

Legislature Fails to Act on Park Problems

In a legislative session devoted largely to the state budget crisis, state parks were all but ignored. Several bills could have ameliorated the crisis in park funding, key among them a bond issue for capital improvements, but none passed. Most, including the bond issue, were never even assigned to a committee for action by Speaker of the House Ron Richard, who had his own priorities. The best that can be said is that state parks, which suffered elimination of twenty percent of staff positions last October with ripple effects throughout the system, at

least appear to have been sufficiently insulated by the depleted but dedicated sales tax to avoid any further drastic cuts at this time.

Park advocates in the new state park funding coalition had high

hopes for House Joint Resolution (HJR) 77, introduced early in the session by Representatives Chris Kelly (D) and Steven Tilley (R) and a robust group of fifty other co-sponsors from both parties.

Park funding was one of three featured issues for Conservation Lobby Day on February 3, when nearly 150 representatives of conservation organizations statewide visited capitol offices, winning attention from legislators and commitments from many to support \$80-\$100 million for parks through the bond issue. The next day MPA president Susan Flader pre-

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Breaking News Flash!!

Missouri's state park system has just been ranked as a prime example of the nation's most endangered historic places by the National Trust for Historic Preservation. See www.parks.missouri.org/ for details.

MPA Annual Meeting at Reborn Johnson's Shut-Ins

Mark your calendar and reserve your lodging now for MPA's annual meeting October 22-24 at

Johnson's Shut-Ins, which officially reopens to the public May 22.



The new Black River Center, overlooking the river and the dramatic scour channel from the dam failure, features the local rock strata in its very construction as well as in its exhibits.

Virtually all park facilities and natural features in the main use area were gutted or obliterated in December 2005, when 1.3 billion gallons of water with associated trees, rocks, rebar and other debris roared down Proffit Mountain after the catastrophic failure of AmerenUE's Taum Sauk Reservoir. An eventual \$180 million settlement with Ameren enabled the rebuilding of park facilities, including a relocated campground on the slope of Goggins Mountain, a new Black River interpretive center, and other features.

At the same time, Ameren was rebuilding its upper reservoir, which became operational in April. Then, as reconstruction of the park was well underway in May 2009,

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MPA Honors Employees of the Year

MPA secretary Booker Rucker and board member Deb Schulteheinrich presented employee of the year awards at a park division staff conference April 21 at Lake of the Ozarks State Park. The awardees, selected by an MPA committee chaired by Mary Jo Dessieux, received a plaque, an engraved clock, and a check for \$250. There were more awards than usual this year since the process was short-circuited in last year's turmoil.

Tom Woodward was named outstanding facility manager for his efforts as head of Pershing State Park, where he dealt successfully with the Locust Creek flooding issue, coordinating work with both the Conservation Department and MODO and administering separate grants.

Two employees, **Dakota Russell** and **Brooke Mahar**, were honored as outstanding interpreters. Dakota, interpreter at the Nathan Boone Home, wrote and saw through to publication the book *Belle* to bring the story of the Boone family alive, particularly to young visitors, while Brooke accepted the arduous task of completely revising Mastodon State Park's audio-visual orientation program—writing the script, preparing visuals and graphic materials, and coordinating production of the final show, all in record time.

Kelley Brent was named central office employee of the year for her work as the park division's trails coordinator. On her own initiative she devised a new computerized inventory database for tracking all trail information, while also assisting with the Johnson's Shut-Ins reconstruction and administering grant projects.

The field employee of the year is **Kendra Varnes** of the Kansas City area office, who went beyond normal expectations to ensure that 22 inner-city Kansas City youngsters were able to participate in a memorable cross-state Katy bicycle trip. She met with them after hours to provide training and instruction, lo-

cated donors of bicycles and equipment, and accompanied them on the whole 225-mile ride as a coach and sponsor.

