on why this permit needs to be denied,

1 because it's quite clear of its impacts to the
2 wetlands and other things, and it's also vitally
3 important to be addressing the cumulative effects of
4 all these permits that are be granted.

5 And I just want to briefly mention one other issue
6 that I think the Corps needs to remember, they have
7 to comply with is the Data Quality Act, which was
8 passed a few years ago that governs the quality of
9 the information the Corps is required to use, make
10 sure it's scientifically sound.

11 And finally, I just wanted to comment on one issue.
12 When I read the public notice, it told about this
13 ability to view the documents and all this stuff
14 before the meeting, and as you said, the Corps is
15 not supposed to be an opponent or proponent, and
16 it's supposed to be impartial, but what happens when
17 we get here, we get herded -- we can't come in here,
18 we get herded into that room there, and there's not
19 impartial stuff, it's being put on by the proponents
20 at all these stations. Instead of getting impartial
21 information, we get these stickers with Yes 370,
22 sticking on the table, sticking on them, and I think
23 that was just absolutely wrong and inappropriate.

24 If you could -- if we're going to be told we're
25 going to get information, it should be coming from

1 an impartial source, not the proponent, and
2 particularly when it's being represented as official
3 government information. Thank you, and please deny
4 the permit.

5 MR. DOOLEY: Sandra Wood followed by Robert
6 Gill.

7 MS. WOOD: Hello, I'm Sandra Wood of Alton,
8 Illinois. I've been a citizen of the region, I
9 moved to this area about 30 years ago, just thrilled
10 to be able to enjoy living by the Mississippi,
11 Missouri and Illinois Rivers. So important to our
12 country. Since those first breathless days of
13 beauty, history and science, I've learned a lot more
14 about the rivers, the importance of the water
15 systems associated with the rivers and the wetlands,
16 all they represent, and have learned about all the
17 accumulated damages, unintended, unexpected
18 consequences of the development that well meaning
19 citizens had done over time. And now we're aware of
20 what science has told us about the importance of
21 wetlands, we're aware of what the channelization has
22 done in terms of creating higher flooding, and we
23 need to take that information to a critical nature
24 of wetlands, and the cumulative effect of
25 channelization are the two key concerns. And one

1 way of summarizing what our new approach should be
2 is to ask what does the river want? We've been
3 asking what does St. Peters want, what does Alton
4 want, what does this group want? But we need to
5 approach the new permits by thinking about what does
6 the whole system of rivers need to make environment
7 sustainable in our country. Thank you.

8 MR. DOOLEY: Next up Robert Gill, followed
9 by Max Nunn.

10 MR. GILL: Good evening. I, too, would like
11 to thank the Corps for giving everyone the
12 opportunity to speak out on an issue that obviously
13 people feel very strongly about one way or the
14 other. My name is Bob Gill, I live in Edwardsville,
15 Illinois, but I've been working here at St. Charles
16 Community College for 11 years. I drive 370 twice a
17 day, the entire length of it, I have ever since the
18 highway has been open, so I have seen the
19 development pretty much in a firsthand, I was there
20 the day the first bulldozers were dropped off for
21 St. Louis Mills on the edge of the soybeans fields,
22 and watched that from the ground up, the same with
23 the Fountain Lakes Development, and I -- it made me
24 think a lot, seeing that every day driving on the
25 highway and watching that develop and happening,

1 watching them build buildings that there were no
2 tenants for, they were just in the hope that
3 somebody would want a building at some point. I
4 began to have a lot of questions about that.
5 I, the focus tonight obviously has been on the
6 levee, and protecting the floodplains from the
7 river, and I would like to I guess remind the Corps
8 that there is, there is a threat to the floodplains
9 from another direction, as well. I grew -- I spent
10 20 years of my life in East St. Louis, a city that
11 was built entirely on a floodplain, and that city
12 had some pretty serious floods happen in the early
13 part of the century, they built a very large system
14 of dikes, and the levees and flood walls, and felt
15 pretty secure behind it. In 1986, the last really
16 major flood happened in East St. Louis, a large part
17 of the town went under water, and it happened not
18 because the levee was breached, but because the
19 increased development on the bluffs overlooking the
20 floodplain increased the storm water runoff. Pretty
21 much the storm sewers pretty much erupted with
22 increased water.
23 Everybody knows what's happening through all the
24 direct -- all the development happening here in St.
25 Peters, O'Fallon, and I'm not an engineer, I'm not a

1 scientist, but I hope I have some common sense. And
2 common sense tells me that every time you build a
3 building, a roadway, a sidewalk, a parking lot, the
4 raindrops that fall in that area, instead of getting
5 soaked up into the ground, go right into the storm
6 water system. So I think -- I believe and I think
7 that science has shown there's a direct correlation
8 between the development along the rivers and how
9 much water actually ends up getting carried in flood
10 season. The flood rate, the flood levels have
11 increased over the years, the flood of 1903, the
12 flood in East St. Louis had the same volume of water
13 as the flood in 1993, but the flood in 1993 was 11
14 and a half feet higher than that flood, even though
15 the amount of water was the same.

16 So I know that people like, originally moved to this
17 area because they felt it was a nice place, it had a
18 lot of features that people liked, and what I think
19 we've seen now is there's not a lot of green space
20 left in the county, and I think that the future
21 generations are going to appreciate the fact that
22 we've given a lot of thought into protecting the
23 space. I want to be able to tell my grandkids when
24 they ask, what happened to all -- what happened to
25 the trees, I'd like to be able to tell them that

1 somebody had the foresight to prevent and let the
2 river, let the river have its own area. I'm sure
3 there's other places to build office parks, and I
4 hope that you'll consider that when you make your
5 decision. Thanks again.

6 MR. DOOLEY: Max Nunn, followed by Hans
7 Fiaman.

8 MR. NUNN: Good evening, and thank you. It
9 seems to me like there's more and more -- as more
10 and more of our wetlands are covered over with
11 cement and asphalt, we have to wonder what will be
12 the overall effect, and wonder into the future what
13 will be the effect of this. We, we're taking farm
14 land out of production, we, this Mississippi River
15 is a major flyway for about 60 percent of the water
16 fowl. What will be the effect on all of, on other
17 forms of life also. As Chief Seattle once said that
18 when we make a decision such as we're considering
19 now, we must think up to the 7th generation. And we
20 should also remember, too, that -- we should also
21 remember Eccliastes who made a comment about, you
22 know, whatever man does to beasts, the same will
23 happen to man. Thank you.

