

ROBERTS & ASSOCIATES BY TOM ROBERTS, RPR, CCR

1 US ARMY CORPS OF ENGINEERS

2 NORTHWESTERN DIVISION

3 OMAHA, NEBRASKA

4

5 IN RE: MISSOURI RIVER STUDY

6

7 TRANSCRIPT OF PROCEEDINGS

8 BE IT REMEMBERED that on Wednesday, November
9 7, 2001, the US Army Corps of Engineers met in
10 a Public Hearing at 7:00 p.m., at the Capitol
11 Plaza Hotel, Jefferson City, Missouri, at
12 which time the above entitled cause came on
13 for hearing before Colonel DONALD R. CURTIS,
14 Hearing Officer.

15

16 A P P E A R A N C E S

17

18 CHAIRMAN: COLONEL DONALD R. CURTIS

19 TEAM MEMBERS: LARRY CIESLIK
20 ROY MCALLISTER
21 DOUG LATKA
22 PATTI LEE
23 ROSEMARY HARGRAVE
24 PAUL JOHNSON
25 RICHARD MOORE
JODY FARHAAT

23

24

25

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1 P R O C E E D I N G S

2 (Hearing commenced at 7:00 p.m.)

3

4 HEARING OFFICER: Ladies and
5 gentlemen if you will take your seats, we will
6 get started.

7 Welcome to this evening's comment session
8 on the Revised Draft Environmental Impact
9 Statement for the Missouri River Master
10 Manual. My name is Colonel Donald Curtis, I'm
11 Commander of the Kansas City district, U.S.
12 Army Corps of Engineers.

13 With me tonight are members of the team
14 that prepared the Revised Draft Environmental
15 Impact Statement, and when I call your names,
16 please stand up and raise your hand.

17 Mr. Larry Cieslik, he's in the back.
18 Rose Hargrave, she's at the desk. Roy
19 McAllister also in the back. Miss Patti Lee
20 in the right back corner. John LaRondeau.
21 Mr. Paul Johnson. Rick Moore.

22 This is the tenth of fourteen sessions
23 from Helena, Montana to New Orleans. This
24 afternoon we conducted an open house workshop,
25 I hope that many of you were able to stop by

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1 and study the displays, pick up handouts and
2 talk with our staff. If you weren't, please
3 take a few minutes this evening and visit the
4 displays, they're set up in the back of the
5 room.

6 Our agenda tonight will start with a
7 short video. There's a welcome followed by a
8 description of the projects, the features of
9 the Revised Draft Environmental Impact
10 Statement and the major impacts. We want
11 everyone to have a common understanding of the
12 Revised Draft Environmental Impact Statement
13 and copies of the summary and handouts as well
14 as the entire document are available at
15 libraries and project offices throughout the
16 basin. Also, you may get a copy by writing to
17 us or off of our web site. The address will
18 be available in the back of the room with our
19 handout with that.

20 Following the video, I will give a little
21 further description of the comment process
22 tonight and then we'll take comments. We'll
23 stay as long as necessary so everyone has a
24 chance to be heard. With that we'll begin.
25

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1 (Videotape commenced at 7:05
2 p.m., and concluded at 7:30 p.m.)

3
4 HEARING OFFICER: This hearing
5 session will come to order.

6 Good evening ladies and gentlemen, again
7 I'm Colonel Donald Curtis, the Kansas City
8 commander. I will be the hearing officer for
9 tonight's session. Our purpose for this
10 evening is to conduct a public hearing on
11 proposed changes to the guidelines to the
12 Missouri River mainstem system operations.

13 This hearing is being recorded by Mr.
14 Thomas Roberts of Roberts & Associates who
15 will be taking verbatim testimony that will be
16 the basis for the official transcript and
17 record of this hearing. This transcript with
18 all written statements and all other data will
19 be made part of the administrative record for
20 action. Persons who are interested in
21 obtaining copy of this transcript for this
22 session or any other session can do so.
23 Persons interested in receiving a copy need to
24 indicate this on their cards available at the
25 tables by the entrance. Also, if you are not

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1 on our mailing list and desire to be, please
2 indicate this on the card. In order to
3 conduct an orderly hearing, it is essential
4 that I have a card from anyone desiring to
5 speak.

6 Please give your name and who you
7 represent. If you desire to make a statement
8 and have not filled out a card, please raise
9 your hand and we we'll furnish one to you.

10 There's one front left.

11 The primary purpose of tonight's session
12 is to help ensure that we have all essential
13 information that we will need to make our
14 decision on establishing the guidelines for
15 future operations of the mainstem system and
16 that this information is accurate. This is
17 your opportunity to provide us with some of
18 that information. We view this as a very
19 important opportunity for you to have the
20 influence of the decision. Therefore, I'm
21 glad you're hear tonight.

22 I want to you remember that tonight's
23 forum is to discuss the proposed changes in
24 the operation of the Missouri River mainstem
25 system that are analyzed in the recently

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1 Revised Draft Environmental Impact Statement.

2 We should concentrate our efforts this evening
3 on issues specific to that decision and should
4 refrain from discussing the Corps of Engineers
5 in general.

6 It is my intent to give all interested
7 parties an opportunity to express their views
8 on the proposed changes freely, fully and
9 publicly. It is in this spirit of seeking a
10 full disclosure and providing an opportunity
11 for you to be heard regarding the future
12 decision that we have called this hearing.
13 Anyone wishing to speak or make a statement
14 will be given an opportunity to do so.

15 The Missouri River mainstem system
16 consists of the Corps of Engineers constructed
17 and operated projects so officially that makes
18 us the project proponent. However, it is our
19 intention that the final decision on future
20 operational guidelines for these projects
21 reflect a plan that considers the views of all
22 interests, focuses on contemporary and future
23 needs served by the mainstem system and meets
24 the requirements established by the Congress.

25 As hearing officer, my role and

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1 responsibility is to conduct this hearing in
2 such a manner as to fulfill the disclosure of
3 all relevant facts bearing on the information
4 that we currently have before us. If this
5 information is inaccurate or incomplete, we
6 need to know and you can make us help that
7 determination.

8 Ultimately, the final selection of the
9 plan that provides the frame work for the
10 future operations of the mainstem system will
11 be based on the benefits that may be expected
12 to accrue from the proposed plan as well as
13 probable negative impacts including cumulative
14 impacts. This includes significant social,
15 economic and environmental factors.

16 Should you desire to submit a written
17 statement and do not have it prepared, you may
18 send us a copy addressed to the U.S. Army
19 Corps of Engineers, Northwestern Division,
20 12565 West Center Road, Omaha, Nebraska,
21 68144, Attention, Missouri River Master
22 Manual. You may also fax your comments to
23 area code 402-697-2504 or e-mail comments to
24 us at Mastermanuaal@usace.army.mil. The
25 official record for this hearing will be open

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1 until 28 February 2002.

2 To be properly considered, your statement
3 must be postmarked by that date.

4 Before I begin taking testimony, I would
5 like to say a few words about the order and
6 procedure that will be followed.

7 When we call your name, please come
8 forward to the lectern, state your name and
9 address and specify whether or not you are
10 representing a group, agency or organization
11 or if you're speaking as an individual. You
12 will be given five minutes to complete your
13 testimony. If you're going to read a
14 statement, we would appreciate it if a copy
15 would be provided to our court reporter prior
16 to speaking so that your remarks will not have
17 to be taken down verbatim. After all
18 statements have been made, time will be
19 allowed for additional remarks. During this
20 session, I may ask questions clarifying points
21 for my own satisfaction.

22 Since the purpose of this public hearing
23 is to gather information which will be used in
24 evaluating the proposed plans or alternatives
25 and since open debate between members of the

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1 audience will be counterproductive to this
2 purpose, I must insist that all comments be
3 addressed to me, the hearing officer.

4 With the exception of public officials or
5 their representative who will speak first,
6 speakers will be given an equal opportunity to
7 comment. Please remember speakers will be
8 limited to five minutes. We will be using a
9 lighted timer. When the yellow light comes
10 on, it means you have two minutes of time
11 remaining. When the red light comes on, your
12 five minutes are up. No portion of unused
13 time allotted to a speaker may be transferred
14 to another presenter. The purpose of the
15 hearing is to permit members of the public an
16 equal opportunity to concisely present their
17 views, information or evidence.

18 If we allow one speaker to stockpile
19 unused time of others, the result may be the
20 hearing record will be unfairly tainted and
21 others waiting to speak may be discouraged
22 from doing so. I will now call the names of
23 those who have submitted cards beginning with
24 elected officials.

25 Governor Holden, sir.

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1 GOVERNOR HOLDEN: Thank you,
2 Colonel Curtis for this opportunity. I
3 appreciate the opportunity to share my
4 thoughts and observations with you this
5 evening.

6 This is an issue of supreme importance
7 not only to Missouri, but also to the entire
8 nation I want to thank you for holding this
9 hearing to listen to the comments and concerns
10 of the people of Missouri. As Missouri
11 continues to evaluate the newest data from the
12 Corps, we'll be looking to ensure the Missouri
13 River remains a river of many uses including
14 recreation, navigation, agriculture,
15 hydropower, water supply, and fish and
16 wildlife conservation. Balancing the interest
17 of both the upstream and the downstream
18 reaches of the river is absolutely essential
19 to achieving this goal. Because of the vital
20 importance of these issues, Missouri maintains
21 that all decisions must be based on sound
22 science.

23 We strongly believe that if all sides of
24 this discussion commit themselves to adherence
25 to solutions found on valid scientific studies

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1 that will enable us to make substantial
2 progress in resolving the issues that have
3 been debated for so many years. Contrary to
4 some representations, Missouri is firmly
5 committed to improving the environmental
6 health of the Missouri River. However, we
7 believe that there are ways to achieve these
8 benefits while still protecting and possibly
9 enhancing the lives and livelihoods of the
10 Missourians who live on or near the banks of
11 the Missouri River.

12 A significant concern to Missourians is
13 that many of the proposals in the Revised
14 Draft Environmental Impact Statement include
15 plans to increase total system storage in the
16 upper lakes. We have apprehensions that such
17 changes would significantly reduce the ability
18 of the Corps to ensure that the river is
19 managed to the benefit of all residents of the
20 basin.