Both **Chadd Thomas** and **David Schroeder** were honored in the maintenance and construction category. With a key maintenance position vacant at the time of a major ice storm, Chad demonstrated extreme determination to do whatever was required to clean up and put back into service facilities in the Bootheel, working extra hours and undertaking every task required to assure that Hunter-Dawson, Big Oak Tree, and Morris were once again made available for visitor use. David, who regrettably was "bumped" from his position at First State Capitol in the merit system shuffle during the retrenchment last year and is no longer with the park division, always went beyond expectations and cheerfully stepped in to help staff the front desk or attend to souvenir sales in addition to expertly seeing to all maintenance needs at the site.

MPA Receives Linnemeyer Bequest

The Missouri Parks Association was notified in March that it had been selected for a generous distribution from the Trust of Harry E. Linnemeyer, a public-spirited St. Louisan devoted to the preservation of Missouri's natural and cultural environment who passed away in September 2008.

Trustees of the Linnemeyer trust were evidently impressed by MPA's long record of accomplishment on behalf of the protection and enhancement of state parks and historic sites with an engaged but aging corps of volunteers, for they specified that the gift be used for the purposes of increasing membership and finding and training future leaders of the association.

MPA's board of directors at its April 15 meeting expressed their sincere gratitude to the trustees and devoted considerable time to discussion of potential member recruitment efforts. We would appreciate any suggestions from our current members and readers of *Heritage* as to ways to recruit and engage more members of the association.

We also need to recruit new and younger leaders to our board of directors, and we would like to invite any nominees you would like to suggest, including yourself. You may call or email MPA president Susan Flader fladers@missouri.edu (573-442-1058), speak to any member of the MPA board, or fill out and send a director nomination form from the MPA website.

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sented a slide show with dramatic illustrations of the funding problem to a joint breakfast meeting of the House Committee on State Parks and Waterways and that on Conservation and Natural Resources, followed by nearly a half hour of animated discussion.

But despite seemingly even stronger support for the bond issue than last year, when the measure passed the house and reached the senate floor only to be withdrawn in the waning days of the session owing to a filibuster, HJR 77 still had not been assigned to a committee to be heard. When park supporters began to ask Speaker Richard to assign the bill, he called a press conference with other legislative leaders to announce that he intended to keep the measure "in my drawer" on the grounds that the state couldn't afford to take on more debt.

As Rep. Kelly explained to the press and in a widely circulated op-ed, nothing had changed but

the politics. The GOP leaders wanted to use public concern about **federal** debt as an issue in the November elections (the **state** by law may not overspend its annual revenue). Even though the state has always used bonding for capital improvements, repaying the bonds out of current revenues, the leaders were unwilling to let other legislators and the state's voters decide whether to take on such obligations now, when the need is so great, interest and construction costs so low, and federal stimulus funds are available to pay a third of the interest. Instead, they raised the mantra of debt.

By March, with the bond issue now dead, there were worse problems to worry about. The Senate Appropriations Committee was considering a bill to "sweep" various dedicated funds—including the Park Earnings Fund and special funds for Babler, Arrow Rock, and Onondaga state parks—into general revenue (to be used for other non-park purposes),

and a call by Senate President Pro Tem Charlie Shields for ideas on "rebooting government" resulted in numerous suggestions for breaking up DNR and transferring its various functions, including state parks, to other agencies. Fortunately, all the work done by MPA and the park funding coalition to alert legislators from both parties to the plight of state parks prevented these efforts from gaining traction. The State Historic Preservation Office in the park division was not so fortunate, having lost all funds (\$1.7 million) from the "Entertainer Tax," which is used to secure matching federal dollars for the program, when collections were diverted to the state's general revenue for other purposes; there are funds on hand to secure federal match in 2011, but 2012 will be a problem. Another looming problem is a dogged effort by Sen. Brad Lager to dissolve DNR and disperse its functions to other state agencies, which of course would throw the

park division up for grabs; his effort this year ended in the last hour of the session, when he killed a bill that would have extended water permit fees, but he will likely try again.