24 MR. DOOLEY: The next person up behind Hans
25 will be Angela Weike.

1 MR. FIAMAN: Good evening, I'd like to thank
2 Army Corps of Engineers for the meeting. I make it
3 real short, too many ducks flying around. My name
4 is Hans Fiaman, I'm a resident of the St. Peters for
5 12 years, I am in support of the levee. I also a 40
6 year member of the Brick Layers Local Number 1, I
7 work in Chesterfield in the project there where the
8 500 year levee is, and it's pretty, and I like to
9 see that project, something like that in St. Peters,
10 and the city of St. Peters will be prosper. On
11 behalf of the Brick Layers Local Number 1, we all
12 support the levee. Thank you very much.

13 MR. DOOLEY: The Cardinals have won.

14 MS. WEIKE: My name is Angela Weike, I am a
15 student at the University of Missouri, St. Louis,
16 I'm an environmentalist, I'm a registered voter, and
17 most important, I am a citizen of St. Peters. I am
18 here to request that the Corps denies this permit.
19 I feel that there are two issues that I feel most
20 strongly about with this levee that is proposed.
21 The first is the environment, which has been
22 stressed tonight, so I'm not going to go too much
23 into that, but I would like to add that this park
24 that is proposed, while it's, while they say it will
25 be a natural park, asphalt parking lots do not arise

1 from the ground.
2 The second deals with commerce. First, I would like
3 to bring to the table the lack of developmental
4 interest within this proposed business park, the
5 second, the lack of developmental interest that I
6 feel the City of St. Peters has. In January, 2004,
7 I lost my job at Gadzooks in Mid Rivers Mall because
8 the company felt that St. Peters did not supply
9 enough commerce for this business; and third, I
10 would like to say that success is not measured
11 within my lifetime, but my children's children's
12 lifetime, and I feel that the future has not been
13 pushed enough tonight, and I would like the Corps of
14 Engineers to please take into respect my children's
15 children's future. Thank you.

16 MR. DOOLEY: Barry Scanlon, followed by
17 Steve Bleckly.

18 MR. SCANLON: Good evening, thank you.
19 Colonel, gentlemen, my name is Barry Scanlon, and
20 I'm a senior vice-president partner with James Lee
21 and Associates, a crisis management and public
22 safety consultant firm. I was asked to come here by
23 my boss, the head of the firm, James Lee, who was
24 director of FEMA for eight years in the 1990's, and
25 I know that he would want me to share, as everyone

1 knows this important issue that you're working on
2 tonight, the Corps also is a very big part, as
3 everyone has talked a lot tonight about 1993. A lot
4 of the work that FEMA gets credited with is actually
5 done by the Army Corps of Engineers helping bring in
6 the right amount of resources and people to help
7 during an event. James Lee spent and FEMA spent a
8 considerable amount of time in Missouri, which is
9 why we wanted to come back and talk about this
10 issue, especially in 1993 when the waters of the
11 great flood of '93 caused 50 deaths and over \$15
12 billion in losses. Following the flood, I'm sure a
13 lot of you know James Lee and FEMA worked very
14 closely with Governor Carnahan, Senator Bond,
15 Congressman Gephardt, countless mayors and others
16 with one goal in mind, to do whatever we could to
17 get people out of harm's way. They were able to
18 secure over, in some of these numbers we mentioned
19 earlier tonight, secure over \$100 million to move
20 people out of the floodplain. It was part of a
21 larger project around the country of 25,000
22 properties being bought out, moving people to safer
23 ground and getting them out of harm's way. Trying
24 to end the cycle of flooding, rebuild, flooding,
25 rebuild that went on. In fact, here in Missouri,

1 there were 44 communities that said, we want to do
2 this, we want to get people and their families
3 outside the floodplain, if possible.

4 Just two years later, James Lee was back in Missouri
5 in 1995, but fortunately not as many people got
6 flooded that year, because a lot of them had been
7 brought out of the harm's way, and that's something
8 that we are trying to encourage here tonight.

9 My personal history, before I spent six years at
10 FEMA, I worked in the US House of Representatives on
11 the banking committee where I drafted the National
12 Flood Insurance Reform Act of 1994 for the people
13 that I worked for that was directly at these issues,
14 as well, trying to get people out of floodplain, if
15 they wanted to, and make sure that people don't have
16 to go through the terrible devastation of disasters.

17 We couldn't feel more strongly, both James Lee and
18 I, and all that we've worked with and the people
19 that we've worked for, believe that in looking at
20 this, that you should do the environmental impact
21 study to make sure that all the information has been
22 looked at so that people are not put in a horrible
23 situation that we look at in other areas and other
24 ways to help St. Peters grow without putting people
25 in harm's way. Thank you very much for your

1 consideration.

2 MR. DOOLEY: Steve Bleckly. Followed by
3 Yvonne Pohlmeyer. Steve Bleckly? Followed by
4 Daniel Fetch. Followed by Jerry Bome, or Bame.
5 Raymond Stone --

6 MR. FETCH: Dan Fetch.

7 MR. DOOLEY: Dan, let you back in.

8 MR. FETCH: Thank you. Good evening,
9 Colonel, Mr. Dooley, Mr. Lenz. Thank you for this
10 opportunity to speak. My name is Dan Fetch, I'm a
11 resident of St. Charles, Missouri, I live at 2721
12 Sunny Meadows Drive, 63303. I'm a member of the St.
13 Peters Citizens and Business for Smart Growth, it's
14 a small group of people, about 65 citizens and
15 business owners within the city that was banned
16 together in July to support this project.
17 First of all, thank you for sitting through all the
18 comments tonight, it's been a long evening, I
19 appreciate not only sitting here tonight listening
20 to us, but also your service to the area. A lot of
21 comments made tonight, many opinions, and in my mind
22 not many facts, comments suggesting that the St.
23 Peters aldermen and staff are not responsible or
24 rushing into this project, I just think that's
25 really ludicrous. You know, this project has been

1 on the books since 2000, it was publicized in '98, I
2 know the conception of the project stems back to
3 '92, '93, and I think the area ought to be proud of
4 St. Peters and its progressiveness and its ability
5 to plan properly, as evidenced by the many projects
6 in the City, such as the Rec Plex and Mexico Road
7 and City Hall. Also, regarding the 2000 election,
8 there were not 52,000 registered voters, contrary to
9 earlier comments, there may have been 28,000
10 registered voters, but the people that came and
11 voted and elected to have this bond issue passed,
12 and they did it with 67 percent majority, and
13 there's nothing to suggest that if 10,000 or 15,000
14 or 28,000 people voted, that it wouldn't have ended
15 up in the same percentages. And I know that our
16 group, the 65 citizens and business owners, we do
17 not believe that the current mayor was elected
18 because of his opposition to this project. We think
19 there are many other reasons, but certainly not that
20 one. And also I'd like to correct one other
21 statement made by the Coalition For the Environment,
22 I believe that this project is no longer in
23 floodway, I read the paper this week, it's not
24 designated as floodplain, I think that's an
25 important extension.

