Trees around the levee will fall (originally published 3-15-12)

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As the Beardstown levee story continues, a history of the area waterways, in short, follows:

The Muscooten Bay is full of silt from the Sangamon River runoff. The muddy overflow has piled up so high that the entire Muscooten Bay is useless for access to the Illinois River. The bay is lined with trees that will come down before 2014. Why? There is a one word answer: Policy.

Two federal agencies, the US Army Corps of Engineers and FEMA, established a flood risk management task force to lump together policies and guidelines that should be universal to help bring the federal government together. What they ended up doing for Cass County was move from making recommendations to improve levee systems, to threatening mass removal of American citizens from their native land by imposing extremely expensive flood insurance.

As a result of being a partner in this ultra-agency, the Corps made reports stating they are not responsible for damage or maintenance of our area. Nationally, the Corps has a collection of

reports that allow them to play both sides of the fence to absolve them of any liability for maintenance of a levee, but allow them to impose guidelines and rules on how taxpayers should maintain a levee. In one report they are proclaiming that levees can actually increase flood risk.

In the Cass County area the Corps is avoiding responsibility for levee maintenance and river access. When it comes to trees around the levees, it is no longer an option for the area around Marina Drive even though the Corps has many of their own reports to argue that trees around levees, in fact, provide a natural strength against a levee collapsing. This is all possible by the power that came from the consolidation to create this food risk management super agency that is untouchable - literally. This massive umbrella of a group covers all federal agencies that have any say in matters of flood risk management. Risk management for Beardstown levees entails imposed mandates to even get service from this super federal agency. Without an uproar of staggering levels in recent years in protest of the federal government's polices by the residents of how they are handling this issue, the trees around the levees have no chance to survive.

In a report published in 2009 the US Army Corps of Engineers in the Rock Island District terminated any future project to investigate alternatives for improved access to the Muscooten Bay harbor area. The reason given was "a lack of economic justification." There are not enough valuable properties or enough business in the region to show cause for repairing the damage caused by silt in the eyes of the Corps. Beardstown is a town next to the riverfront, but ironically the public will never have access to the river.

It is getting harder to find the source of why there is silt surrounding Beardstown in federal reports. The language is shifting the blame from the Corps to a general manmade process over several hundred years. The actual reason that there is silt in Muscooten Bay, and the reason Beardstown residents cannot access the river, is because in 1949 the Corps of Engineers diverted the Sangamon River upstream of Muscooten Bay. This project was a success. The Sangamon River Channel Diversion project did exactly what it was supposed to do: reduce flooding along the Illinois River. Beardstown has not had a flood since 1943.

Unfortunately, Beardstown's tourism market for water recreation on the Illinois River would die over time as the channel diversion brought in sediment that will eventually fill the bay. An act of Congress – the Rivers and Harbors Act (RHA) created the responsibilities that are managed by the Rock Island District of the Army Corps of Engineers for Muscooten Bay. The RHA and the Clean Water Act (CWA) requires a permit from the Corps for discharge of dredged material. This also includes the fill material in Muscooten Bay and around the wetlands. Average citizens cannot take it upon themselves to open the access to the river; this would be an attack on the jurisdictional waters of the United States and against the law.

The Corps has done a very poor job in making the fact transparent to the residents of Beardsotwn that the law states that Beardstown cannot clear their own water way, even though the Corps caused the damage, and they have abandoned the study to repair their mistake.

There is not a common-sense solution or collaboration between the local government and federal agencies regarding the silt issue. The Corps is a military institution and runs its policies from the top down. The Rock Island District follows orders from its controllers and repeats the policy with military precision. It is the view of Mayor Walters that the Rock Island District rotates out their staff every two years and the people that started the process for the moving of the flow of the river near mile 88 are retired. In his view this causes a policy that ignores Beardstown, because it has been written off as a failure that they do not need to apologize for, or are held accountable for the bay repair. “The Channel was changed in the 60’s and the last yachts from areas like Springfield that were a big part our economy, left in the mid-70’s,” said Walters. “There was a huge bay with 15 - 20’ of water, and now they (Corps) used our bay as a silt deposit. They could have dredged the bay in two years’ time.” Walters went on to say, “Congressmen La Hood stood on the River Look and stated that ‘this was not the beginning of the end, but the beginning of the Beardstown Marina’ years ago, and nothing has changed.”

The Corps turned the responsibility for the levee to the Beardsotwn Drainage District; the Corps was a major part of the maintenance. The 1st legislation for the maintenance levee changes was in 1985, and in 1996 the final legislation was completed. Two years ago the enforcement of the regulations for Beardstown started. The costly, and mandatory changes, allows Beardstown and parts of Cass County to be in a program to keep the levee certified. In theory when the changes to the levee area are met with the new flood risk guidelines, the levee protecting Beardstown be will certified as a safe levee resulting in thousands of residents not being forced to buy expensive flood insurance. The tax to keep the levee certified will be constant and exorbitant, but the residents will not be forced out of their homes because of massive flood issuance costs.

The first battle in what Mayor Walters called “the first shot across the bow in a long fight” started when local activist Chisty Bley created a petition to stop the tree clear cutting. She has documented the river and wildlife for many years and has shared her distaste for the Corps practices publicly. After the first four trees were removed during the beginning of February, she told the Cass County Star Gazette she had a meeting with the Drainage District. In her meeting she stated that the remaining trees near the levees will be cut in the next two years. Bley said. “They have a lot of jobs to do, not enough people, and they can't be more specific.”

She has vowed to keep fighting the fight for the trees around the levee stating, “ I am sticking a needle in their wound until they say they are going to do somthing about it.”