So the 2010 session ended without any gains, but with no devastating losses, except for Historic Preservation. A common-sense measure introduced by Rep. Mike Sutherland at MPA's request to allow the *interest* from the Park Earnings Fund to remain with the fund languished with the bond issue in Speaker Richard's drawer, and a bill introduced by Rep. Jason Brown that would have established a



Employee of the Year awardees (l to r) Tom Woodward, Kelley Brent, Kendra Varnes, and Brooke Mahar with State Park Director Bill Bryan (center) and MPA's Deb Schulteheinrich (rt). Not shown, Dakota Russell, David Schroeder, and Chadd Thomas.

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permit fee for nonresident off-highway vehicles to be administered by DNR, presumably for mitigation of resource damage in state parks, was assigned to a committee and heard but then died. An effort to tax Internet sales, which would have helped parks, went nowhere either. In the end, it was a session in which those who escaped further damage counted themselves lucky.

Meanwhile, new state park director Bill Bryan, with the help of the governor and the Department of Economic Development, finalized plans for a State Park Youth Corps to employ 1000 young people for six weeks each in parks throughout the system, using federal stimulus money supplemented by state funds. The first contingent began work May 3, to be followed by

other groups beginning in mid-June and late July. The park division also gained some \$2.5 million in federal "pass-through" funds for several water projects and another \$1.4 million for a few Katy Trail bridge and culvert projects. But despite these minor gains, practically every park in the system was operating on reduced staff, days and hours, though most parks will increase their hours somewhat for the summer season.

Nationwide, most state park systems have been reeling during the financial crisis. California, Arizona, New York and other states have had to close many parks—an estimated 400 nationwide. California and Arizona have been seeking mandatory automobile license fee increases for parks; Arizona's legislature adjourned without the neces-

sary action while Californians will vote on a measure in November. As in Missouri, legislators grappling with budget crises have been thinking of immediate needs and responding to "no-tax" sentiment rather than thinking long-term about their responsibility to protect their state's natural and cultural treasures.

Park supporters in Missouri remain grateful for the dedicated Parks and Soils Sales Tax but committed to find a substantial source of capital improvement funds to deal with the state's \$200 million backlog of infrastructure repair and rehabilitation. The exact strategy for the next round remains to be determined, but the coalition will certainly support the inclusion of state parks in any state bond issue.

Stay tuned.

What You Can Do

There is still vital need to educate ourselves, our elected representatives, local conservation and civic groups, and local media of all types about the park funding problem. **For a downloadable powerpoint slide show with script and fact sheet plus other information, visit the MPA website: <http://parks.missouri.org>.**

You can volunteer to show the program to your own groups and other organizations. If you can arrange for an audience but feel the need for help in showing and discussing the program, please contact park funding coalition co-chairs Susan Flader (fladers@missouri.edu or 573-442-1058) or David Murphy (dmurphy@confedmo.org or 537-). If you know people who write or produce for local media, talk with them too and refer them to the MPA website.

The entire Missouri House and half the Senate will be up for election in primaries this summer and the general election in November, offering excellent opportunities to talk with contenders. Do not limit yourself to just your favorites, but take the opportunity to talk with **all** candidates from both parties about park problems and seek their support for a bond issue or other funding measures for state parks. Candidate forums, county fairs, and other summer gatherings provide excellent opportunities to talk with contenders.

The election this year is particularly critical, since more than 50 house members and 10 senators are term limited, assuring the biggest turnover in the Missouri General Assembly since 2002, when term limits first bit with a vengeance. This means you have an excellent opportunity to support candidates who pledge to help parks. **To check conservation voting records of incumbents and positions of at least some contenders visit the website of Missouri Votes Conservation: <http://www.movotesconservation.org/>.**

Keeping Lexington in Shape: Q & A with John Maki

John Maki, a Wisconsin native, is the park maintenance worker at Battle of Lexington State Historic Site. He is responsible for the upkeep of more than 100 acres including gardens, an orchard, graves and a battlefield as well as buildings including the historic Anderson House and a visitor center. The Battle of Lexington took place on the site, where Missouri State Guard soldiers used hemp bales as moveable breastworks to work their way from the river up to the Union-held entrenchments. John is originally from Wisconsin and has worked for the park division since 2000. His interview with Mary Barile is part of a series about state park employees. Please send your suggestions for future interviews to Mary at mmb336@earthlink.net.