1 Our group believes firmly that this project has been
2 well planned, that it will provide an enhancement of
3 property values to the city and the businesses, that
4 tax revenues will be increased, jobs will be
5 created, and that there's a lot of opportunity
6 available for people, both young and old, and
7 certainly an extension of the quality of life. I
8 was thinking about the grandfather taking a grandson
9 or granddaughter to the fishing lake and be able to
10 stroll through the park or whatever, I just believe
11 it's a great project, and it offers a lot for our
12 people. A study was performed by Sverdrup, and that
13 project is deemed safe by that study, and I know
14 that the Corps has done some initial review, and
15 based upon the Corps's review and Sverdrup's study,
16 I believe that we understand that there is no
17 measurable increase in a 100 year flood level with
18 this project still when the levee is put in there.
19 I think that's an important to emphasize. Regarding
20 the opposition, Great Rivers Habitat Alliance, an
21 organization that is spearheading the opposition
22 here, you know, our group asked the question where
23 were you when Chesterfield was developing its valley
24 and the floodplain, and where have you been with the
25 development at Fountain Lakes at St. Charles? I've

1 talked with members of Great Habitat Alliance, they
2 promised that they would be coming out with their
3 own studies. We have not seen any study or evidence
4 to refute the studies that have been done by St.
5 Peters. And our group strongly urges and pleas with
6 the Corps to please approve this and issue the
7 permit. Thank you very much.

8 MR. DOOLEY: Randy Stone followed by Gordon
9 Steinhoff.

10 MR. STONE: Good evening. My name is Randy
11 Stone, and I am a resident of St. Charles County,
12 and I'm also a vice-president for Citizens For a
13 Responsible Community, which is a citizens' activist
14 organization based in St. Charles County that
15 represents citizens interests throughout the county,
16 both in the municipalities and in the unincorporated
17 areas. I'm also an aerospace engineer. My chosen
18 engineering profession has taught me that the
19 results of any engineering analysis are only as
20 reliable and valid as the assumptions on which it is
21 based, as well as the analytical methodologies
22 employed. Despite using time crew and analytical
23 methods, the loss of physics, sophisticated computer
24 models, and analysis methods, the one thing that I
25 have found to be an absolute truth is that the

1 forces of nature will determine just how good a job
2 you think you've done. In spite of everyone's best
3 interests, the forces of nature always holds a
4 surprise. Being an engineer, my tendency is to
5 focus on the facts and figures and not rely on
6 ambiguous statements for opinions without
7 substantiation. That is why I performed a few
8 simple and basic calculations after hearing
9 statements that propose the Lakeside Levee Project
10 would have no impact in the area of flooding.
11 Having witnessed firsthand the power and nature of
12 the widespread flooding during the flood of '93, I
13 view such a plan with some degree of skepticism.
14 The proposed levee will enclose an area containing
15 approximately 1600 acres, which was under between 10
16 and 15 feet of water in the flood of '93. Assuming
17 10 feet to be the average depth of flood water, this
18 would be equivalent to 16,000 acre feet of water.
19 That is an area of 16,000 acres of land with one
20 foot of water on it. One acre foot is equivalent to
21 43,560 cubic feet of water. Therefore, 16,000 acre
22 feet of water would be equivalent to 696,960,000
23 cubic feet of water. Using the unit conversion of
24 one cubic foot being equal to 7.48 US liquid
25 gallons, 1600 acres under an average depth of 10

1 feet of flood water is equal to a volume of 5
2 trillion, 213 million, 622 thousand, 522 gallons of
3 water. That's 5 trillion, 213 million, 622
4 thousand, 522 gallons of water. During the flood of
5 '93, the flood gates in downtown St. Louis came
6 within a few inches of being topped by the swollen
7 Mississippi River. Considering that all the water
8 from the Mississippi, Missouri and Illinois Rivers
9 must pass by downtown St. Louis in front of Arch, a
10 river area of only approximately 200 yards wide
11 between river banks during flood conditions had the
12 Chesterfield-Monarch levee not failed during the
13 flood of 1993 and flooded the entire Chesterfield
14 Valley from the Missouri River to near the
15 Chesterfield Mall under nearly 10 feet of flood
16 waters, it is quite conceivable that those precious
17 few inches at the top of the St. Louis flood gates
18 would have been breached.

19 Since the flood of '93, the Chesterfield-Monarch
20 levee and many other levees in this area were
21 rebuilt to withstand the forces that caused their
22 destruction in 1993. Unfortunately, consequences of
23 bigger and stronger levees is that flood water is
24 further constricted to the floodplains, causing
25 river levels to reach greater records and setting

1 levels during less severe flooding conditions.
2 Given the recurrence of a 1993 type of flood, it is
3 hard to imagine that the displacement of over 5
4 trillion gallons of flood water by this proposed
5 levee, coupled with bigger and stronger rebuilt
6 levees in the area, that flooding would not have an
7 impact on the river and flood levels throughout the
8 immediate region, including downtown St. Louis,
9 which serves as a major bottleneck in Mississippi,
10 Missouri and Illinois River watershed. For this
11 reason, it is imperative that the Army Corps of
12 Engineers insists that a full environmental impact
13 statement be performed prior to granting any permit
14 to allow the construction of the proposed Lakeside
15 Levee Project. The cumulative effect of this
16 proposed levee project with other levees in the
17 immediate region needs to be analyzed, determined
18 and considered before deciding whether a permit
19 should even be granted for this proposed project.
20 Thank you.