21 The Corps must have adequate flexibility
22 to respond to a wide variety of situations
23 both anticipated and unforeseen.

24 We believe these proposed changes to
25 storage levels in the upper lakes would limit

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1 the Corps' capacity to perform its statutorily
2 mandated role. Missouri has further concerns
3 that these changes to total system storage
4 could eventually restrict the use of water by
5 downstream states and thus be detrimental to
6 the future welfare of Missourians.

7 Missouri strongly opposes any plan that
8 would reduce the amount of useable water
9 released to downstream states. Furthermore,
10 in light of the importance of endangered
11 species in this discussion, Missouri also
12 suggests that the effects of increased storage
13 of water in the upper lakes on endangered
14 species be examined.

15 Comprehensive data regarding the impact
16 of higher levels in the upper lakes on
17 endangered species is not currently available
18 and we believe this information should be
19 included in this dialogue.

20 A second key component of many of the
21 current proposals is for a variety of reduced
22 flows from Gavins Point Dam in the summer.

23 The flow levels and the timing in the
24 current proposals differ significantly from
25 the historic hydrographs. Missouri recognizes

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1 that a properly timed and proportioned reduced
2 late summer flow will likely benefit some
3 sections of the river's ecosystem. I thus
4 support efforts to achieve a flow level that
5 will help these species while also ensuring
6 that the long-term viability of river commerce
7 on the Missouri River is not degraded.
8 Missouri believes that such a flow level
9 exists. Our state has advocated a reduced
10 flow of 41,000 CFS in Kansas City from August
11 1st through September 15th.

12 The goal of this proposal is to
13 accomplish these flow conditions approximately
14 three of the every five years in order to
15 balance the interest of the endangered
16 species, recreation, and the continued support
17 of other uses of the Missouri River.
18 Proposals to the depart from current
19 operations must also consider the affects of
20 any changes on the Mississippi River system
21 navigation.

22 The entire inland waterway system depends
23 on the supplemental flow from the Missouri
24 River into the Mississippi. I do not support
25 any proposals that are detrimental to the

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1 long-term viability of navigation on either
2 the Missouri River or the Mississippi River.
3 Finally, any reduced summer flow alterations
4 must be water neutral.

5 As I said before, Missouri will
6 stringently oppose proposals that reduce the
7 amount of additional water released on
8 downstream states.

9 A third key component on many of the
10 current proposals is a broad spring rise
11 treated by the federal release of additional
12 water from Gavins Point Dam during May.
13 Missouri has serious concerns that the current
14 proposals for expanded spring releases could
15 have adverse effects for the bottomland
16 farmers in Missouri including increased flood
17 risk, higher ground water levels and
18 inadequate drainage throughout the lower
19 basin. Additional spring releases could
20 potentially compound the effects of large
21 rainfall events downstream of Gavins Point
22 thereby increasing the risk of anticipated
23 flow levels in downstream states.

24 The dangers of such a spring rise are
25 increased because water from Gavins Point Dam

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1 takes approximately ten days to reach St.
2 Louis. Spring flooding keeps farmers out of
3 their fields during the planting season and
4 the higher ground water levels reduce yields
5 thereby have a significant negative impact on
6 Missouri's bottomland farming community.
7 Missouri's agriculture community must be a top
8 priority in this discussion and I will strive
9 to ensure that the agriculture community along
10 the Missouri River remains viable and
11 profitable in the 21st century.

12 Such concerns must be weighted against
13 the fact that the lower stretches of the
14 Missouri River including the entire 553 miles
15 in Missouri already receive a natural spring
16 rise from tributary inflow. Thus, such a
17 change would have little impact on the
18 riverwide species living on the stretch of the
19 river within or bordering on the State of
20 Missouri.

21 One issue that has been lost because of
22 the more contiguous nature of some of the
23 other proposals is the importance of habitat
24 improvement projects in restoring the aquatic
25 diversity lost to the creation of the upstream

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1 lakes, and channelization and bank
2 centralization efforts over the last 50
3 years.

4 Missouri believes that an active program
5 of habitat creation and restoration augmented
6 by the appropriate alterations through late
7 summer flows would substantially assist the
8 recovery of the endangered species. Our state
9 has undertaken a number of habitat improvement
10 projects often in concert with the Corps and
11 we believe that these cost effective and
12 uncontroversial efforts deserve significant
13 investment by the federal government.

14 Finally, one issue of high importance to
15 our state which is not currently in any
16 proposals, but has been raised various times
17 during these discussions, is a possibility of
18 water transfer out of the Missouri River
19 basin. Missouri unequivocally opposes
20 out-of-basin transfers. Such transfers cause
21 economic -- ecological threats given to the
22 existing demands for water within the basin
23 and the needs of species dependent on the
24 river for their survival.

25 In conclusion, Missouri is firmly

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1 committed to restoring and protecting the
2 Missouri River and ensuring that the river is
3 managed for all of our citizens. As the
4 evaluation process of proposed changes
5 continue, I want to reiterate the importance
6 of basing all decisions on sound scientific
7 data and further urge that all of the
8 potential impacts and opportunities to both
9 the Missouri and Mississippi River basin
10 system, each component we look at and all of
11 them be considered.

12 Thank you for the opportunity to express
13 my position on these extremely important
14 issues to all the people of the State of
15 Missouri.

16 Thank you, Colonel, very much.

17 HEARING OFFICER: Thank you, sir.

18 MR. MOORE: Mike Mills.

19 MR. MILLS: Good to see you again
20 Colonel Curtis, welcome back to Missouri. I
21 understand your second tour of duty here,
22 thanks for coming back.

23 My name is Mike Mills, I'm the Deputy
24 State Director for Senator Kit Bond.

25 Unfortunately, the senator couldn't be here

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1 this evening, he would have really liked to
2 have been here to testify in front of the home
3 crowd here in Jefferson City.

4 Colonel Curtis, members of the Corps and
5 my Missouri neighbors, I regret that I cannot
6 be here tonight because the Missouri hearings
7 have been scheduled during the middle of the
8 week while the Senate was in session. Thank
9 you for the opportunity to provide initial
10 public testimony. More comprehensive
11 testimony will be provided later in the
12 comment period when I have had the opportunity
13 to review the materials in full just were just
14 recently made available to the public for
15 inspection.

16 I renew my previous request that the
17 comment period be extended and that an
18 additional public hearing be held in Missouri
19 at the end of the public comment period so
20 that the experts in our state have a fair
21 opportunity to review the hundreds of pages of
22 technical data.

23 In summary, I believe that the government
24 should protect people from flooding, not cause
25 floods. It should produce more fish and

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1 transportation options, not railroad
2 monopolies. And it should continue the clean
3 production of hydropower, not discourage it.
4 This is always the case, but is even more
5 obviously the case when our economy slows and
6 jobs are at risk and families are feeling more
7 serious economic pain.

8 The Fish and Wildlife Service plan fails
9 because the plan's value to fish habitat is
10 dubious while it's risk to people is very
11 real.

12 The good news is that I believe this new
13 administration will listen to the public and
14 wants to find ways to improve fish and
15 wildlife habitat without hurting people and
16 property. This administration did not start
17 this mess, but they are left to clean it up.
18 The President will soon have language approved
19 by Congress in the Energy and Water
20 Appropriations Act for 2002 which states
21 clearly that the Secretary of the Army may
22 consider and propose alternatives for
23 achieving species recovery other than the
24 alternatives specifically prescribed in the
25 United States Fish and Wildlife Service. It

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1 says further that the secretary shall consider
2 the views of other federal agencies,
3 nonfederal agencies and individuals to ensure
4 that other Congressionally authorized purposes
5 are maintained.

6 This language means two things. It means
7 the Fish and Wildlife Service does not have a
8 monopoly on this process and it means that the
9 Army must maintain flood control and
10 navigation.

11 In the end, I believe that the process
12 can and will be produce positive initiatives
13 to help improve habitat for fish and
14 wildlife. And I believe they will do so
15 without selecting an alternative which injures
16 people and property.

17 The proposition before the government is
18 as follows: Shall this government increase
19 your flood risk, bankrupt water
20 transportation, lose shippers to the mercy of
21 a railroad monopoly and reduce energy
22 production during peak periods of energy
23 demand during an energy crisis because there's
24 a chance it might help three endangered
25 species. The experiment is too dangerous and

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1 defies common sense.

2 People downstream rely on the river for
3 their livelihoods and they know the risk and
4 have felt the economic and human loss when the
5 river behaves outside those average
6 tendencies.

7 The Corps suggests that on average few
8 will be hurt much, but it isn't the averages
9 we worry about, is the additional extremes
10 that we cannot tolerate. As everyone knows
11 here in Missouri on average it is neither hot
12 nor cold.

13 The Fish and Wildlife Service like the
14 rest of us want there to be more sturgeon in
15 the river, but the Fish and Wildlife Service
16 also wants to avoid going to court, and since
17 some have threatened to sue them if they do
18 not propose a spring rise and summer low flow,
19 they have proposed a spring rise and summer
20 low flow. They then attempt to market it to
21 the public as being necessary because it is
22 natural when, in fact, it is not.

23 They propose a dramatic summer low during
24 the time when we experience the unregulated
25 historic high peaks as a result of upstream

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1 snow melt. We're fully aware of the natural
2 spring rise because in Missouri we already
3 have one. It is dangerous and it floods rural
4 and urban communities without warning. When
5 it rains in the spring unregulated tributaries
6 flow swell the river from normal to flood
7 stage in hours and this is the monster that
8 the Fish and Wildlife Service wants to us
9 flirt with by adding what is called no more
10 than three feet of water in the spring. Until
11 officials can accurately make 14-day weather
12 forecasts, they're simply playing Russian
13 roulette with the gun barrel pointed at our
14 heads.

15 According to the nonpolitical
16 nonregulatory scientists of the Department of
17 Interior, the USTS, current decisions
18 regarding water and flood plain management of
19 the Missouri River must be made without the
20 benefits of long-term in-depth scientific
21 information adopting and changing conditions
22 on the river.