Versatile maintenance worker John Maki in period costume helping with interpretation during Civil War Days, May 14.

What keeps you busy at the park?

I do the mowing, groundskeeping, and the upkeep on the historic Anderson House and the visitor center. I also help with special events and living history programs. For instance, this Friday is Civil War Days for the school kids. We set up different stations for activities. I dress up as an 1860s Union soldier and help with the activities.

You are always surrounded by history at Lexington. What was your most interesting find?

Several years ago, we were reroofing the Anderson house with new shakes and of course we were down to the original boarding of the roof. I could see the original battle damage and what the roof of the house had been inflicted with during the battle. It was musket fire and canister shot from the cannons.

Where do you feel the most attached to past?

Probably up on the battlefield, with the graves of the five Union soldiers who are still buried there. They are unknown; we have no idea who they are. I care for the graves.

I've heard the site is haunted.

I've never had any such feelings at the Anderson house; been here during storms, middle of the night. Have no sort of eerie feelings. To me, it's just like walking in the visitor center. A lot of stuff happened there, but today it's peaceful. Antietam gave me a real creepy feeling, but not the Anderson house.

What's your favorite room in the Anderson house?

The attic. The house was built in 1853. Mr. Anderson kept bees up there, and it's interesting—the apiaries and cubicles are still there. He kept the bees in the house.

What do you do outside of work?

You know, I just like the outdoors, I like history, I like to go to the different parks and the buildings. Like to look around and see what's there. Well, I've always had an interest in the Civil War since I was a kid. Then I'm also interested in World War I, so I enjoy going up to the Pershing home. I fool around with model railroading. Once in awhile I build something associated with model railroading.

I enjoy working here because I have been interested in history all my life, and it sort of fits in with that, and I don't like a mundane job or working on the assembly line. This is different—one day or another I'm mowing, trimming hedges, fixing a window, there's always something different to do.

What's your favorite season at the site?

My favorite season out here—I actually do like the winter time; this last winter with all the snow, it was really nice coming in and going to the Anderson house, and seeing the house with all the snow around it. The unfortunate drawback is you have to plow it. Really pretty here in the winter, but sure glad when it's over.

MPA's Arrow Rock CAFO Case on Appeal

by Julie Fisher

After a disappointing ruling from the Missouri Court of Appeals reversing a circuit court decision that established a two-mile buffer around Arrow Rock where no Concentrated Animal Feeding Operations (CAFOs) could be permitted by DNR, the original plaintiffs—Missouri Parks Association, Village of Arrow Rock, and Friends of Arrow Rock—filed a motion for rehearing on April 21 and indicated their intention to appeal to the Missouri Supreme Court.

DNR issued a permit to Dennis Gessling for construction of a 4,800-hog CAFO within two miles of Arrow Rock in August 2007. After many frustrating months of hearing only that DNR has an obligation to permit any CAFO that meets the minimum requirements of the state's water quality laws, state parks notwithstanding, MPA and its co-plaintiffs filed suit to establish the responsibility of DNR and its director to protect state parks and historic sites—especially Arrow Rock, a National Historic Landmark that annually hosts some 150,000 visitors. Attorney General Jay Nixon declined to defend DNR so the agency's case was handled by a private firm, which filed a motion to dismiss on the grounds that Gessling had not begun construction and his permit would expire August 31, 2008. On August 25, Circuit Court Judge Patricia Joyce granted summary judgment, establishing a 15-mile buffer around Arrow Rock, which she subsequently reduced to two miles.

That November, Attorney General Nixon was elected governor and Representative Chris Koster won election as attorney

general. Although Nixon and new DNR director Mark Templeton apparently let it be known that they did not wish to appeal the judge's decision, Koster, undoubtedly goaded by the Missouri Farm Bureau and other agribusiness interests who had been denied standing in the case by Judge Joyce, went ahead with an appeal, joined by the Farm Bureau and state cattle, dairy, egg and pork associations. After brief oral argument in March 2010 before a three-judge panel of the Western District Court of Appeals in Kansas City, the court ruled in effect that the case was moot because Gessling's permit had expired. MPA's attorney believes the case was incorrectly decided, hence the motion for rehearing and appeal.