21 MR. DOOLEY: Gordan Steinhoff, followed by
22 Mike Garvey.

23 MR. STEINHOFF: My name is Gordon Steinhoff,
24 and I'm a farmer from north St. Charles. Our family
25 farms quite a few different farms, rent land from a

1 lot of other people, but I think this project will
2 have a real effect on us. Some of the ground that
3 we farm is pretty much right across the creek from
4 this development, and we have agricultural levees
5 now that aren't very tall, and most of the time it's
6 hard to get a permit to even raise one of those at
7 all. And when we're looking at a levee right across
8 the creek, it won't be right across the creek, but
9 still, across the floodway, and duck hall, and that
10 500 year and we're living with a 10 year levee, I'd
11 just like to know where property rights are in this
12 country, because it don't seem very equal to me. So
13 I hope that the Corps does look at this very
14 seriously, and I think over the years this project
15 may only raise the river level an inch, but St.
16 Peters gets it, somewhere else is going to want it.
17 And you put these inches all together, pretty soon
18 they're feet, and that's what really gets you. So
19 really look at it hard, we're definitely not in
20 favor of it. Thank you.

21 MR. DOOLEY: Mike Garvey, Dave Gannan is
22 next up.

23 MR. GARVEY: I appreciate the opportunity to
24 talk, I appreciate you guys listening to everybody's
25 comments. My name is Mike Garvey, I live at

1 (inaudible) Road, and I'm a board member of Greenway
2 Network, citizens nonprofit group at St. Charles.
3 I'm also a member of the citizens committee of the
4 flow frequency study, Army Corps. During the time I
5 was a member, I requested in 2001 and later that a
6 cumulative impact assessment be done with flow
7 frequency analysis of the Missouri and the
8 Mississippi River systems as they may impact the St.
9 Louis region. This is a repeating theme, and I
10 think you guys should be aware of. I'm appreciative
11 that there's money -- there's, that the Corps is
12 willing to do something with this, and that there's
13 money needed for it to be done. Global warming is
14 setting record rainfalls in California and Europe,
15 and how soon we forget on that wall there's a '93
16 flood, and here we have a map showing the watersheds
17 of the Dardenne Creek and the Prude Creek. Greenway
18 Network hosted a forum after the '93 flood in which
19 General Galloway was there, we're hoping to do the
20 same thing, we're hoping to repeat this and have a
21 forum to look at the cumulative impacts of the
22 Missouri and Mississippi River Systems. We'd like
23 to invite General Galloway to appear again, even
24 though he's retired. Greenway received an EPA grant
25 from the nonstructural floodplain measures of the

1 St. Charles north floodplain, and local concerns
2 were that there was an increase in relative flooding
3 from the uplands, and this is something that the
4 Dardenne Creek plant which has water gauges on the
5 river has seen with all of the development within
6 St. Charles County, which is the fastest growing
7 county in the state.

8 We would like to address who might pay for the study
9 and whether the \$45 million figure that's thrown out
10 is reasonable regarding what might be done. The
11 cooperative ecosystems studies unit has worked with
12 CARES, and we've worked with CARES to develop this
13 map to look at the analysis of the flow frequency
14 study, which is in a TIF format which would be
15 introduced into a GIS format that would be more
16 readily available to look at the 100 year flood
17 lines to see if, in fact, they're real. Who pays
18 for this? Well, the City should pay for it, because
19 the businesses within the floodplains are at risk.
20 How soon we forget. Look at the infrastructure.
21 Something new, I've got 20 seconds. Wow. I'd like
22 to look -- I'd like to have the Corps address the
23 hydrologic flow of the head of the waters coming up
24 the Spencer Creek as it might inundate the levee at
25 Old Town, because it's in a 100 year plus 3, and

1 then plus you've got the local waters coming down
2 during a high rain event. So what you're going to
3 have is two hydraulic heads coming up that's going
4 to inundate the City of St. Charles to Old Town
5 levee, so they're creating a levee war within
6 themselves, which is also unique. I'd like you guys
7 to look at the infrastructure of the commerce which
8 was affected by the fact that during the '93 flood
9 the waters came up the Dardenne Creek and almost
10 inundated Highway 70, which is a commerce,
11 international commerce, interstate commerce, which
12 would be a very bad thing for the state.
13 The insurance industry and FEMA and Army Corps
14 should become cooperative members of the ecosystem
15 studies unit so that money can be funneled through
16 CARES to look at the data that's already been
17 accumulated through the flow frequency study and to
18 put this into a GIS format to be used to address the
19 concerns regarding what is a real 100 year flood for
20 insurance purposes and FEMA. Thank you.

21 MR. DOOLEY: Dave Gannan followed by Ann
22 Kline. Dave Gannan? Ann Kline? Lynn Meyer, or
23 Mayer. Tim Sheehan? Jr. Scott W. Manley?

24 MR. MANLEY: Thank you. I thought the
25 Colonel was trying to get me back for a meeting I

1 held him in a couple weeks ago. I am Scott Manley,
2 the, Conservation Programs For Ducks Unlimited here
3 in Missouri and the surrounding states. And what I
4 want to -- we've definitely gone over most of the
5 important issues here today, but one thing I want to
6 go ahead and focus on a little bit is that the 404
7 process is not a permit to build a business park or
8 to build a levee, it's actually a permit to it
9 affect wetlands here in the United States, and
10 that's what Ducks Unlimited is all about.

11 Our organization was formed in 1937. We've raised
12 over \$2 billion to preserve and conserve over 20
13 million acres of wetlands. Yet, the United States
14 is losing 100,000 acres of wetlands every year.
15 We've lost over 50 percent of the wetlands in the
16 United States altogether, and unfortunately,
17 Missouri's right up there in those losses with 87
18 percent of their wetlands that have been lost here
19 in this state. When it comes to wetlands in St.
20 Charles County, I want to tell you a little bit how
21 important these wetlands are that are in this
22 county. There's as many as 2.8 million duck use
23 days a year, that's the number of days and the
24 number of ducks multiplied by each other that show
25 up on a couple of clubs here called Dardenne and

1 Quavere. Those are the best data we have from the
2 Illinois Natural History Survey. I'd also like to
3 say that St. Charles County is the number one
4 harvest area for water fowl for seven out of the
5 last ten years, and the band returns, those birds
6 that are marked that end up in those harvests
7 clearly show that the birds are coming from all over
8 the northern prairies in both Canada and the United
9 States, so this county and the wetlands that are
10 here in this county don't just serve this county,
11 they serve wildlife throughout North America. I'd
12 also like to say that the wetlands in this county
13 also support quite a few endangered species, Indiana
14 bat, bald eagle, the palace sturgeon when the flood
15 actually gets up on the floodplain, and others.
16 Ducks Unlimited is very serious about working on
17 wetland conservation in St. Charles County. We've
18 put together a focus area, confluence focus area
19 plan to concentrate our efforts in St. Charles
20 County, as well as the adjacent counties of Pike,
21 Lincoln and St. Louis. We've been working with the
22 Great Rivers Habitat Alliance to do conservation
23 work, although this is important work in the policy
24 arena as well, we like to focus on the work that's
25 on the ground with the land owners, many of whom are