23 The science of a river this size is
24 extremely complex and understanding of how
25 everything in risk is understandably minimal.

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1 That is why the Fish and Wildlife Service is
2 really hanging their hat on their concept of
3 adaptive management so that they will be free
4 to make additional changes to river management
5 as they -- so that they will be free to make
6 additional changes to river management, as
7 they say, without having to go through another
8 12-year process. They don't want the public
9 involved and they want this flexibility
10 because they apparently don't believe that the
11 specific spring flood and summer low flow
12 proposal will restore the pallid sturgeon.

13 Seven years ago the Corps' spring rise
14 plan was condemned from Omaha to New Orleans
15 by the public. I have been very critical of
16 the Clinton administration for trying to force
17 this down our throats this last year, but
18 everyone should reminded that it was the
19 Clinton administration in 1994 who proposed it
20 only to reject it subsequently.

21 It was our Secretary of Agriculture, the
22 Secretary of Transportation who vigorously
23 opposed the Corps' plan in 1995 representing
24 the honest views of cabinet level officials.

25 Governor Holden and the Mississippi River

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1 governors of Kentucky, Tennessee, Louisiana,
2 Mississippi, Illinois, Arkansas, Wisconsin and
3 Minnesota wrote to the President early this
4 year to communicate their opposition to this
5 plan because of the impacts it will have on
6 the Mississippi River which you will learn
7 more about when you travel to Memphis and New
8 Orleans. I would not be surprised to see our
9 Missouri competitors propose eliminating U.S.
10 water transportation, but it is not something
11 one would expect from our own government.

12 There are nearly 100 organizations of the
13 National Waterways Alliance from Virginia to
14 Oklahoma to Mississippi to Minnesota to
15 Alabama to Nebraska to Louisiana to Ohio and
16 Pennsylvania who have written in opposition to
17 what the Fish and Wildlife Service is trying
18 to impose. The American Soybean Association,
19 National Corn Growers, National Association of
20 Wheat Growers, National Grain and Feed
21 Association and other national groups who
22 represent farmers have written in protest of
23 the Service's proposal.

24 I believe that what will happen at the
25 end that did not happen seven years ago is

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1 that the administration will actually identify
2 projects and approaches that build habitats
3 that do not injure people and property. The
4 Bush team will work with Congress, the states
5 and the public to fund and implement them
6 aggressively. There are many ways to improve
7 fish and wildlife habitat without hurting
8 people and property. That should be and will
9 be the ultimate positive approach that I
10 believe the government will take.

11 I believe that the upstream states who
12 spend a very small fraction of what our state
13 spends on conservation should have a role in
14 voting more of their own resources to improve
15 the river. What this debate between the
16 states is really all about is who gets water
17 when it is dry and the fact of the matter is
18 we all suffer when it is dry. I don't blame
19 them for asking for more water when it's dry,
20 should they not blame us for wanting more
21 water, but we are not hiding behind the
22 Endangered Species Act to argue our case.

23 Final, many brave young men and women who
24 are in harms way risking their lives as we
25 speak to keep this country safe. At home we

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1 must make our economy strong and we look to
2 government to work with us, not against us in
3 fulfilling that mission. I thank the public
4 for being here tonight and I thank the Corps
5 for being available to listen.

6 HEARING OFFICER: Thank you, Mr.
7 Mills.

8 I notice a number of folks standing in
9 the back, the front two rows are empty if you
10 should be inclined, we're going to be here
11 quite a while tonight so I offer that
12 opportunity to you.

13 MR. MOORE: Brad Epperson.

14 MR. EPPERSON: My name is Brad
15 Epperson, I'm here speaking in behalf of U.S.
16 Senator Jean Carnahan. Colonel Curtis, the
17 following is her statement.

18 Thank you for the opportunity to address
19 an issue that is very important to the people
20 of Missouri. As you can see, my states lies
21 at the confluence of the these two great
22 rivers, the Missouri and Mississippi. The
23 rise and fall of these rivers has a tremendous
24 effect on Missouri, on its agriculture,
25 recreation, environment, and economy.

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1 Eight years ago Missourians faced one of
2 the worse floods in the state's history. The
3 great floods of 1993 destroyed crops, farmland
4 and entire neighborhoods. The damage caused
5 by the '93 flood ran into the billions of
6 dollars.

7 This year we saw communities up and down
8 the river again battling flood waters. It
9 astounds me that any government agency whether
10 it be the U.S. Fish and Wildlife Service or
11 the Corps of Engineers would contemplate an
12 action that would put Missourians and
13 residents of other downstream states at risk
14 of even more flooding.

15 Changes to the Missouri River Master
16 Manual could have a disastrous impact on
17 Missouri and other downstream states. If the
18 Corps implements any of the proposed
19 alternatives under consideration in the
20 Revised Draft Environmental Impact Statement
21 other than the current water control plan,
22 Missouri would suffer great losses. Our
23 agriculture industry would suffer not only by
24 the higher risk of flooding, but also by
25 delayed or prevented planting due to back

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1 water during the spring planting seasons. Any
2 change would also damage the overall region's
3 economy. The barge industry alone contributes
4 as much as 200 million dollars to our economy
5 and would be severely hurt by the changes in
6 the river levels.

7 We also must consider the effect on the
8 Mississippi River. The alternatives other
9 than the CWCP would jeopardize 100 million
10 tons of Mississippi River barge traffic which
11 generates 12 to 15 billion dollars in annual
12 revenue. Irrigation, public water supplies
13 and Missouri utilities would also be
14 negatively effected by any proposed changes.

15 The Corps is considering such changes to
16 the Missouri River Master Manual by a large
17 degree to help endangered species. While I
18 strongly support protecting endangered
19 species, I firmly believe that that we must
20 factor in the hardships that we're placing on
21 our citizens as well. Furthermore, I am not
22 convinced that many of the proposed changes
23 would actually accomplish the goal of
24 protecting these species.

25 In recent years this has become a

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1 partisan issue, it should not be. Some say
2 that it is an environmental issue. However,
3 the environmental benefits of the proposed
4 changes have not been proven. Others say it's
5 solely an economic issue affecting upstream
6 states, it is not. On balance it would harm
7 our economy. This is an issue of fairness and
8 it is not fair to expose Missourians and other
9 downstream residents to severe flooding,
10 economic loss and potential environmental
11 destruction. I strongly urge the Corps to
12 consider this testimony when selecting a plan
13 to govern the flow of the Missouri River.

14 Thank you very much.

15 HEARING OFFICER: Thank you.

16 MR. MOORE: Robert Hagedorn.

17

18 (Whereupon Mr. Hagedorn read a prepared
19 statement, which is attached to the
20 transcript.)

21

22 HEARING OFFICER: Thank you, Mr.

23 Hagedorn.

24 MR. MOORE: Bill Gratz.

25 MR. GRATZ: Good evening Colonel,

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1 my name's Bill Gratz, I live at 2315 Route M,
2 Jefferson City, Missouri, State representative
3 District 113 here in eastern Cole County.

4 First, I'd like to thank you for the
5 opportunity to say a few words. What I'll say
6 tonight is nothing you haven't heard before,
7 only it's coming from myself and the citizens
8 of my district.

9 It's the feeling of the citizens of
10 central Missouri that increased water levels
11 during the spring would be detrimental to the
12 farmers in the bottomlands in this area.
13 Increased water in the river would raise the
14 water level in the lowlands preventing them
15 from being in the fields when they should be
16 planting crops. The mere thought of lowering
17 the water level in the fall of the year when
18 crops need to go to harvest is unthinkable for
19 several reasons.

20 Today all across our nation we're faced
21 with interstate highway systems that are being
22 stressed to the max.

23 One barge towed, one barge towed is
24 equivalent to 900 tractor trailers on our
25 interstate system. When we think of the

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1 safety of the barge traffic, when we think of
2 the fuel savings to the nation by being able
3 to transport our crops to market by the barge
4 system, when we take these factors into
5 consideration, the water levels for barge
6 traffic should never be lowered. If anything,
7 they should be held at that needed time of the
8 year.

9 Personally, I'm not opposed to some
10 preservation of endangered species, but I
11 think truly when you look at the economy of
12 this nation, when you look at the safety
13 factor on our interstate highway systems, when
14 you look at the number of emissions put into
15 the air by truck traffic on the interstates, I
16 think these factors should weigh much higher
17 than three endangered species.

18 Again, I would just like to say thank you
19 for the opportunity to be here tonight. I'm
20 sure you'll make the right decision and we'll
21 all be happy, and with that I will just end my
22 comments.

23 HEARING OFFICER: Thank you, Mr.
24 Gratz.

25 MR. MOORE: Michael Grote.

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1 MR. GROTE: Good evening. My
2 name is Michael Grote and I'm assistant
3 director of governmental affairs for the
4 Missouri Chamber of Commerce.

5 Missouri Chamber of Commerce is a
6 statewide organization representing nearly
7 3,000 employers providing 425,000 jobs to
8 Missouri. The mission of the Chamber is to
9 protect, preserve and advance the business
10 climate in Missouri.

11 Colonel Curtis, I would like to thank you
12 and all members of the Corps who have made
13 this effort to come to Missouri and listen to
14 the concerns of Missourians. Many of these
15 comments you've heard before and I appreciate
16 you taking the time to listen and consider
17 them again. I hope that once you leave
18 Missouri and have these four hearings, you
19 will realize and come to the conclusion that
20 the only acceptable alternative is the current
21 water control plan.

22 The Missouri Chamber of Commerce rarely
23 believes that maintaining the status quo is
24 the best option. However, in this
25 circumstance, the current water control plan

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1 is the only option available that does not
2 irreparably damage the Missouri economy, and
3 more importantly, Missourians.

4 The other five options do one thing, they
5 sacrifice the safety and jobs of Missourians
6 in favor of recreation in the upper basin
7 states.

8 What is even more shameful is they place
9 riding a jet ski above providing for our
10 family under the guise of protecting the
11 environment.