Nearly simultaneous with the threat to Arrow Rock, DNR had granted permits for two other CAFOs that began operating within two miles of two other state parks: a 5,000-hog CAFO near Battle of Athens and a 65,000-chicken operation near Roaring River. Current regulations allow the spreading of CAFO manure on fields within fifty feet of a park campground, as at Athens where the campground abuts a field owned by the CAFO operator. At Roaring River a new citizen organization, Roaring River Parks Alliance, challenged the permits before the Administrative Hearing Commission (AHC). The AHC entered a stay of the construction permit, which DNR ignored, later arguing the stay was moot because the facilities were already constructed.

In a final ruling on the Roaring River case in March 2010, the judge stated that while the

AHC could not determine that any laws or regulations were broken when the permits were issued by DNR, this did not imply that existing laws regulating CAFOs are adequate: "This case is about whether the DNR followed the current law in issuing the Ozbun permits, not whether additional laws or requirements would be a good idea. . . . The thread running through the Petitioners' case is that the entire permitting process is inadequate to protect the environment as a whole. They envision the DNR having broad authority to issue a permit addressing air quality, water quality, odor control and protection of parks. This may be an ideal situation. But this is not the way the law is currently written." The Missouri Clean Water Commission on May 5, after listening to a final plea from the Roaring River Parks Alliance to cancel the Ozbun permits, voted not to cancel because neither DNR nor the CAFO had been found in violation of current state law, thus closing the case.

It may be significant that neither the Administrative Hearing Commission nor the Appeals Court disputed the duty of the DNR director to preserve and protect state parks and historic sites or the many expert reports as to the extensive public health threats from CAFOs. Google "CAFOs" or "Factory Farms" to review some of the evidence. There is also ample evidence that CAFOs can have a deleterious effect on family farmers, local communities and property values of homes nearby. A resident with a home at Battle of Athens has observed CAFO particulate matter adhering to the family's home and floating within the park it-

self. Folks near Mark Twain State Park recently reported that their family could not spend Easter Sunday outdoors because of the stench from local CAFOs.

During the past decade the Missouri legislature has systematically stripped DNR of funding and personnel, in part to render its oversight and enforcement of already weak regulations negligible. DNR is dependent on self-monitoring by CAFO operators and complaints by citizens, yet the agency has never shut down a CAFO or denied a permit based on complaints or violations of state or federal regulations.

Yet, agribusiness interests continue to ply our state legislators with campaign contributions and other incentives to provide increased protection for CAFOs. In the recently concluded legislative session, as in past sessions, much time and effort by grassroots organizations went into watching for and then fighting against proposed legislation that would erode Missouri's only real protection from CAFO threats in

the form of local county health ordinances. States that have forfeited their rights to this type of local control have suffered an influx of even more and larger CAFOs.

Some believe it is only a matter of time before public opinion and the law begin to gain more traction against the claims of industrial agriculture regarding CAFOs. Despite their enormous political sway in recent years, CAFOs in Missouri constitute only one-half of one percent of farming operations in the state, while Missouri's independent family farmers have a long history of providing a sustainable, healthy meat supply without polluting the land and water or fouling the air near our state parks and historic sites.

You can help by calling, writing or talking with your state legislators, DNR Director Mark Templeton, and Governor Nixon about the need for stronger state standards governing CAFOs in Missouri and near state parks and historic sites.

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its vast, relatively unspoiled wild and natural acreage took a direct hit from an intense derecho and inland hurricane, the most devastating wind event in the Ozarks in decades, causing massive loss of trees.

This combination of man-made and natural disasters gives rise to the major theme of the annual meeting, threats to the parks. The last comprehensive study of threats to the park system as a whole was published in 1992, nearly two decades ago. We will be asking what has happened since then regarding the types and magnitude of threats identified and efforts to deal with them, and what implications that may have for the future of the park system, particularly at a time of financial stringency.