1 here today. We also held a conservation leadership
2 summit, the one that I kept the Colonel at for about
3 a day and a half, and along with 22 other agencies
4 that showed up to express their deep concerns for
5 conservation of wetlands in the confluence area in
6 St. Charles County. So with our mission foremost in
7 mind, DU is not in favor of any activities that --
8 any activities that impact wetland resources in the
9 floodplain of this confluence area. We ask that the
10 Corps closely study any impacts that this project
11 may have on the wetland resources, not only the ones
12 that are directly under the footprint of this
13 project, but certainly the cumulative impacts that
14 have been mentioned here over and over again need to
15 be closely studied. Missouri's lost 87 percent of
16 wetlands already, and getting those back one step at
17 a time is the job of Ducks Unlimited and all the
18 rest of us that are in here, too. So let's try to
19 seek some alternatives to this, let's try to look
20 for a way to do these sorts of things that are great
21 for the community that don't impact our wetland
22 resources, and I appreciate the opportunity to talk
23 to you all here this evening.

24 MR. DOOLEY: (Inaudible) Mayham? Gary
25 Feller? Timothy Wilkinson. Lee McKinney. Seems

1 like I think I always follow somebody to the
2 microphone that's taller than I am. Good evening
3 Colonel Williams, Mr. Dooley, Mr. Lenz, you have my
4 sympathy for being required to sit here tonight and
5 miss the ballgame. However, I hasten to add you
6 have my empathy that, and that I empathize with you
7 because I am here tonight too, and I missed the
8 ballgame. This has been an interesting hearing, in
9 fact, there have been times when I wonder whether
10 you may have thought at one time or the other you
11 were at the wrong hearing or you were hearing about
12 a permit application that was different than the one
13 that you're considering whether to issue a 404
14 permit or not. You've heard attorneys speak about
15 and criticize engineers that did hydraulic studies,
16 you've heard duck hunters criticize people about
17 other things, and we even have an aerospace engineer
18 that gave some complicated calculation, and I'm a
19 civil engineer and nuclear engineer, but I promise
20 you I didn't bring a nuclear power plant with me
21 tonight to use as training games, and I won't
22 belabor you with whether or not duck hunting will be
23 better or worse as a result of this project. I only
24 want to make one general comment really, and that's
25 why I came up here tonight, and that is that I'm

1 here tonight I'm (inaudible), my firm is McKinney
2 and Associates, I observed this project in its
3 earlier stages as an interested observer, and I was
4 contacted with the City earlier this year to assist
5 them in being able to move the project forward, I
6 more closely examined the project, and the result of
7 what I learned before and what I've learned since,
8 which has been much more detailed, it's my opinion
9 that this project among all the projects that I've
10 been associated with I did include development in
11 the floodplain, whether it be replacing the fill,
12 rerouting streams or building levees, this project
13 in my view is the cleanest project from the
14 environmental viewpoint, it's a win/win project, in
15 that it doesn't ask economic development, it not
16 only will result in more and higher quality wetlands
17 being replaced with those that will be impacted, but
18 the actually wetlands impacted are very minimal, and
19 finally, it's not just a project for businesses,
20 this project is going to be for the larger
21 community, because it includes a very large
22 recreational opportunity that doesn't exist in St.
23 Charles County today. So in sum, thank you very
24 much for being here tonight, and I commend you for
25 your patience. Thank you.

1 MR. DOOLEY: Timothy Wilkinson.

2 MR. WILKINSON: Thank you, sorry I didn't
3 get up here fast enough. My name is Tim Wilkinson,
4 and I'm the assistant city administrator for the
5 City of St. Peters. I've worked for the City for 19
6 years, and I'm also a St. Peters resident. I know
7 it's been a long night, so I'll just be brief. I'm
8 very proud what St. Peters has accomplished over the
9 19 years that I've been around, and as you look
10 around at our beautiful City Hall and the Rec Plex
11 cross the parking lot, I think the City has a good
12 track record for doing wonderful things for its
13 citizens, and we're proud of the city that we have.
14 One of the things that we have really prided ourself
15 on over the years is we try to do best by our
16 residents, we try to operate with integrity, and in
17 this process that we're even in right now, we've
18 tried to do things right, we've hired the very best
19 engineers we think to make sure that the project is
20 designed according to all the appropriate
21 regulations so it doesn't have any impact or
22 negative impact on our surrounding neighbors, and I
23 think that ultimately the permit should be decided
24 on the facts that are submitted, and I believe that
25 we've really tried very hard to design and revise

1 and improve the project such that it's a great
2 project all the way around from the environment to
3 its impact on others to what it can do for our
4 citizens and the quality of life. So I just urge
5 you to ultimately just make your decisions on the
6 facts in front of you, and I think ultimately it
7 will lead you to determine yourself that this is a
8 good project and the permit should be issued. Thank
9 you.

10 MR. DOOLEY: Donna Carne. Followed by Ron
11 Schwartz.

12 MS. CARNES: Good evening, my name is Donna
13 Carnes, and I'm a resident of north St. Charles
14 County. I live in the Orchard Farms School
15 District, very near the school's campus. First I
16 have to say that I've been very impressed with the
17 research and facts that have been presented by both
18 sides. My comments are more of an emotional nature,
19 but on the good side will be very brief. Living
20 where I do, it is most convenient for me to do most
21 of my business in the St. Peters area, shopping,
22 banking, entertainment, so I understand the desire
23 for growth. And I think I am a fair representation
24 of the fears of neighboring residents. When our
25 neighboring communities continue to build in known

1 floodplains and continue to build levees for the
2 protection of those developments, it's bound to have
3 an impact on surrounding areas. Even the massive
4 flooding of 1993 did not reach my home or that of
5 many of my neighbors, but if we continue to take
6 away the areas that allow some relief of flooding,
7 where will that water go? I do not have an
8 education in engineering, however, it seems to me
9 that if there was no need to impact the flow and
10 level of the river, they wouldn't need the levee in
11 the first place. In the area that I live in, being
12 so near the river, it would not take much of a
13 difference in river levels to impact our community
14 greatly. Families who have lived for decades or
15 even generations with little or no fear of flooding
16 could be at an increased risk of damage. Who will
17 compensate the farmers if the areas they have farmed
18 for generations do, indeed, begin to flood or begin
19 to flood much more frequently? I just urge you to
20 thoroughly investigate the impact to neighboring
21 communities before making your decision. I don't
22 feel that if you're the ones whose homes or
23 livelihoods could be at risk, that you would feel
24 any study unnecessary. Thank you.