12 Please don't misunderstand that statement
13 to think that we don't believe protecting our
14 natural resources is important because it is.
15 However, there must be a balance struck
16 between the two. The options that are
17 supported by the Fish and Wildlife Service do
18 not strike that balance.

19 The option of the spring rise split
20 navigation on the Missouri is simply
21 dangerous. I, like many people in this room,
22 have stood beside friends, neighbors, even
23 strangers filling sandbags and praying that it
24 didn't take another house, another farm,
25 another business. Increasing that possibility

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1 by supporting any plan other than the current
2 water control plan is wrong. The Missouri
3 River already has a naturally occurring spring
4 rise. Increasing that flow unnaturally is
5 irresponsible. The loss of life and property
6 during a spring flood would only be answered
7 with the lost of electricity as power plants
8 during the summer could not take in water to
9 cool their facilities because the river had
10 dipped too low.

11 I recognize that this sounds like a
12 doomsday scenario. However, even without the
13 modifying the current flow plan in Missouri,
14 recently we have come within inches of having
15 power plants have to shut down because they
16 could not take water into their plants. Some
17 companies had to resort to modifying their
18 facilities in order to take water into their
19 plants, rising cost to consumers.

20 With this said, it is simply unimaginable
21 an alternative flow which add up to four feet
22 during the spring rise would not have an
23 adverse effect on the river and on
24 Missourians. The concept of an alternative
25 flow plan that would allow unfettered

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1 discretion to alter flow based upon ecological
2 concerns is simply unacceptable.

3 Additionally, as barge traffic is slowly
4 choked off the Missouri River the cost of
5 transporting goods to market will increase
6 creating monopolies in favor of other forms of
7 transportation.

8 Throughout history our government has
9 fought to protect consumers from monopolies
10 and I don't understand why now it is
11 encouraging not only extinction of a company,
12 but of a whole industry.

13 As this balance of shipping industry is
14 upset, expect to see increased costs on goods
15 now only in Missouri and every state down
16 river, but across this nation.

17 As we recognize that our ecological
18 resources such as the piping plover and the
19 pallid sturgeon play a role in our global
20 existence so plays the Missouri River in our
21 global economy. Sacrificing one for the other
22 only creates a different kind of problem.

23 Additionally, what is to say that is
24 unnatural change in the Missouri River would
25 not have a detrimental effect on the species

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1 currently being discussed, whereupon those
2 species left out of this discussion as they do
3 not benefit the current Fish and Wildlife
4 position. Studies have been conducted --
5 studies have not been conducted that
6 unequivocally prove that retaining water in
7 the upper basin would not have adverse impacts
8 on these species that the spring rise aims to
9 protect. How long until this unstudied
10 question then causes the Fish and Wildlife
11 Service to make demands, changing the river
12 flow again harming Missourians yet again.

13 With that I would like to thank you very
14 much for taking this time and appreciate you
15 listening to these concerns. And I hope again
16 that when you leave Missouri, you will realize
17 the only available option is the current water
18 control plan.

19 Thank you very much.

20 HEARING OFFICER: Thank you.

21 MR. MOORE: Robert Bower.

22 (Mr. Robert Bower is not present.)

23 MR. MOORE: Charles Scott.

24

25 (Whereupon Mr. Scott read a prepared

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1 statement, which is attached to the
2 transcript.)

3

4 HEARING OFFICER: Thank you, Mr.
5 Scott.

6 MR. MOORE: Daniel LePage.

7

8 (Whereupon Mr. LePage read a prepared
9 statement, which is attached to the
10 transcript.)

11

12 HEARING OFFICER: Thank you.
13 Well done, Mr. LePage. Whoever follows him
14 has a tough job.

15 MR. MOORE: Paul LePage.

16 HEARING OFFICER: Maybe not so
17 tough.

18

19 (Whereupon Mr. Paul LePage read a
20 prepared statement, which is
21 attached to the transcript.)

22

23 HEARING OFFICER: Thank you, Mr.
24 LePage.

25 MR. MOORE: Ken Metcalf.

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1 (Mr. Ken Metcalf is not present.)

2 MR. MOORE: Bruce Hanson.

3

4 (Whereupon Mr. Hanson read a prepared
5 statement, which is attached to the
6 transcript.)

7

8 HEARING OFFICER: Thank you, Mr.
9 Hanson.

10 MR. MOORE: Charles Phillips.

11 MR. PHILLIPS: Good evening
12 Colonel Curtis, I'm Charles Phillips, I live
13 in the Missouri River community of Boonville,
14 and I currently work for the Endangered
15 Species Coalition which is a national
16 organization made up of 430 diverse groups
17 from around the country and were dedicated to
18 the protection and recovery of our vanishing
19 wildlife.

20 The Endangered Species Coalition has not
21 yet formulated its position on this matter,
22 but while the coalition has not taken an
23 official position, they support the concepts
24 that I'm going to discuss later and the
25 coalition considers much of what I'm going to

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1 say is being important to the long-term
2 survival and recovery of the Missouri River's
3 declining wildlife populations.

4 I am also speaking from the point of view
5 of someone who has spent a good deal of my
6 adult life in and around the Missouri River.
7 I have been a lifelong outdoorsman and
8 conservationist. I care passionately for our
9 natural world, and being a parent of two young
10 men, I worry about the future of our country
11 and our natural world.

12 I am of the belief that all of God's
13 creatures great and small have a right to be
14 here and we should honor God's creations and
15 work toward allowing all these creatures the
16 ability to live and thrive.

17 I get very concerned when I hear
18 individuals say that we humans can control
19 nature. In 1993 and 1995, we were all
20 reminded who was in control of the Missouri
21 River, and it wasn't the Corps of Engineers or
22 our elected political leaders or even our
23 local residents. The river controlled the
24 valley displacing residents, destroying homes
25 and crops, and causing many residents to

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1 detour their trips to work. The events of '93
2 and '95 made the Corps start to rethink the
3 way that the lower Missouri is being managed.

4 The Endangered Species Act was created to
5 ensure the long-term survival of our nation's
6 wildlife heritage. Through cooperative
7 efforts to implement the Endangered Species
8 Act, we protect not only those listed species,
9 but also the health and welfare of the
10 ecosystems in which we live. It is important
11 to remember this as we discuss the
12 rejuvenation of our Missouri River basin.

13 I am encouraged by the Corps' recent
14 efforts to restore wetlands adjacent to the
15 river, and not only do these efforts mitigate
16 downstream flooding, but it also creates
17 needed habitats for endangered wildlife,
18 resting areas for migrating birds and water
19 fowl, back water areas for spawning fish and
20 winter roosting habitat for birds of prey.
21 But these new areas only comprise 25,000 acres
22 in a 735-mile reach of the river between Sioux
23 City, Iowa and St. Louis. 99 percent of the
24 river's historic habitat has been altered,
25 some permanently by channels, dams and

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1 clearing of lands adjacent to the river to
2 raise row crops. Lewis and Clark would have a
3 difficult time believing that this was the
4 river that started their voyage of discovery
5 and this is a big reason why many wildlife
6 species are dying off. Why hasn't the Corps
7 done more to restore more river marine
8 habitats? Because the Corps has not strongly
9 advocated for it and the United States
10 Congress has not appropriated the funds that
11 the Corps needs to acquire lands from willing
12 sellers. In 1999, Congress authorized the
13 acquisition of more than 118,000 acres of land
14 adjacent to the river, but has failed to
15 deliver the funds needed for these land
16 acquisitions and for the work of habitat
17 restoration to begin.

18 In my view, it's time for the Corps and
19 Congress to put our money where their mouths
20 are. I'm of the opinion that without a real
21 commitment to restoring river marine habitats,
22 the alternatives in the Master Manual RDEIS,
23 are nothing more than lip service.

24 The volunteer spirit of local residents
25 who care for the river is also

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1 heartening. On October 13th, 500 local
2 residents cleaned up a 20-mile stretch of the
3 river removing junk, trash and garbage
4 deposited in the river by other upstream local
5 residents. The collected two barges full of
6 junk. Local residents can also make a
7 difference in helping to restore the river by
8 involving themselves with local citizens
9 groups, talking to their neighbors and
10 expressing their views to their public
11 servants and elected officials. We all need
12 to be good citizens and land stewards if will
13 ever make the river better than what it is
14 today.

15 Finally, I want to thank the Corps for
16 giving the public the opportunity to express
17 their views on the future management of the
18 Missouri River.

19 HEARING OFFICER: Thank you, Mr.
20 Phillips.

21 MR. MOORE: Walter Scheer.

22 MR. SCHEER: My name's Walter
23 Scheer, I farm the Missouri River bottom
24 between Washington and Hermann, Missouri.
25 We're located downstream from the Osage River

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1 which flows from the Lake of the Ozarks. We
2 have seen firsthand what management of the
3 dams and lake levels can do to our farming
4 operations.

5 In 1986, we had a flood that was probably
6 primarily caused by the extra water released
7 by the Lake of the Ozarks which flooded our
8 which land east of the Osage River. So we're
9 extremely concerned about any management of
10 the river that would involve more releases in
11 the spring. I think it would be extremely
12 difficult to coordinate the releases that are
13 so far north of us with local releases from
14 our local lakes and the normal spring rains
15 that we experience.

16 Thank you.

17 HEARING OFFICER: Thank you, Mr.
18 Scheer.

19 MR. MOORE: Josie Erfling.

20 MS. ERFLING: I'm Josie Erfling,
21 I'm from rural route Hermann, Missouri. I am
22 a fourth grade teacher and it's totally
23 against my nature to have my back to a crowd
24 like this. I would never do this in a
25 classroom of students.

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1 I have many titles, I wear many hats.
2 First of all, I am a mother. During the 1993,
3 '94 and '95 flood, our daughter who was going
4 to high school in Hermann, Missouri had to
5 live with other families off and on for three
6 years and we had to travel 160 miles to her
7 graduation as did many other families in our
8 community, not just in the rural route Hermann
9 School District, but in other school districts
10 along the Missouri River that are separated by
11 the river.

