

It's a no-win situation. Period.

Written by Jody Woltman

Friday, March 09, 2012 12:00 AM - Last Updated Wednesday, May 02, 2012 5:57 PM

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Beardstown mayor, residents, officials react to initial tree clearing at marina
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It's been a known fact for two years: Several items on a multiple page document from the U.S. Army Corps of Engineers need to be completed to apply for levee recertification, with no guarantee the Beardstown levee will pass. Costs could run into the millions for the sanitation district, Cass County drain office and residents. If the items are not completed and the Beardstown levee does not gain recertification, the City of Beardstown, business owners and residents could be left high and dry if Beardstown floods. Why? Because without levee certification, there is no federal aid from FEMA. Period.

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Who loses? Everyone. Millions spent, no guarantees, levee area ripped up, natural habitat destroyed.

Initial tree clearing started last week at the Beardstown Marina area, with four trees already cleared. One old cottonwood near the entrance drive to the marina was host to at least five perching bald eagles last year in the spring.

The four old cottonwoods removed is just the beginning. Take a drive on the Beardstown levee parkway, and say goodbye to all of the remaining trees. The trees appear dead, but many are filled with eagles, juvenile eagles and other birds at this time of the year, searching the Illinois River from above, waiting for a moving fish just under the surface.

Beardstown resident Christy Bley was so upset, she posted pictures and information on facebook and organized an information booth Thursday, February 2 at the former marina, offering copies of website facts on levee vegetation removal, information on a lawsuit in Sacramento, CA and a petition to stop the tree clear cutting.

With musical instruments in tow, a charcoal grill and hot dogs on hand, Bley was determined to try to halt the tree clearing. Playing her accordion and drums and singing old river songs, Bley put on a public smile, but is furious. "The Corps hates Beardstown. They have ruined Beardstown, and it needs to stop," Bley stated. "I called the Audubon Society, Schock's office (Congressman Aaron Schock) and Ray LaHood's (U.S. Secretary of Transportation) office. Someone needs to stop this clear cutting. The trees must stay for the health of our levee."

Beardstown Mayor Bob Walters responds

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“The Corps is the most unreasonable, most disrespectful Federal agency. They do not want to compromise. I have lost a lot of respect for them. Back in 85’ they had a lot more common sense,” stated Walters.”

“People don’t really understand the issue... This is the first shot across the bow in a long fight. Until people start voicing their concerns about the trees to government agencies, their Senators and Congressmen, the trees will be cut down in two years to show that progress is being made to meet the certification requirements. Where the hell is our Attorney General? The DNR should be fighting this for us! ... as a taxpayer, the Attorney General should represent my concern to protect the eagles as apposed to some lawyer.” He went on to pose the question to the attorney General, “What are you doing to protect the eagles?” stated Walters. “If the Corps had an ounce of compassion or understanding they would come up with a plan to solve the eagle and Marina issues. I think there could be a delay if the right agencies could stop them (Corps) in their shoes.”

The DNR is the one agency he said could bring light to the bald eagle perches being removed – a violation of The Bald and Golden Eagle Protection Act*. (*The Bald and Golden Eagle Protection Act: <http://www.fws.gov/midwest/Eagle/guidelines/bgepa.html> states that...such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death or nest abandonment.)

Cass County Board of Commissioners Chairman and county representative of Beardstown Regional Flood Prevention District responds

“We can’t afford a catastrophe,” stated Cass County Board Chairman Dave Parish during an interview Tuesday. “We have been working on items to get recertified on our levees. Parish went on to explain the basics of the issue. “For many years, there was not any issues with the levee and drainage wells. Once we received notification that the four drainage districts (around

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Beardstown) were no longer certified, we had to create a flood district by law. we worked with Senator Sullivan's staff, had many meetings and drafted a bill, "The Beardstown Regional Flood Prevention District" (#70 ILCS 7551) and started working on items and figuring initial costs to gain recertification. The district is receiving a real estate tax levy which brings in roughly \$300,000 a year, and we have to pay back all who initially gave funding, including the City of Beardstown, Sanitation District and Cass County. Depending on what we discover in the reports on conditions of our drainage relief wells, costs could run in the millions, but I am confident we will get it all approved."

The drainage relief wells mentioned are at various locations in the four district drainage area. There are 208 relief wells on the inside of the levee. When water is high on the Illinois River, it is pumped into the relief wells. All 208 wells must be identified, cleaned out, flow-tested and repaired. Parish stated that several are done and already submitted for testing. All 208 wells have been located and are on a GIS map. A company that has worked with the Metro-East drainage district near St. Louis is also working with the local project.

"Do you know that the Metro-East district and the Beardstown District are the only two districts in the state working on their recertification upgrades?" Parish stated. We are the only ones taking on the challenge of recertification at this time. I am more confident than I was 4-5 months ago. We tentatively have one recertified and close to another."

