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**BEFORE THE
SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT
TRANSPORTATION AND INFRASTRUCTURE COMMITTEE
OF THE U.S. HOUSE OF REPRESENTATIVES**

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Good morning Mr. Chairman and Members of the Committee. I am Jerri-Anne Garl, Director of the Office of Strategic Environmental Analysis in the U.S. Environmental Protection Agency, Region 5. I am the Regional senior manager for the National Environmental Policy Act (NEPA) program. I welcome this opportunity to speak to you today about the Upper Mississippi River/Illinois Waterway Navigation Feasibility Study (Feasibility Study).

EPA has a unique environmental review responsibility with regards to studies like the ongoing Feasibility Study. First, under the National Environmental Policy Act (NEPA), federal agencies are required: 1) to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions and, 2) to publicly disclose the information. To meet this requirement, federal agencies prepare a detailed statement known as an Environmental Impact Statement (EIS) for proposed actions that will significantly affect the environment. Under Section 309 of the Clean Air Act, EPA is then required to review and publicly comment on certain matters, including the environmental impacts of major federal actions that are the subject of EISs.

Second, under Section 404 of the Clean Water Act, EPA has responsibilities in connection with the regulation of the discharge of dredged and fill material into waters of the United States. Activities that are regulated under this program include fills for development, water resource projects, such as the navigation improvements proposed by the Corps for the Upper Mississippi River and Illinois Waterway, and other kinds of infrastructure development. The basic premise of the program is that no discharge of dredged or fill material can be permitted if a practicable alternative exists that is less damaging to the aquatic environment or if the nation's waters would be significantly degraded. The permit applicant must demonstrate that steps have been taken to: 1) avoid adverse ecological impacts where practicable; 2) minimize potential remaining adverse ecological impacts; and 3) restore or create wetlands to offset any remaining, unavoidable impacts.

Since the initiation of the Feasibility Study in 1993, EPA has been working with the Corps of Engineers on the study. Region 5, headquartered in Chicago, has been the lead region for this involvement, with support from our Region 7 office in Kansas City, since our two regions share the Upper Mississippi River basin. This involvement has occurred through our participation on the Navigation Environmental Coordination Committee (NECC). This committee, made up of Federal, State, and non government stakeholders, provided input on the overall project direction and types of environmental analyses that are needed for the Feasibility Study. After a brief halt in the study process in 2000, necessitated by Corps policy review and completion of a National Research Council (NRC) review, the Corps established a Federal Principals Group in June 2001 to seek ongoing guidance from other key Federal agencies on

responding to the NRC recommendations and restructuring the study. Our Region's role evolved to include supporting our Agency's representatives on the Principals Group. Region 5 also participates on the Federal Regional Workgroup to provide technical support and to serve as a liaison between EPA Headquarters and the regional stakeholders. Through our continued participation on the NECC and Federal Regional Working Group, and through our support to EPA representatives on the Principals Group, Region 5 has continued to analyze and provide input on this project to the Corps of Engineers.

The Corps established a collaborative process in March 2001 that sought input from EPA and from other stakeholders of the Upper Mississippi River system. Through this process, the Corps has developed a framework for the Feasibility Study that integrates the dual goals of environmental sustainability and efficient navigation. EPA had long advocated for ecosystem restoration to be fully considered in the Feasibility Study, and we were very supportive of the Corps's decision to add restoration as a fundamental project purpose. The natural habitat has been damaged significantly by the construction and operation of the navigation channel. The Corps's consideration of ecosystem restoration needs is intended to help offset the ongoing and long-term cumulative impacts of this channel on the ecology of the river.

The ecosystem of these two rivers and their flood plains is dynamic and complex. Including ecosystem restoration in the Feasibility Study will help facilitate sustainable river conditions that will echo the Corps's long-term goals of efficient navigation and natural resource health, goals that EPA shares. The dual purpose approach will greatly benefit a river system

that serves as a major artery for transporting bulk commodities, but also is a nationally treasured ecological resource.

EPA remains committed to this collaborative process with the Corps and other stakeholders of the Upper Mississippi River System as the Feasibility Study is completed and implementation decisions are made.

Mr. Chairman, this concludes EPA's testimony. I appreciate your interest in hearing from EPA, and would be pleased to answer any questions you or the Members of the Subcommittee may have.