12 I am the wife of a farmer and the
13 daughter of a farmer, a Missouri River bottom
14 farmer.

15 I wish to read into the record tonight a
16 letter written by my 80-year-old father who is
17 present tonight, he has difficulty walking and
18 he was afraid he would get too shaky so I will
19 read that letter into the record.

20 My dad has lived on the farm all of his
21 life, the farm was settled 1864 by this great
22 grandfather. My husband and I are privileged
23 to be the 5th generation to farm this land.
24 My father worked to clear this land with his
25 father with mules and a grubbing hoe. I will

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1 now read the letter.

2 Regarding the Missouri River Master
3 Manual water control manual, I've been farming
4 in Missouri including the Missouri River
5 bottomland and hillland for over 65 years
6 continuing on from my father. And I have
7 always been a friend to the land and nature.
8 I have been a strong supporter of
9 conservation. I have worked my whole life to
10 improve the population of deer, turkey and
11 grouse at a balance of producing a good living
12 for my family.

13 Based on my experience, I know that the
14 last thing we need is a spring rise on the
15 Missouri River, ever. We purchased our first
16 river bottom ground near Hermann in the 1940s
17 and have increased our operations in the river
18 bottom over the years since. I know how the
19 river levels affect farming operations for 65
20 years and I have watched it and I've tried to
21 manage my operation around it. The changes in
22 flow that you're suggesting do not make any
23 sense if you want farming to continue along
24 the river in some of the best land in
25 Missouri.

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1 Farmers have had to contend with the
2 weather as a factor that we could not control,
3 but now you put forward a plan that would
4 guarantee the kind of disaster that heretofore
5 only nature can provide. If you're going to
6 flood out farmers every third year as your
7 plan will do, then you need more welfare for
8 young farmers and they will be out of
9 business.

10 What bank would give a farmer a loan for
11 seed and chemicals for that third year when
12 the spring rise will come. The interest would
13 need to be very high for that bank to have any
14 expectation of recovering their money. I do
15 not think that we need to be creating more
16 welfare opportunities, we're suppose to be
17 reducing welfare. Spring soil preparation and
18 planting will not happen that year for many
19 farmers. As ever the river level at Hermann
20 at 22 feet, one level over flood stage, may
21 not top the levees, but it will make the land
22 so wet it will keep us out of the fields and
23 prevent preparation and planting. Any rise
24 that you plan no matter how controller or
25 planned will only add to nature's fury. You

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1 can't stop the water once you let it go and
2 you will not know the weather in our area at
3 the time that you release so you can't say
4 that you know and plan around existing weather
5 conditions.

6 Reducing the navigation of the river can
7 be as detrimental to farmers, although it may
8 not be recognized as a direct effect. The
9 limiting of barge traffic will reduce summer
10 flow right after wheat harvest and will make
11 transportation cost go up, therefore giving
12 farmers less profit. It may affect the price
13 in the end to the customer, but it will always
14 come back to the farmer to take less for his
15 crops in the end.

16 Ongoing management of the river without
17 direct input from all parties involved is a
18 big mistake as your current plan. Not only
19 are you saying that the plan is good for all,
20 which it is not as I pointed out above, you
21 are saying that these same people who put the
22 plan together should keep all the decisions
23 forever. This is probably the most dangerous
24 mistake.

25 You say that the people who have done the

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1 work and have the experience of 65 years of
2 working with this river and nature do not know
3 anything. You need to listen to us who have
4 been there and know the long-term effect of
5 what you plan. Do not implement this plan if
6 you want some of the most profitable land in
7 Missouri to continue.

8 These are the words of a true
9 conservationist, a man who loves and respects
10 the river and the land along side it. These
11 are not hollow words of a pseudo-
12 environmentalist. This country needs these
13 river bottom farmers, they cannot become the
14 endangered species.

15 The last several weeks have truly brought
16 home feelings of fear and concern in our
17 nation, but if this nation can no longer feed
18 itself or the world through production
19 agriculture, I fear that will be the force
20 that brings America to its knees.

21 Thank you for your time for listening to
22 me, I appreciate it.

23 HEARING OFFICER: Thank you, Miss
24 Erfling.

25 MR. MOORE: Lynn Muench.

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1 (Whereupon Ms. Muench read a prepared
2 statement, which is attached to the
3 transcript.)

4

5 HEARING OFFICER: Thank you, Miss
6 Muench.

7 MR. MOORE: Nora Plassmeyer.

8 HEARING OFFICER: What is the
9 first name?

10 MR. MOORE: Nora.

11 HEARING OFFICER: How about Norm?
12 No. Plassmeyer I spell Paul Lima Alpha Sierra
13 Sierra Mike Echo Yankee Echo Romeo.

14 Okay, next card, please.

15 MR. MOORE: George Struckhoff.

16 MR. STRUCKHOFF: This is the only
17 copy I got, I can give it to you.

18 My name is George Struckhoff and I farm
19 in the bottoms next to St. Charles County.
20 And my main point is the point of information
21 as to how it went this year, and I would say
22 our losses in the lower end of the bottom run
23 a hundred dollars an acre. And I don't think
24 this is all that unusual under the current
25 water plan. Now, if you add two feet to

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1 ground water for the next -- from April
2 through June, I think that people probably a
3 mile up the bottom will be in our boat. And
4 that is exactly the point of information I
5 want to make.

6 The other thing I have is kind of an
7 opinion about congressional intent. If you
8 put yourself back when this Endangered Species
9 Act was passed, supposing someone would have
10 suggested at that point that, well, we might
11 have to raise the Missouri River a little bit
12 in the spring, do you think that thing would
13 have sailed through Congress the way it did?
14 That's all I got.

15 Thank you.

16 HEARING OFFICER: Thank you, Mr.
17 Struckhoff.

18 MR. MOORE: Donald Neumann.

19 MR. NEUMANN: My name is Donald
20 Neumann, I'm a civil engineer that lives here
21 in Cole County, and I speak in opposition to
22 the new water control plan.

23 I've been a highway safety engineer for
24 30 years. I'm here to tell you in very simple
25 language when you eliminate barge traffic at

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1 the rate of 900 tractor trailers for every
2 barge that's eliminated on the Missouri River,
3 you're going to kill people. Increased
4 tractor trailers, increased commercial
5 vehicles on Missouri's highways, in
6 particular, increased commercial vehicles on
7 I-70 is going to result in quite a few
8 accidents, deaths and injuries. You need to
9 be aware of that, and your draft EIS, your
10 final EIS needs to take that into account.

11 Lots of people here have already spoken
12 about impact to farmers and farming. The
13 impact for the individual farmers not just the
14 farm industry, but individual farmers can be
15 devastating. I'm not a farmer, my father was
16 a farmer. I think I understand a little bit,
17 at any rate, where the farmers are coming
18 from. They love the land. They don't want to
19 see it attacked by the river. They don't want
20 to lose crops. They want to have the ability
21 to provide for their families. Your current
22 proposal will severely impact those individual
23 farmers and several of them will have to move
24 off the farm because of it.

25 I don't have prepared remarks, but I got

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1 a lot of notes.

2 One thing that you all haven't talked
3 about is the impact to cultural resources.
4 You were very kind on this form to list out
5 all the different areas, and I noticed
6 cultural resources there and I hadn't thought
7 about that before. But the Missouri
8 Department of Natural Resources in the area
9 that I work in has consistently maintained
10 that every farmstead in this state that's over
11 50 years old is historic, it's eligible for
12 the national register for historic places.
13 Now, as such as special protection. Every
14 farmstead over 50 years along the Missouri
15 River needs to be considered from the Section
16 106 standpoint, and the final EIS needs to
17 take that into account.

18 I would further say that the complexity
19 of dealing with 106 is something I think the
20 Corps would rather avoid. The way I interpret
21 the rules and regulations, you would have to
22 have a memorandum of agreement for every
23 farmstead that's impacted along the Missouri
24 River. You also have to invite each farmer on
25 each one of those farms be a consulting party

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1 under that process.

2 There are also numerous archeological
3 sites along the Missouri River, most of which
4 will be eligible for national register.

5 Again, my question to you, have you done an
6 adequate job.

7 This says sum up, I will try to sum up.
8 Have you done an adequate job in identifying
9 those archeological sites? There's a
10 2,000-year-old site by MoKan right along the
11 Missouri River outside of Jefferson City.
12 There are important sites and they need to be
13 protected. But in summing up, I would say the
14 impact to farmers are devastating with your
15 proposed control plan. And I support these
16 existing plan.

17 Thank you.

18 MR. MOORE: Roy Hengerson.

19 MR. HENGERSON: Thank you,
20 Colonel, for giving us the opportunity to
21 speak tonight. I'm Roy Hengerson, I'm
22 representing the Sierra Club. It's a national
23 conservation organization with about
24 three-quarters of a million members throughout
25 the United States and Canada and about a

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1 11,000 in Missouri. We have groups in
2 chapters all through the basin and this is a
3 rather complex issue and, quite frankly, there
4 are some varieties of opinion of all this
5 within the Sierra Club. However, we did have
6 a meeting a few months ago to try to
7 coordinate some of that.

8 I have a few comments. One, the first
9 one being that while there's a lot of focus
10 tonight on just the Master Manual and the flow
11 regime, there are man other issues regarding
12 the Missouri River and, in fact, I think
13 there's maybe too much emphasis on just the
14 flow regime without some of the other things.

15 One of the things the Sierra Club
16 strongly supports is restoring native habitat
17 along the river for these endangered species
18 and other species of fish and wildlife because
19 no matter what the flow regime, going to need
20 to have something done there if we are going
21 to bring these species back.

22 We also generally support a return to a
23 more natural hydrograph for the river which
24 does include a spring rise as you all know.
25 However, we don't really feel that there's any

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1 anything natural or justified by a fall raise
2 that you're proposing. So we do have some
3 questions about that.