Beardstown Sanitation District responds

Tim Capps of the Beardstown Sanitation District stated "The Beardstown Sanity District cut down four trees that are perches for American Bald Eagles near the Beardstown Marina as mandated by the Army Corps of Engineers. The trees are in an area the Corps calls a vegetation-free zone and must be removed to meet the needs of the levee certification. According to Capps the Corps demands that the heavy brush and trees are inside a 15' radius of the levee toe around the actual wall need to be removed. (The levee toe is the outer edge of the levee base where it meets the levee barrier.) "The Corps has stringent requirements to keep

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all of the levees across the county up-to-date. This is a direct response to the hurricane Katrina disaster; the Corps are pressured to make universal changes to all levees like Beardstown's regardless of the areas' economic status.

Fourteen other trees that are bald eagle perches will be removed over a two year period around the edge of Schmoldt Park and Marina Drive. The eagle perches are close to the 15' area that has been deemed unsatisfactory conditions by the Corps. In the past the Sanitary District would only remove trees from the area if they posed threat to collapsing or if the tree had died. Capps stated, "We would not have taken the trees if the Corps didn't demand that it was necessary for the levee certification. Hopefully within two months the Sanitary District and the three drainage districts will be certified. If the Corps decides to take Beardstown out of the certification program, the levee will hold as well as it has been for many, many years. The downside to leaving the program would be catastrophic to the economic development of Cass County as all of Beardstown would be considered a danger to flooding at any time – even if that would only be an opinion of the Corps and FEMA on paper. drainage districts involved need to be recertified.

The U.S. Army Corps of Engineers (USACE), Rock Island, ILL

According to Chief Corps of Engineers spokesman Ron Fournier, after Hurricane Katrina hit, the Corps went into a heavy levee inspection all over the country. Trees can cause ferocious damage to levee stability, as witnessed in Des Moines, Iowa in 2008. Their roots can come loose, causing a hole or boil in a levee from underneath the roots, dragging dirt from the levee out. They can also fall on a levee when a levee is saturated and soft, during prolonged high water situations. "They are a real hazard to the integrity of a levee," stated Fournier. "Trees are one of the main reasons levees fail, and the number one priority is the safety of the people." When questioned whether the trees along the Beardstown levee near the marina are a danger to the levee, and told the trees are a perching location for the Bald Eagle, Fournier stated the district could request a variance from vegetation standards for levees. Fournier also stated the "Aesthetics is not part of it, protecting residents and public safety is the priority."

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However, initial Corps studies released last fall, indicate there might not be a clear decision on the clear cutting procedures. Statements made in the press release on the national corps website in an article entitled "USACE Releases Report on Initial Research into the Effects of Woody Vegetation on Levees" the corps research appears inconclusive on the clear cutting issue.

"...ERDC researchers considered the effects of trees at various locations on levees and found that a tree may either increase or decrease the factor of safety. At some locations where a tree was found to increase the factor of safety under one set of conditions, that same tree was found to decrease the factor of safety when other likely conditions were considered. ERDC researchers have determined that because of the many variables, including climate, moisture, soil types, tree species and levee designs, the full impacts of trees on levees may never be fully quantifiable."

Current Lawsuit against Army Corps of Engineers

Not so fast. A similar scenario is playing out in Sacramento, CA and a federal lawsuit against the Army Corps of Engineers is in process. According to news reported by [www.indybay.org/](http://www.indybay.org/newsitems/2011/11/10/18698842.php) (newsitems/2011/11/10/18698842.php), "In a move applauded by conservationists, the California Department of Fish and Game (DFG) on November 9 began the process to join federal litigation by three environmental groups challenging the controversial removal of vegetation on levees by the federal government. The case, Friends of the River, et. al. v. United States Army Corps of Engineers, et. al. was filed in the U.S. District Court for the Eastern District of California. "It challenges the Army Corps of Engineers' (Corps) adoption of a national policy that requires removing virtually all trees and shrubs on federal levees," according to a DFG news release.

"DFG, along with many other local, state and federal agencies, has been in discussion with the Corps about this policy for several years," said DFG Director Charlton H. Bonham. "It's unfortunate that the discussions haven't led to a more agreeable outcome, but if adhered to, the

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policy will do incredible damage to California's remaining riparian and adjacent riverine ecosystem, especially in the Central Valley."

Bonham said "roundtable discussions" on the vegetation removal policy have included the California Department of Water Resources (DWR), Central Valley Flood Protection Board, National Marine Fisheries Service and U.S. Fish and Wildlife Service. DWR and DFG have repeatedly expressed concerns about the policy in letters to the Corps. Farmers and other water users have also questioned the policy.

DFG seeks to join Friends of the River, Defenders of Wildlife and the Center for Biological Diversity in their case against the Corps' "clear cutting" of levees along the Sacramento, San Joaquin and other Central Valley rivers."

In a report made by the The Saramento Bee published on August 27, 2011 "The team of more than 15 researchers, all Army Corps employees, concludes that trees growing at the base of a levee – called the "toe" – actually improve flood protection. "Trees near the toe increased the factor of safety because of the reinforcing effects of the roots and the increased counterweight effect of the tree to slope movement," the authors state."