25 MR. DOOLEY: Ron Schwartz followed by Lou

1 Mullinbeck.

2 MR. SCHWARTZ: Hi, my name is Ron Schwartz,
3 I'm with St. Peters Citizens For Responsible
4 Government. And I just don't understand why the
5 private developers are not leading the charge to
6 develop the Lakeside 370 project, and I believe the
7 answer is because they're not willing to take the
8 risk. And if they won't take the risk, I, as a
9 citizen of St. Peters, am not willing to take the
10 risk. Now we are told that the City has already
11 spent \$12 million and financially must continue to
12 move forward. Yet, in the September 8th Mid Rivers
13 News magazine, it is stated by both the former
14 mayor, Tom Brown, and City Administrator Bill
15 Charnisky, that the land purchase is now worth \$18
16 million. So it seems to me that at this point the
17 City is actually not at a loss, but at, has gained
18 financially. City Hall continually stated that if
19 this permit with were not issued, there would be no
20 cost to the taxpayers whatsoever. We have since
21 found out that that is not the case, that the City
22 would have been out approximately \$680,000.
23 Luckily, that is no longer an issue, and that would
24 have been quite a gamble City Hall was taking with
25 the taxpayers money. Now teachers teach, builders

1 build, developers develop. Government at all levels
2 more times than not screw things up, and that is my
3 concern, having my local government entering the
4 private sector as a developer. Now I totally
5 understand the need for commercial development, I
6 know that there is an alternative plan put forward
7 that the citizens can see, it's StoptheLevee.com. I
8 would have liked to have heard a debate pertaining
9 to that alternative plan. That is a debate the
10 citizens of this city should have been is entitled
11 to.

12 Now three months ago every expert in the world would
13 have told you that there's no way Florida would get
14 hit with four hurricanes the way it did. That just
15 goes to prove, there's no experts on mother nature
16 or her ways. City Hall has pointed out that Earth
17 City's levees held in '93. How many of you remember
18 that the concert of Riverport for flood relief was
19 cancelled because of the concerns of the flood. How
20 many of you remember not only was Highway 40 under
21 water, but Highway 370 had water up to its
22 shoulders. What you have is alternatives -- or when
23 you have alternatives, you should just leave mother
24 nature alone. For she is more powerful than man. I
25 would also call for an environmental impact study to

1 be done. Thank you.

2 MR. DOOLEY: Lou Mullinbeck? Tom Runyan?
3 Jeff Moysauk or Moysaut? Henry Robertson. Tim
4 Kline? Lionel York? John Didian. Bill Hilgeman.

5 MR. HILGEMAN: Good evening, gentlemen,
6 Colonel Williams, Mr. Dooley, Mr. Lenz, my name is
7 William R. Hilgeman, resident of Manchester,
8 Missouri, and I represent the Mississippi Valley
9 Duck Hunters of St. Louis area, with 102 members in
10 the greater St. Louis area, we have several that are
11 from St. Peters, St. Charles, and O'Fallon. We
12 oppose the granting of the 404 permit. We're not
13 naive to think that by granting -- or if it would be
14 opposed, that it would improve our duck hunting,
15 because most of us are just state land duck hunters,
16 you but I would entertain a reservation or an
17 invitation to come to any of the 79 duck club,
18 highway duck clubs, I've never hunted there, nor has
19 any of our members.
20 This area -- this levee, even though I am quote an
21 outsider, is concern to all of us. It's bigger than
22 just St. Peters. We voted upon the Creve Coeur Park
23 Bridge as a unit, because it was regional in scope.
24 This affects the whole region also. In 1993,
25 Kimmswick, Missouri, south of St. Louis, my sister

1 and aunt had a craft store. When the call went out
2 for sandbagging, I spent many nights there building
3 a levee that eventually became over 20 foot tall and
4 dump trucks could go on it. But the Corps of
5 Engineers told us that night the levee would fail,
6 because there would be too much water. So we moved
7 all the stuff out of her craft store and antique
8 store, at which time I put a sign in it that said no
9 swimming in building. This picture was taken up by
10 newspapers, and it went from Ohio to Springfield,
11 Missouri, and beyond, and they sent us back the
12 copies. If this would have been one more inch, it
13 would have failed, the only thing that saved
14 Kimmswick that night was because Cairo, Illinois,
15 levees failed there, and 64,000 acres were flooded,
16 which put the pressure off and was saved.

17 Our concern as duck hunters is the wetlands; they're
18 not easily replaced. I wish the Corps of Engineers
19 in mitigation would require a 10 to 1 ratio of
20 replacement or a 20 to 1 replacement. That would
21 get the people to think about it. Because these are
22 irreplaceable, and I don't care if they're just a
23 little slimy hole, you just don't duplicate it
24 readily.

25 87 percent of all wetlands have been destroyed, and

1 the Boot Heel, for example, in northeast Arkansas,
2 more land was moved for the wetland drain than all
3 the dirt moved in the Panama Canal. There -- it's
4 important to keep these wetlands, and we've lost so
5 many of them.

6 Industrial areas, maybe some of you can remember 30,
7 50 years ago what the great industrial areas of St.
8 Louis were. Industrial areas rise only to fall.
9 But wetlands stay on. We -- my grandparents used to
10 take me to Gumble, Missouri, every year to see the
11 cantaloupes, and they knew some of the farmers, and
12 my grandpa would scoop down and pick up the dirt and
13 say, this is the richest ground in Missouri. And as
14 a little kid I -- not caring. Now how much is
15 growing under Wal-Mart's parking lot. We don't
16 think of the big picture. St. Charles has some of
17 the greatest farm land in Missouri for as far as
18 richness, diversity and growing power. If you want
19 to develop something, do it down in the Ozarks where
20 they can't grow anything. Let's not lose this.

21 Finally, one thing that hasn't been mentioned, bald
22 eagle, Indiana bats will not come to any recreation
23 area that you're going to put here, they just do not
24 co-exist, they have to have the wildness like the
25 kind of thing that they have now. Also, the current

1 fast, false aster, the running buffalo clover will
2 not be any good under a parking lot at an industrial
3 complex.