4 We are since I think all of us are
5 learning in this exercise about how to manage
6 the river better. We strongly support the
7 adaptive management that as the Corps tries
8 different things, they're going to have to be
9 flexible and adjust to how the river and the
10 river habitat and the species and everything
11 that depends on the river adjusts to those
12 management changes. So it's nice to say that
13 we have a very fixed plan here, but I think
14 what we're going to need is really a more
15 flexible plan into the future. Toward that
16 end, we do support the concept of inbalancing
17 the big reservoirs upstream and we feel that
18 may provide some better habitat. However, we
19 don't feel that the Corps has really
20 thoroughly evaluated the impacts on the
21 habitat by generally keeping the upper
22 reservoir at a higher level so we're somewhat
23 concerned about that.

24 Our general feeling is that there should
25 be more of an emphasis on using -- returning

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1 the river to a more natural flow regime and a
2 variety of habitat so that different species
3 can have a place there.

4 We do think that the -- well, two things
5 we're very concerned about. One, of course,
6 is the out-of-basin transfers, the diversion
7 that Governor Holden mentioned, and also about
8 other depletions of water. Clearly, we need
9 the water in the lower stretches of the river,
10 particularly, obviously, in drought years. So
11 we have these various concerns. We're not in
12 particular support of any one alternative we,
13 but we are very interested in working with the
14 Corps and Fish and Wildlife Service as we move
15 to a more proactive and flexible management
16 for the Missouri River.

17 Again, thank you for the opportunity to
18 comment tonight.

19 HEARING OFFICER: Thank you, Mr.
20 Hengerson.

21 MR. MOORE: Tad Kardis.

22 MR. KARDIS: Good evening,
23 Colonel, thank you again for the opportunity
24 to participate once again in this process.

25 My name is Tad Kardis, I'm an Assistant

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1 Attorney General in the Environmental
2 Protection Division of Missouri Attorney
3 General Jay Nixon's office.

4 The Revised Draft Environmental Impact
5 Statement and again in the video we watched
6 tonight the Corps tells us that they're
7 striving to do three things in revising the
8 Master Manual, identify a water control plan
9 that, one, serves the contemporary needs of
10 the basin; two, complies with current
11 environmental laws and; three, serves
12 congressionally authorized purposes. We
13 understand what these last two are and
14 appreciate the fact that the Corps must comply
15 with federal law. However, we are left to
16 wonder what the Corps means by the
17 contemporary needs of the basin. What are
18 these contemporary needs? Are they something
19 other than congressionally authorized
20 purposes? If so, why is the Corps striving to
21 serve it? Shouldn't Congress tell the Corps
22 what the needs of the basin are? We think
23 so. In fact, Congress has told the Corps what
24 the needs of the basin are.

25 The act of Congress that authorized the

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1 construction of the majority of the mainstem
2 reservoir system we have today is known as the
3 Flood Control Act of 1944. The title says a
4 lot. In the very first sentence of the act,
5 Congress told us why they were authorizing the
6 building of these dams, for navigation and
7 flood control. This is congressional intent
8 that defines what the needs of the basin are.
9 If these needs are no longer contemporary,
10 Congress will tell us. They have not.

11 Now let's return to the Corps' need to
12 comply with current environmental laws.
13 Obviously, this is a nod to the Endangered
14 Species Act. The Endangered Species Act
15 requires all agencies to ensure in
16 consultation with the Secretary of the
17 Interior that their actions are not likely to
18 jeopardize the continued existence of any
19 endangered or threatened species or result in
20 the destruction or modification of their
21 habitat. The Corps has engaged in these
22 consultations with the secretary. It's
23 important we all understand that for all
24 practical purposes, the secretary means the
25 Fish and Wildlife Service.

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1 The Endangered Species Act also requires
2 the secretary to provide a written opinion to
3 the agency following these consultations. We
4 all know this is the biological opinion or bi
5 op. The Endangered Species Act states that if
6 jeopardy or adverse modification of critical
7 habitat is found, the secretary should suggest
8 those reasonable and prudent alternatives
9 which the secretary believes would not
10 jeopardize the species or modify their
11 habitat.

12 The Fish and Wildlife Service has gone
13 far beyond making suggestions. The Corps'
14 management of these dams is a complex feat of
15 engineering. There's no better qualified
16 agencies in the world for accomplishing this
17 herculean task than the Corps.

18 On the other hand, the expertise of the
19 Fish and Wildlife Service lies in other
20 branches of science we know as biology. For
21 example, ichthyology, the study of fish, or
22 ornithology, the study of birds. Instead of
23 simply suggesting to the Corps what habitat or
24 conditions the three endangered species need
25 to recover, the Fish and Wildlife Service has

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1 attempted to do the Corps' job instead of
2 their own.

3 The Fish and Wildlife Service has stated
4 the specific goal regimens are necessary and
5 suggest the wrath of their agency if their
6 recommendations are not followed. You can
7 call them recommendations if you like, but the
8 changes in water releases from Gavins Point
9 Dam are no less than mandates. The Fish and
10 Wildlife Service's inability to do the Corps'
11 job is repeatedly shown by detailed Corps
12 analysis which clearly demonstrates that these
13 flow mandates fail to achieve what the Fish
14 and Wildlife Service says is biologically
15 necessary.

16 We urge the Corps to recapture control of
17 its management of the Missouri River and
18 develop alternatives that employ proven
19 methods and achieve features that can recover
20 endangered species instead of flow
21 modifications that are doomed to failure.

22 Missouri believes that we can recover
23 endangered species with habitat modifications
24 and improvements as consistently demonstrated
25 it's commitment to this by doing this.

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1 Thank you.

2 HEARING OFFICER: Thank you, Mr.
3 Kardis.

4 MR. MOORE: Charles Davidson.

5 MR. DAVIDSON: Thank you,
6 Colonel. My name is Charles Davidson, I'm the
7 editor of Missouri Wildlife and I'm
8 representing tonight, the Conservation
9 Federation of Missouri.

10 The Conservation Federation of Missouri
11 is the state's oldest and largest citizen
12 conservation organization with nearly 30,000
13 individual members throughout the state
14 representing a variety of outdoor interests.
15 Our common interest is the shared concern for
16 the protection and wise use of our fish and
17 wildlife, forests and waters and other natural
18 resources.

19 The Missouri River is a special concern
20 to our members. Throughout our 65 years of the
21 Federation's existence, we've studied and
22 approved many, many resolutions related to the
23 management and protection of the Missouri
24 River. Missourians, many Missourians have
25 long recognized that we can have a more user

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1 friendly river that meets their needs for
2 recreation and the needs of fish and wildlife
3 and can still meet flood control, water supply
4 and transportation needs.

5 Over the last 25 years, the Federation
6 has been especially vocal in championing the
7 call for a more user friendly river. For
8 example, in 1977 we passed Resolution Number 4
9 which noted that the destruction of Missouri
10 River's natural diversity and the loss of fish
11 and wildlife habitat could be primarily
12 attributed to the Missouri River navigation
13 and stabilization project. We deplored then
14 the use of taxpayer dollars to destroy
15 increasingly rare big river habitat. We
16 commended the Corps of Engineers at that time
17 for their expressed concern for fish and
18 wildlife and for lower Missouri River outdoor
19 recreation opportunities, and we urge the
20 Corps to move forward quickly to meet the
21 public's demand for Missouri River fish and
22 wildlife habitat and outdoor recreation. A
23 lot of time has gone by, but it seems to us
24 little progress has been made.

25 In 1980, our Resolution Number 7

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1 recognized that year is the year of the river
2 and we called on state regulators to maintain
3 the secondary treatment goals established by
4 the Clean Water Act to reduce the degradation
5 of Missouri River water quality. That
6 resolution noted that over half our population
7 in Missouri obtained their drinking water from
8 the Missouri and pointed out the tremendous
9 unused potential for recreation and for
10 increasing fish and wildlife values.

11 In 1981, our Resolution Number 10
12 supported Missouri River mitigation for the
13 bank stabilization and navigation project. We
14 urged the Corps of Engineers to provide a
15 level of mitigation commensurate with project
16 induced losses.

17 In 1982, we passed Resolution Number 11
18 which opposed any out-of-basin diversion of
19 Missouri River water and calling for a study
20 of in-basin needs.

21 There have been many more. Resolution 8
22 in '94 addressed flood plain management.
23 1995, Resolution 12 focused on Missouri River
24 wetlands. In 1996, Resolution 4 gave support
25 to the Big Muddy Fish and Wildlife Refuge.

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1 These are just a few of the Missouri River
2 topics that the Federation has addressed.

3 Our most recent resolution pertaining to
4 the Missouri River was adopted in 1999 and it
5 is specific to the Corps of Engineers'
6 management and operations and to the Master
7 Water Control Plan. I would like to read this
8 one into the record in its entirety.

9 Whereas, engineers have forced the lower
10 Missouri River into a narrow, faster and
11 deeper channel shortening it by 127 miles in
12 order to make commercial navigation feasible
13 and to reduce flood occurrences, and;

14 Whereas, this transformation into an
15 engineered controlled river has resulted in a
16 tremendous toll on fish and wildlife and
17 recreation, and;

18 Whereas, one-fifth of the species native to
19 the Missouri River are now on state or federal
20 watch list and species such as the pallid
21 sturgeon, interior least tern and so forth
22 have been placed on endangered species list,
23 and;

24 Whereas, other Missouri River species such
25 the threatened piping plover, paddle fish,

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1 sturgeon chub and sickle fin chub are
2 candidate species for the endangered list,
3 and;

4 Whereas, the Corps of Engineers is charged
5 with operating the upper mainstem reservoir
6 system to balance the needs of the system's
7 many project purposes including flood control,
8 navigation, irrigation, hydropower, water
9 supply, water quality, recreation and fish
10 wildlife, and;

11 Whereas, lower river recreation and fish
12 and wildlife needs have not received equal
13 consideration with other system purposes, and;

14 Whereas, water releases for mainstem
15 reservoir system can be modified to improve
16 fish and wildlife habitat and recreation and
17 whereas a reduction in lower river levels in
18 the summer following the navigation season
19 peak could expose sand bars and greatly
20 enhance boating, camping and river recreation,
21 and;

22 Whereas, wetland and riparian habitats on
23 the lower river are limited to the
24 channelization and bank stabilization projects
25 and the riparian habitat is limited because of

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1 the controlled flow regimes, and;

2 Whereas, the acquisition of flood prone
3 land for wetlands and approved river
4 management for back waters, oxbows, slues and
5 side channels and islands could restore fish
6 and wildlife habitat;

7 Therefore be it resolved, the Conversation
8 Federation of Missouri an annual convention
9 assembled at Lake Ozark this 28th day of March
10 1999 urges the Corps of Engineers to give
11 equal consideration to fish, wildlife and
12 recreation values on the lower Missouri River
13 when developing management strategies when
14 finalizing their planning documents for the
15 release of water from mainstem reservoirs.

