

## Powell Gardens files appeal, seeks injunction against Valley Oaks



Officials at Powell Gardens are worried that the CAFO unit will be a detriment to the gardens and its many programs and displays.

Derek Brizendine | Star-Journal

KINGVILLE – Powell Gardens has filed for an injunction and will be filing an administrative appeal in response to the Missouri Department of Natural Resource’s issuance of an operating permit to Valley Oaks Steak Company for a confined animal feeding operation.

The appeal and injunction are an effort to protect Kansas City’s botanical garden — which attracts more than 100,000 visitors a year – from the harmful and irreparable effects it will experience as a result of the expansion of this factory farm, according to supporters.

Despite considerable community opposition, MDNR approved the permit June 15, for the expansion of the CAFO located just three miles west of Powell Gardens on 50 Highway and neighboring homes. The permit allows Valley Oaks to confine 6,999 head of cattle – just one cow shy of MDNR’s more stringent Class 1A regulations, which require regular monitoring and mitigation of odor emissions.

The facility will be the largest cattle CAFO in Missouri. Environmental experts for Kansas City-based SES Inc. have calculated the cattle will generate 1,547 tons of feces, urine and bedding material a day.

The list of potential environmental impacts that are of concern to Powell Gardens officials includes gaseous odors from bones, urine, blood and carcasses from the barn and slaughterhouse; wind-blown particulates from manure spread at Valley Oaks and surrounding land parcels; ground and surface water contamination; pests that endanger flora and fauna; decreasing land values; and wear and tear on the local infrastructure.

“The stakes are high because there will be a range of losses that cannot be remedied or compensated by any amount of damages,” Aimee Davenport, an environmental lawyer and partner with Stinson Leonard Street, who filed the appeal and injunction in Jackson County, said.

Powell Gardens is a 970-acre garden featuring more than 6,000 varieties of plants. The “living museum” is a destination for school children on field trips, chefs who cook gourmet meals from the bounty of the Heartland

Harvest Gardens — one of the nation’s largest edible landscape – and brides and grooms who get married in the chapel designed by E. Fay Jones, a student of Frank Lloyd Wright.

“Our gardens provide beauty and respite, but also lessons in diversity and sustainability. As the stewards of this natural resource, we are in a major moment that calls us to preserve and protect it for future generations,” Tabitha Schmidt, CEO/president of Powell Gardens, said, adding she would rather be celebrating the Gardens’ 30th anniversary year than fighting for the institution’s long-term survival.

“We’re a nonprofit. Lots of people have been asking what they can do to help,” Schmidt said. “Becoming a member is one way, and we’re launching an urgent fundraising campaign to help fight a situation that absolutely threatens our survival.”

Support for Powell Gardens has come from individuals and organizations, including The Garden Conservancy, a non-profit organization dedicated to saving and sharing outstanding American gardens for education and inspiration for future generations.

“Powell Gardens is an economic generator in its own right,” the conservancy’s President James Brayton Hall wrote in a letter to the Missouri Clean Water Commission urging them to deny the permit. “It is also part of our cultural heritage and is an asset to the people of the greater Kansas City region, and as such, it is worth protection.”

As legal costs mount, an anonymous donor pledged \$6,999 to kickstart fundraising efforts to halt the CAFO’s operation.

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