4 And finally, your job is easy. After hearing all of
5 this tonight, which has been very informative both
6 pro and con, all you have to do is order an
7 environmental impact study. And that would be your
8 responsibility tonight, because I don't see how you
9 can make an educated decision at this time. Thank
10 you.

11 MR. DOOLEY: Allen Seiberger? Angie Nauton?

12 MR. SEIBERGER: Good evening, gentlemen,
13 Colonel. I'm a life-long resident of the same patch
14 of ground right where the throat of this levee is
15 going to spill on the Mississippi out. To me, 1500
16 acres or 15 feet is about 22,500 acre feet of water.
17 I remember in about '95 or '96, it was a big head of
18 water come down the Grand and the Sheraton River to
19 the north central Missouri. Done a lot of damage in
20 Boonsville and Fayette, they was so worried about
21 Jeff City, but all the levees between Boonsville and
22 Jeff City had not been repaired, when it got to Jeff
23 City it was nothing, that's how important the
24 floodplain is. In looking at that map over there,
25 they're taking a third of the distance between the

1 hill line along the Wabash Railroad and the hill
2 line at Kender's Restaurant on Golden Eagle Prairie.
3 They're taking a third of the distance out of the
4 floodways. What that tells me is that instead of
5 having four or five feet of water like we had in
6 '93, we're going to have ten feet. Because it's got
7 to go somewhere, and it's just going to go up. I
8 thank you.

9 MR. DOOLEY: Angie Nauton? Edward Lewitz?
10 Gary Mills. Rebecca Wright. Don Sharburn? Can't
11 pronounce it anyhow. Frank Schleck?

12 MR. SCHLECKE: Schleck.

13 MR. DOOLEY: Schleck

14 MR. SCHLECKE: Thank you for staying so late
15 this evening, I didn't rehearse anything tonight, I
16 didn't think I was going to be able to attend, but
17 I'm a land owner of adjacent property along the
18 (inaudible) three roads behind me. Our -- my great
19 grandfather owned this property, he was born in
20 1840, so I feel like I'm infinitely familiar with
21 the area and the ground. I've seen the changes over
22 the years, my uncle tells me, my father tells me
23 that when they grew up on the banks of Dardenne
24 Creek, they didn't even have a levee. Didn't need
25 it, because there wasn't any water coming down the

1 creek; didn't need a levee. Over the years, I've
2 seen more water coming out of Dardenne every year,
3 every year there's more, there's more, obviously
4 it's from the developing, the straightening of the
5 channel, the changes on Dardenne Creek. I see
6 Dardenne Creek and Mississippi River as Dardenne's
7 just a small model of the Mississippi. I think that
8 the Mississippi acts the same way Dardenne Creek
9 does, it's going to get higher and higher and higher
10 and higher, and I think the time to do something is
11 now. I think, you know, if we wait to start looking
12 at the cumulative effects of what's going on with
13 this thing, it's going to be too late, and I think
14 you have to start one project at a time, and I think
15 this is one of the big projects you really have to
16 take a look at, because I think we're not -- if this
17 project goes on, I don't think we're being very good
18 stewards of our land. I think it's the wrong move,
19 just the history of it is like Mr. Seiberger said, I
20 think we're cutting the channel down by a third, and
21 I think common sense is, you know, you have a five
22 gallon bucket of water, you drop a brick in it, it
23 doesn't hold five gallons anymore; I think that's
24 common sense. A couple people say you can put all
25 the models together that you want to, and I think

1 you have to take a common sense look at it. Water's
2 getting higher all the time, and it's not going to
3 get any better. And I think the time to act is now,
4 and to look at the cumulative effects of this thing,
5 because it's not going to get any better. Thanks.

6 MR. DOOLEY: Bruce Holt? Doug and Dawn
7 Allen. Bob Harkey. Carl Moss.

8 MR. MOSS: Good evening, gentlemen, my name
9 is Carl Moss, I'm president of Citizens For
10 Responsible Community. It's almost time to say good
11 morning. I want to say this evening, and because it
12 is so late I'd simply like to state that Citizens
13 For Responsible Community consists of an
14 organization that has members that are
15 representative of communities of the New Melle area,
16 the O'Fallon, St. Paul, St. Peters, the City of St.
17 Charles and St. Charles County community at large.
18 I say that because many of these persons that are
19 members of our organization at some point in time
20 are going to be affected by this development. I'm
21 not sure when that might be, but if it does go
22 through, they will have a negative impact that
23 they'll all be affected by this. We will provide
24 for you so that it doesn't go on, a written
25 statement of our position and provide that before

1 the November deadline, and I thank you for your
2 attention this evening. Thank you very much.

3 MR. DOOLEY: Patrick O'Driscoll? Russ
4 Batzel.

5 MR. BATZEL: Thank you, gentlemen. My name
6 is Russ Batzel, I'm an employee of the City of St.
7 Peters, I'm the manager of Public Works Services for
8 the City. I wasn't originally planning on speaking
9 tonight, but feel a little bit compelled to say a
10 couple words, having heard some statements and
11 misstatements. I guess I'm here to speak to the,
12 about the commitment of the City of St. Peters to
13 sound watershed management. The City has been first
14 in many ways in this county to recognize the
15 importance of storm water control as it relates to
16 flooding, clean water and the environment. This
17 Saturday, in fact, we'll be hosting our fifth annual
18 Clean Stream event to involve our citizens in the
19 importance of clean streams and the environment.
20 We've nearly 300 people signed up to participate,
21 and I think that that's unique in this county, so
22 that's just part of the element of our spirit of
23 doing things for the environment.
24 I, personally, have been involved with the full
25 support of our board in the implementation of the

1 Dardenne Creek Watershed Greenway Plan. This
2 Dardenne Creek greenway, as you know, extends all
3 the way from Warren County to the Mississippi River,
4 past this proposed project. Participants in this
5 greenway plan include the cities of St. Charles, St.
6 Peters, (inaudible), Dardenne Prairie, O'Fallon, in
7 St. Charles County. We've partnered with the Corps
8 of Engineers on that project, rivers, greenway and
9 many other private interests, including Greenway
10 Network, Home Boaters Association, et cetera, again
11 showing our commitment to regional planning and the
12 importance of knowing how to manage a watershed and
13 try to preserve that watershed. Having participated
14 in this kind of truly comprehensive planning effort,
15 I was somewhat puzzled earlier this evening by
16 comments from the alderman of O'Fallon who stated
17 that they haven't been invited to participate. In
18 fact, his community has been participating as a city
19 member on that committee for three years, so I guess
20 he's not informed on that. At the outset, we've
21 also invited the city of O'Fallon to include other
22 watersheds in the group and develop creek watershed
23 in that comprehensive plan, and they chose not to
24 participate.
25 We are making good progress on the Dardenne Creek