16 Thank you for this opportunity to
17 comment.

18 HEARING OFFICER: Thank you, Mr.
19 Davidson.

20 MR. MOORE: Dan Massie.

21 MR. MASSIE: Thank you, Colonel
22 and the Corps of Engineers, I'm here as a
23 concerned citizen.

24 As an ex-river man, I used to navigate
25 almost all the western rivers and the main

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1 concern I have is people are not aware of what
2 it would cost if the navigation was cut out on
3 the Missouri River right here in Jeff City.
4 We would not get our cement products which
5 would cause terrific amounts of increase in
6 our construction costs, and then in the
7 wintertime, we wouldn't have the salt brought
8 in which the highway department would have to
9 pay a lot more to get it in. And that's my
10 main concern is just for people to have
11 awareness of what it would cost if they didn't
12 have any navigation.

13 The other thing is right now with the
14 cause of shutting down the river system the
15 different companies are reluctant to get more
16 help and put more barge lines on the river due
17 to this, because the Missouri River, it takes
18 almost twice or three times longer to train
19 and become a pilot because of the terrific
20 downfall of the river itself.

21 So I thank you very much for your time
22 and hope that the river will stay out of the
23 hands of the upper states and the
24 controllability.

25 Thank you very machine.

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1 HEARING OFFICER: Thank you, Mr.
2 Massie.

3 MR. MOORE: Leoha Kochem.

4 MS. KOCHEM: Thank you for
5 letting me speak tonight. And I would like to
6 say, okay, I'm a farmer's wife and I'm a
7 concerned citizen for all areas, the fire
8 department in Washington, Missouri, the
9 ambulance, the schools.

10 We are -- Washington, Missouri is a town
11 that has a School District on one side of the
12 river and also on the other side of the
13 river. And with the high river levels, this
14 is going to be a very -- and it was all during
15 all the floods, a very deep concern for all
16 the teachers, the bus drivers, the mayors of
17 the different cities, of Marthasville,
18 Washington and through all our areas and the
19 parents of these children. We have to
20 consider those, too.

21 And we have to consider the farmers.
22 They have given their best for our country in
23 their service and now they are out on the far
24 land and they are really working for the
25 better of our country. Very sincerely, they

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1 are the best environmentalists we have. And
2 they are the best people that really care
3 about our country.

4 And this is really what -- all I really
5 need to say. And I am 100 percent with
6 Senator Bond, he thinks like I do and he is
7 very concerned in all different areas, and
8 also our governor and the other members that
9 have -- other speakers that have spoken.

10 And I thank you.

11 HEARING OFFICER: Thank you, Miss
12 Kochem.

13 MR. MOORE: Roger Paulsmeyer.

14 MR. PAULSMEYER: Thank you,
15 Colonel, for this opportunity. I'm going to
16 read a short message from my father who sent
17 this and then I've got a small comment, also.

18 His letter reads, as a retired farmer who
19 started farming in 1950, I would like to share
20 my experience of farming along the Missouri
21 River. As a terminal cancer patient, I would
22 ask you to allow my son, Roger, to give this
23 statement for me at this time.

24 First and foremost, I will say that the
25 Missouri River bottom is suited for

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1 agriculture. It has made a good living for
2 many families from Gavins Point to St. Louis.
3 It has caused some heartache along the way, in
4 fact, probably 30 to 50 percent of the springs
5 we have a flood or a threat of flood. To add
6 to the flood problem deliberately for the sake
7 of two endangered birds who are obviously
8 reproducing at this time is a atrocious.

9 The pallid sturgeon is being found in the
10 area at Hermann, Missouri at this time.
11 Commercial fisherman has found many of these
12 fish. It seems foolish at this time to make a
13 dramatic change for the sake of endangered
14 species.

15 If the nation has learned anything from
16 September 11th it should be the importance of
17 the people in this country. The families who
18 rely on the Missouri River agriculture lands
19 for their livelihood are people who deserve an
20 opportunity to maintain their livelihood and
21 standard of living.

22 As a survivor of the large floods of '93
23 and 1995, I would ask that the Corps not
24 support any artificial spring rise.

25 Sincerely, Arthur Paulsmeyer.

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1 My dad has lived his 72 years carving a
2 living in the Missouri River bottom between
3 Chamois and Morrison. His hope is that our
4 family farm can stay viable for the future.
5 He has three sons, ten grandchildren who rely
6 on this area for our livelihood. This country
7 needs to make choices for people. Choices for
8 their livelihood and not for endangered
9 species running those folks off their land.

10 The artificial spring rise would put our
11 system on the edge of the a spring flood at
12 any time. The upper system if receiving heavy
13 rain, those floods could occur before changes
14 in river levels could be adjusted upstream.
15 We need to leave this river at the plan that
16 is in effect.

17 I would also like to say that I heartily
18 support Senator Bond and I think he is one of
19 our best friends in this area.

20 Thank you for your time.

21 HEARING OFFICER: Thank you, Mr.
22 Paulsmeyer.

23 HEARING OFFICER: Ladies and
24 gentlemen, we have been taking testimony for
25 the better part of two and a half hours and I

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1 would like to have a ten-minute break. By my
2 watch, I have 9:20. What I would like to do
3 is resume promptly at 9:30. Thank you.

4

5 (Off the record.)

6 (Back on the record.)

7

8 HEARING OFFICER: Ladies and
9 gentlemen, if you will return to your seats
10 we'll resume.

11 Ladies and gentlemen, we're going to
12 resume taking testimony at this time.

13 MR. MOORE: Wilmer Erfling.

14 HEARING OFFICER: Wilmer
15 Erfling.

16 MR. ERFLING: Do you want to wait
17 for people to sit down?

18 HEARING OFFICER: Go ahead, Mr.
19 Erfling.

20 MR. ERFLING: My name is Wilmer
21 Erfling, I farm in the Missouri River bottom
22 in Warren County near Hermann. I'm a member
23 of the -- board member of the Warren County
24 Salt and Water Service, I'm a member of the
25 Missouri Levy and -- Missouri River Levy and

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1 Drainage District Association, I'm also a
2 member of the Conservation Federation, and I
3 support the current water control plan.

4 I don't agree with everything that's
5 going on. This past spring I had probably a
6 20 percent corn loss because of high river
7 levels, and part of that came because of
8 releases out of Bagnell and Truman not being
9 coordinated with the high flows that were
10 coming out of the mainstem, and that's an area
11 that folks below the Osage need some help on.
12 That's happened numerous times, this isn't the
13 first time, and there can be a better job done
14 at that.

15 High spring flows, they effect flood
16 control, interior drainage, they create high
17 groundwater, all of those things are what
18 causes the problems with my 20 percent loss in
19 corn acreage this year. Those are things we
20 absolutely can't tolerate if we're going to
21 stay in existence.

22 Reduced summer flows, everybody has spoke
23 to that. I don't think that's something that
24 this state can afford to have. It causes
25 increased traffic on the highways, and a

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1 number of people have spoken to that so -- I'm
2 opposed to that, also.

3 I guess that's -- most of the other
4 topics have been covered. I appreciate the
5 Corps' efforts on this. I know it is a long
6 battle and I've been through some of it, too,
7 and I'm really getting pretty tired, I think
8 we'd like to see this thing come to a close in
9 a way that we can live with, also.

10 Thank you.

11 HEARING OFFICER: Thank you.

12 MR. MOORE: Steve Kidwell.

13

14 (Whereupon Mr. Kidwell read a prepared
15 statement, which is attached to the
16 transcript.)

17

18 HEARING OFFICER: Thank you, Mr.

19 Kidwell.

20 MR. MOORE: Steve Engeman.

21 MR. ENGEMAN: Good evening,

22 Colonel. My name is Steve Engeman and I thank
23 you for the opportunity to speak.

24 I live in Hermann, Missouri and my
25 livelihood is greatly affected by the Missouri

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1 River. The river, one of Missouri's greatest
2 assets, affects not only my family, but also
3 the entire Hermann community.

4 Some states, Texas, for example, has oil
5 wells. We in Missouri have the fertile river
6 bottom, ground which provides excellent
7 nutrients in the soil that are necessary for
8 our local farmers. A spring rise would
9 devastate the surrounding area with flooding
10 waters, the bank stabilization is gone, the
11 crops are damaged and the land cannot be
12 successfully drained for continued planting
13 and farming.

14 The other reason a spring rise is
15 detrimental is because we are wasting valuable
16 water that could otherwise be used for natural
17 power source, decreasing the amounts of
18 pollution and reserving the price of fossil
19 fuels.

20 Farming is a major source of income in
21 our community. The river plays a major role
22 in helping with irrigation and drainage. By
23 maintaining the ground we are providing much
24 needed tax dollars for local schools and
25 helping to enhance the quality of education.

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1 The river is also a source of
2 transportation including commercial barge
3 travel and for recreational purposes. The
4 proposed plan to reduce summer flows would
5 jeopardize navigation on the Missouri River.
6 Navigation is important because it maintains
7 bank stabilization, provides jobs and moves
8 large quantities of product without burdening
9 our already overloaded highways. I'm opposed
10 to spring rise and I'm opposed to reduced
11 summer flows. I believe that there is a way
12 to support endangered species without
13 compromising the livelihood of the people who
14 depend so much on our wonderful resource, the
15 river.

