

THE LITTLE RIVER DRAINAGE DISTRICT

FLOOD CONTROL & DRAINAGE
SINCE — 1907

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STATEMENT OF THE LITTLE RIVER DRAINAGE DISTRICT MISSISSIPPI RIVER COMMISSION HIGH-WATER HEARING March 23, 2015

Major General Michael Wehr, President
Mississippi River Commission

General Wehr and Members of the Commission:

My name is W. Dustin Boatwright. I am Chief Engineer of The Little River Drainage District (LRDD) headquartered in Cape Girardeau, Missouri. Our District is a major contributor to the St. Francis Basin watershed. The Corps is authorized to make major improvements within the watershed of the St. Francis Basin, which is an integral part of the Mississippi River and Tributaries Project (MR&T).

All authorized work in our District for new construction and enlargements has been completed. The remaining responsibility of the Corps of Engineers is to maintain those features Congress authorized.

We are grateful for all of the work done by the Corps. Without your assistance much of this work would not have been done due to a limitation of District funds. We make the following requests to you today.

1. Ditch No. 251 and Ditch No. 290 serve as the main outlets for LRDD channels. Both channels are in horrible conditions and are the responsibility of the US Army Corps of Engineers. We are seeing more frequent flooding at lesser rainfall events. Nearly every time it rains landowners in a vicinity call reporting flooding. Many of the farmers who are calling are concerned that they will have to quit farming areas due to the increasing risk of losing a crop. In addition landowners who live in these areas are having a difficult time accessing their property due to the flooding overtopping the state and county maintained roadways. The current condition of the channels is causing damage to private property, state and county roadways, and LRDD's upstream channels. We request immediate action to excavate these channels. The local people have done their part to maintain the upstream system and it is the responsibility of the US Army Corp of Engineers to maintain the portion under the their authority.

E.B. Gee, Jr., Honorary Supervisor
Ocala, FL

Glenn O. Petersen, Honorary Supervisor
Wardell, MO

2. Clear and excavate the Ditch No. 39 & Upper Ditch No. 1 and. These channels also serve as main outlets for LRDD channels. They are also in horrible condition and haven't not had major maintenance by the US Army Corps of Engineers in more than 40 years. Again, the local people have put forth funds to maintain the portion under our authority. We respectfully request both channel be excavated as soon as possible.
3. Ditch No. 1 active erosion on the left descending bank approximately one-half (1/2) mile upstream of Highway "62" in New Madrid County, Missouri which is undercutting the levee on the eastside bank of the channel. This levee on Ditch No. 1 has provided protection to the landowners during flood events for nearly a century. There are a dozen homes and farming operations which would be devastated during a flood event if a failure were to occur at this location. The District has brought this matter to this hearing many times in the past. The danger is real and the erosion continues to worsen. The risk for those living behind this levee is increasing during each storm event. We have been told there are plans to correct this erosion with Memphis District's hired labor crew. We request an update on this matter.

This concludes the request of the Little River Drainage District. Please give these items careful consideration.

I would now like to take a few minutes and discuss our District's concerns surrounding the proposed Waters of the United States (WOTUS) rulemaking and the Federal Floodplain Risk Management Standard (FFRMS) introduced by use of Presidential Executive Order 13690. The US Army Corps of Engineers has been heavily involved with both WOTUS and FFRMS.

From review of the proposed WOTUS rule it appears to vastly expand federal jurisdiction of the Clean Water Act (CWA). In the proposed form this rule would change the definition of "navigable waters" to include nearly all waters and thus be federally regulated. In our district alone this would bring work to a standstill. The proposed rule would undoubtedly have negative economic impacts throughout the country. We are not the only group concerned about this topic considering more than 700,000 comments were received during the comment period. We strongly urge the US Army Corps of Engineers to listen to the comments and keep this stakeholders involved before issuing the final rule.

Concerning the FFRMS Executive Order we are concerned for the following reasons:

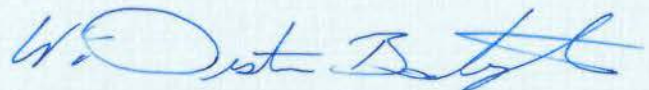
1. Lack of transparency – The standard was issued without providing an opportunity for transparent and meaningful public input to consider whether the standard provides an effective basis by which to achieve the stated goals of improving Nation's preparedness and resilience against flooding. Assertions of flexibility offered in the implementation of the standard do not provide an in-depth analysis of the standard itself.
2. Absence of a Cost-Benefit Analysis – The standard was issued with neither consideration of a complete understanding of the widespread impact of such

changes, nor an assessments on the impact on local communities who will bear the burden of the standard.

3. Breadth of Coverage and Impacts – FFRMS applies to a broad range of federal activities beyond simple facilities construction or improvements, including: the issuance of Federal permits, licenses and approvals, including the Clean Water Act permits, the requirement for which would be expanded under the currently pending WOTUS rulemaking; disaster preparedness assistance, and emergency repair and rehabilitation assistance pursuant to PL84-99; USDA agricultural subsidies; federal highway aid and US DOT TIGER grants; housing programs and loans administered by HUD, VA, and FHA; consultation requirements under section 7 of the Endangered, Species Act, numerous others.
4. Uncertainty and Inconsistences – Federal department and agencies will have the option of implementing one of the three alternatives set forth in the FFRMS, creating uncertainty, confusion and regulatory disparity across the government.

We request the implementation efforts be halted until such time meaningful public comment has been considered, a peer-reviewed scientific assessment of the impacts, and a thorough cost-benefit analysis of the alternatives. We have been told numerous times this new standard is not intended to effect the National Flood Insurance Program (NFIP) or PL84-99. However, from our review of the subject matter we have a different conclusion. I will end with a quote from the late economist Milton Friedman “One of the great mistakes is to judge policy and programs by their intention rather than their results”.

This concludes my remarks. Thank you for your time and attention. I will be happy to answer any questions.



W. Dustin Boatwright, P.E., M ASCE
The Little River Drainage District
Chief Engineer