1 Watershed Plan, and thanks to the dedication of the
2 participants on that and the US Army Corps of
3 Engineers, we will understand more about Dardenne
4 Creek, the flooding and the rise of that river as it
5 relates to things that Mr. Schwecke spoke on, and it
6 will be good for the region. I feel this proposed
7 370 project will meet the goals of the Dardenne
8 Creek Greenway Watershed Plan and will provide
9 outstanding protection and preservation to up to two
10 miles of the Dardenne Creek and enhance that project
11 greatly. And I appreciate your support in issuing
12 this permit. Thank you.

13 MR. DOOLEY: The card we've been looking
14 for, Kathy Pratt.

15 MS. PRATT: Last man standing, or in my
16 case, last woman. My name is Kathy Pratt, and I'm
17 an employee of the City of St. Peters. I'm also a
18 resident of the City, and while I would sometimes
19 like to separate one from the other, being an
20 employee from being a resident, the truth is that's
21 just not possible. It's not a switch that I can
22 flip on or off, so tonight I'm actually speaking to
23 you as both. As group manager of the Engineering
24 and Development Services, my job and the jobs of my
25 staff is to promote economic development in our

1 city. It's our responsibility to identify
2 developable ground and to seek developers for it.
3 Many people tonight, including those from
4 surrounding communities, have asked the City to look
5 at other alternatives. The truth is, we have looked
6 at other alternatives. As you know, in compliance
7 with Section 404(b)(1) of the Clean Water Act,
8 several alternatives were examined, including a
9 no-build alternative. In our quest for meeting the
10 alternative analysis criteria, the City closely
11 adhered to the EPA Corps of Engineers guidelines.
12 These joint guidelines defined practical
13 alternatives as those that are available and capable
14 of being done after taking into consideration cost,
15 existing technology, and logistics in light of
16 overall project purpose. Based upon criteria
17 determined to provide for adequate growth and
18 diversification of our economic base, and to provide
19 local jobs to the citizens of our community,
20 consideration was given to all potentially
21 qualifying tracts in the city of St. Peters, which
22 were or arguably could be for sale at a reasonable
23 price. The City even considered a no-build
24 alternative; however, this alternative completely
25 negates the vital objectives for stimulating the

1 current and future and economic growth of our city.
2 I think it's also important at this time to point
3 out that the opposition's own website suggests an
4 alternative site. It's our existing golf course.
5 And it exists entirely in the floodplain and
6 floodway, obviously not in consideration for the
7 city.
8 In completing our review of practical alternatives,
9 the 370 development area was the only site that met
10 all of the criteria. Another job of mine is to seek
11 developers. Let me assure you that over the last
12 three years we have met with more than 20 developers
13 who are interested in developing 370, and we haven't
14 even been actively marketing the property yet. We
15 needed to go through the final engineering and the
16 levee design to clearly identify the levee
17 boundaries and the acres of developable ground that
18 would be available to even market, and once we could
19 begin construction of the levee and the supporting
20 infrastructure, we have been assured by many
21 successful and reputable developers that if we build
22 it, they will come. Thank you.

23 MR. DOOLEY: Is there anybody else here who
24 would like to enter an oral statement before we
25 conclude this evening's proceedings?

1 COLONEL WILLIAMS: Let me just wrap up very
2 briefly by thanking all of you for hanging in till
3 the bitter end with us, this is obviously a very
4 vital part of our assessment of any permit
5 application, and the amount of public involvement
6 here tonight on a very critical night to the entire
7 city of St. Louis, it is pretty phenomenal, the
8 number of folks who came and stayed for the majority
9 of it is very impressive, and I know it's a very
10 very heart felt and very strong convictions behind
11 the comments that were made tonight, and I
12 appreciate you taking the time to do that and making
13 the effort to come down to present those tonight,
14 and rest assured that every comment that was made
15 today will be used as we do our analysis of the
16 permit application.

17 Again, thank you all for coming. The public comment
18 period is still open until 1 November, so if you
19 have additional input you'd like to provide to us,
20 please get it in to us by that time. Again, thank
21 you all for coming.

22 (Public hearing concluded at 11:04 p.m.)

23

24

25

1 State of Missouri

2 SS.

3 City of St. Louis

4 I, Pamela K. Needham, a Notary Public in and
5 for the State of Missouri, duly commissioned,
6 qualified and authorized to administer oaths and to
7 certify to depositions, do hereby certify that I was
8 attended for the Public Hearing regarding St. Peters
9 Lakeside 370 Levee Project, held at the St. Peters
10 City Hall, One St. Peters Centre Blvd., in the City
11 of St. Peters, State of Missouri, on the 21st day of
12 October, 2004.

13 I do further certify that the foregoing pages
14 correctly set forth the proceedings that took place,
15 and is in all respects a full, true, correct and
16 complete transcript of the same.

17

18 Witness my hand and notarial seal at St. Louis,
19 Missouri, this 8th day of November, 2004.

20 My Commission expires July 24, 2005.

21

22 -----

23 Notary Public in and for the

24 State of Missouri

25

1 COURT MEMO

2 .

3 4

5 City of St. Peters Highway 370 Levee

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF U.S. ARMY CORPS OF ENGINEERS P

12 TAKEN ON BEHALF OF THE OTHER

13 10/21/2004

14 Name and address of person or firm having custody of

15 the original transcript:

16 Danny McClendon

17 Unknown

18 UnKnown, UnKnown

19 UnKnown,

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2 Danny McClendon

3 Unknown

4 UnKnown, UnKnown

5 UnKnown,

6 Total:

7

8 Upon delivery of transcripts, the above

9 charges had not been paid. It is anticipated

10 that all charges will be paid in the normal course

11 of business.

12 GORE PERRY GATEWAY & LIPA REPORTING COMPANY

13 515 Olive Street, Suite 700

14 St. Louis, Missouri 63101

15 IN WITNESS WHEREOF, I have hereunto set

16 my hand and seal on this _____ day of _____

17 Commission expires

18 _____

19 Notary Public

20

21

22

23

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25