Plan now to attend for thought-provoking panels and fascinating field trips to the new Johnson's Shut-Ins and other parks in the vicinity. More detailed information later, but in general we will likely have a hike Friday afternoon and a gathering in the evening, conference on threats Saturday morning, field trip in the afternoon, probably followed by a barbecue that evening, with the annual membership and board meetings Sunday morning.

Camping will be available at the new Goggins campground, and a block of motel rooms is on hold for MPA members at Shepherd Mountain Inn near Fort Davidson State Historic Site in Ironton.

Make your reservations early: call the motel at 573-546-7418 (\$52 single, \$64 double) or reserve on-line for camping. You do not want to miss this event.

Parks Briefs

Katy Trail 20th Anniversary. Governor Nixon, trail donor and advocate Pat Jones (a former president of MPA and still an honorary director), state park leaders, and many citizens who worked tirelessly to make the Katy Trail a reality, headlined by Katy Trail Coalition chair Darwin Hindman (a former director of MPA), celebrated the 20th anniversary of the trail in Rocheport May 8. Only five miles of trail were open at the time of the 1990 dedication in Rocheport, while today there are 225 miles, with another 46 miles for an eventual link to Kansas City currently under negotiation and construction. But like all units of the park system, the Katy Trail is staggering under a massive backlog of infrastructure rehabilitation needs, some \$47.5 million.

Katy Bridge at Boonville. Governor Nixon pulled the rabbit out of the hat February 4 when he announced a reprieve for the historic MKT railroad lift bridge over the Missouri River at Boonville. The bridge, part of the original rail-banked right-of-way for the Katy Trail, is owned by Union Pacific Railroad, which intended to dismantle it and use the steel for a second railroad bridge over the Osage River near Jefferson City. Its re-

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removal has been the subject of protracted litigation and a review process required by the National Historic Preservation Act, in which MPA has been a consulting party. The reprieve became possible when federal officials announced in January that Missouri would receive \$31 million in federal Recovery Act funds for improvements to the rail corridor south of the river between St. Louis and Kansas City, including a second bridge across the Osage River.

Under an agreement currently in active negotiation, the city of Boonville is slated to accept ownership of the bridge from Union Pacific. The city is already working with a New York consulting firm that is donating its services to develop various alternatives for converting the bridge to pedestrian and tourist use, and the Save the Katy Bridge Coalition is expected to lead the fundraising campaign for the effort.

Route 66 Bridge at Eureka. When MPA members visited Route 66 State Park during MPA's annual meeting last fall, they were dismayed to learn that the historic bridge that connects portions of the park on either side of the Meramec River was about to be condemned as unsafe for traffic, and that has since occurred. MoDOT has not been maintaining the bridge, since the I-44 bridge now carries traffic across the river. Since then, a



Governor and Mrs. Nixon and state park director Bill Bryan talk with Pat Jones on the Katy Trail at the 20th anniversary celebration.

coalition of organizations, some concerned about saving the historic bridge for its own sake and others perhaps more about insuring pedestrian and bicycle access across the Meramec in the state park, has been considering what might be done. Because the bridge is on the National Register, MoDOT will likely have to engage in a "Section 106" review, and MPA has requested to be a

consulting party. Similar to the Boonville Bridge, MPA recognizes that the park division has wholly inadequate funding to take responsibility for the bridge, but it is concerned about the integrity of the park.

National Park Service Special Resource Studies. The National Park Service is conducting studies of two Missouri state historic sites, Truman Birthplace in Lamar and Felix Valle in Ste. Genevieve, to consider their feasibility as national park units or for other federal designation or assistance. Both studies were authorized by federal legislation, introduced by Reps. Ike Skelton and Russ Carnahan respectively. An initial public meeting has already been held in Lamar, and one is expected to be scheduled this summer in Ste. Genevieve, and there will be others. MPA members are encouraged to become involved in the process, as MPA also will be.



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