16 Thank you.

17 HEARING OFFICER: Thank you, Mr.
18 Engeman.

19 MR. MOORE: William Malzwk.

20 MR. MALZWK: Good evening. My
21 name's William Malzwk, I farm in the river
22 bottom next to New Haven, Missouri.

23 I think that the endangered species is a
24 ploy in a much larger plan. And when I was
25 younger back in the '70s, I was invited to a

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1 meeting and they had a picture of the area
2 from -- all along the Missouri River how they
3 were going to buy this land up from bluff to
4 bluff and turn it into a great area wildlife
5 preserve. Whenever the people protested it
6 and said that they wouldn't sell, their
7 comment was we'll take it.

8 In my mind, a spring rise is their
9 attempt or their plan to put us out of
10 business, make us willing sellers and let us
11 turn our land into this great park that they
12 have in their mind. The problem with this is,
13 it's not going to be this beautiful pristine
14 area.

15 You take and widen the Missouri River,
16 slow it up, let the brush grow up and the
17 swamps come back, we'll have mosquito-infested
18 areas around our cities that you won't
19 believe. It will slow the river down, cause
20 more floods because the water can't get away,
21 and I just think it's a very misguided
22 approach to things. It's going to take away
23 an awful lot of our livelihood and our food
24 that we're going to need one of these days.

25 I mean, we've got a lot right now because

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1 Brazil and South America are producing at such
2 great levels, but just remember, we're
3 consuming everything they produce just as fast
4 as their expansion goes. Our carry-overs have
5 not enlarged and as soon as that expansion
6 quits, we're going to have to get our food
7 from somewhere and I don't think Bin Laden is
8 going to send it here in too good a shape. I
9 don't know that he's going to get a chance at
10 it, but there are people with his same
11 attitude that will have control of our food
12 the way have control of our oil now.

13 Thank you very much.

14 HEARING OFFICER: Thank you, Mr.
15 Malzwk.

16 MR. MOORE: Joe Gibbs.

17 MR. GIBBS: Good evening, Colonel
18 Curtis, I really appreciate this opportunity
19 to present my views on this.

20 My name is Joe Gibbs, I am a registered
21 engineer in the State of Missouri, I have a
22 private practice, my hometown is Columbia,
23 Missouri.

24 I have 30 years of experience in working
25 in the river bottoms with levee districts and

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1 farmers on drainage and flood control
2 problems.

3 I want to summarize very quickly, if I
4 can, and that is that I -- the only option
5 here that I support this evening is the
6 current water control plan. The idea of the
7 spring rise will add sufficient levels during
8 low flows of the river that it will prevent
9 drainage of hundreds of acres, at least by my
10 computations, for each drain pipe that is
11 covered up.

12 Also, the Corps of Engineers is not
13 putting the rock back on the banks that they
14 were as per the project authorization, and
15 medium flows causes more erosion and more bank
16 deterioration. Given the nature of flooding
17 on the Missouri River where we can have high
18 water levels in the St. Joe area, but not even
19 in the St. Louis area, extra water coming down
20 in the spring rise could cause flooding in
21 isolated places along the river and work that
22 hardship.

23 Also, the spring rise, I feel, will
24 affect the ground water levels and cause
25 losses in crop production.

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1 The other item is the unbalanced levels
2 in the -- other items that are proposed, the
3 unbalanced levels in upper lakes. This
4 reduces the storage of runoff and the ability
5 to prevent flooding on the lower levels, or
6 the lower end of the Missouri River. I know
7 that there's going to be a time come when
8 water is going to have to be released, that is
9 a direct cause of holding these extra water
10 levels in the upper river.

11 The split navigation season deals with my
12 understanding of world affairs and that I've
13 been able to educate myself on and I just
14 cannot conceive abandoning an inland waterway
15 system in a modern industrialized nation. I
16 can see maybe some reasoning if this was an
17 individual river by itself that just dumped
18 out into a shallow bay and was just a couple
19 of hundred miles long, but when we have one
20 like this river that's connected to all the
21 other rivers in the country, I just can't
22 conceive that there would be anything done
23 that would cut that down.

24 The other issue that I want to talk about
25 is the adaptive management program. I was in

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1 Sioux Falls, South Dakota when the Missouri
2 River Basin Association met and I found that
3 the proposal for setting up this committee for
4 this adaptive management process is the most
5 undemocratic thing I have ever seen in my
6 life.

7 Water management here in the lower end of
8 the Missouri River involved private property.
9 And the private property owners are completely
10 isolated from the control and the
11 representation in this process, because the
12 way that I see the adaptive management being
13 set up it is set up by appointees and people
14 who do not have a direct control over their
15 own land.

16 I would like to also close by saying that
17 we in Missouri are not sitting down doing
18 nothing about endangered species. Last year
19 we taxed ourselves \$88 million and gave it to
20 the Missouri Department of Conservation for
21 wildlife and habitat development. Not all of
22 it went into the flood plain and the river I
23 know, but sufficient amounts of it have been
24 put in there that amounts to hundreds of
25 millions of dollars since the mid '70s when

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1 that law was passed. So I feel that we are
2 paying our own way, I feel that we are putting
3 our money where our mouth is and I'm very much
4 opposed and cannot recommend anything except
5 the current water control plan.

6 Thank you very much.

7 HEARING OFFICER: Thank you.

8 MR. MOORE: Donald Hoffman.

9 MR. HOFFMAN: Good evening,
10 Colonel, I'm Donald Hoffman, I'm the vice
11 president of Phoenix Towing Company an
12 endangered Missouri River navigator. I thank
13 you for the opportunity to present my views
14 and I'm indeed gratified at the number of
15 people who are aware of this issue and that
16 support the current water control plan. The
17 only plan that the Corps has presented that
18 will allow for the continued existence of
19 Missouri River navigation is the current water
20 control plan.

21 I've sent a written testimony to the
22 Corps and I would like read a couple of
23 excerpts from that testimony regarding the
24 spring rise. Spring rise is suppose to be
25 designed to create a spawning cue for the

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1 pallid sturgeon. This benefit is a myth. The
2 Corps of Engineers records show there's an
3 actual spring rise on the Missouri for the
4 mouth of Platte River to the mouth of -- from
5 the mouth of the Platte River to the mouth of
6 the Missouri River 595 miles. The only part
7 of the Missouri River to be of any benefit to
8 the pallid sturgeon from the spring rise is
9 216 miles.

10 This is on a river that is 2,300 miles
11 long. Also, what about the pallid sturgeon
12 habitat on other rivers such as the
13 Yellowstone River, the lower Mississippi River
14 and the Chafalia (phonetic) River. These
15 rivers all have a natural spring rise and the
16 pallid sturgeon does not reproduce in these
17 areas. Why are not the pallid sturgeon
18 reproducing in these areas? Why are not the
19 pallid sturgeon reproducing on the Missouri
20 River below the mouth of the Platte River?
21 The U.S. Fish and Wildlife and the Corps has
22 provided no evidence that a spring rise will
23 aid the pallid sturgeon. There's over 2,000
24 miles of river on these four rivers that has
25 pallid sturgeon habitat that also has a spring

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1 rise so how can this 200 miles -- the spring
2 rise that you propose only adds a spring rise
3 on 200 miles of the river that affects the
4 pallid sturgeon so I think this issue is a
5 myth.

6 Regarding the spring rise and split
7 season is an aid to the reproduction of the
8 interior least tern and piping plover. The
9 facts are even more ludicrous. The Corps' own
10 study shows that by having a spring rise and
11 split season, they will create 164 acres of
12 habitat. This is in water sheds that drains
13 most or all of eight states, only 164 acres of
14 habitat. You spend more money studying this
15 issue than would cost you to buy a couple of
16 bulldozers and create this habitat. So what's
17 happening is you're going to flood our
18 farmers, you're going to end Missouri River
19 navigation, you're going to damage Mississippi
20 River navigation, you're going to raise our
21 cost of hydropower, and for what benefit, 164
22 acres. It makes no sense.

23 Adaptive management. The adaptive
24 management process is an ongoing dialogue
25 between the Corps of Engineers and the

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1 environmental community whose purpose is to
2 review ways in which to enhance the
3 environment for fish and wildlife.

4 Navigation will have no way to
5 participate in this process. It's imperative
6 that this group not be allowed to change the
7 flows or releases out of Gavins Point or
8 redefine the lake levels to the detriment of
9 navigation. Adaptive management is of
10 significant concern for anyone who relies on
11 the Corps for the certainty of flows. I
12 wonder if we're not able to participate in
13 this process what will be the next scheme that
14 U.S. Fish and Wildlife will come up with that
15 will damage Missouri's use of the Missouri
16 River.

17 Thank you.

18 HEARING OFFICER: Thank you, Mr.
19 Hoffman.

20 MR. MOORE: Paul Davis.

21 MR. DAVIS: Good evening,
22 Colonel, and thank you. My name is Paul
23 Davis, I'm the owner of Interstate Marine
24 Terminals, a bulk warehouse facility on the
25 Missouri River at Boonville. I'm also the

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1 president of the Howard County Levy District
2 Number 4, a 5,000-acre flood protection unit.
3 I'm also a board member of the Missouri Levy
4 and Drainage Association, a statewide
5 organization that advocates flood control. I
6 appreciate the opportunity to speak briefly
7 this evening.

8 In 1994, I attended public hearings of a
9 similar nature starting in St. Joe, Kansas
10 City, Jefferson City and Memphis, Tennessee
11 and I was absolutely amazed by the turnout by
12 farmers in response, angry response to the
13 preferred alternative, basically the spring
14 rise. I was encouraged when the Corps of
15 Engineers took the protest by the farmers to
16 heart and said we will go back and study this
17 issue, we did not anticipated the problems
18 that you farmers see with drainage problems
19 resulting from our proposed spring rise.
20 Again I was encouraged by the Corps'
21 commitment to go back and restudy that issue.

22 Here we are seven years later and while I
23 appreciate the Corps' diligence in attempting
24 to further analyze this extremely complex
25 issue, my conclusion has to be that seven

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1 years later, we have gained no further
2 credibility on the issue of the spring rise
3 than existed in 1994.

4 Evidence of that is in the turnout that
5 you've had in the State of Missouri, St. Joe,
6 Kansas City and now Jefferson City. My belief
7 is that these hundreds of people turning out
8 are here to continue to protest the spring
9 rise. And it's simply for the reason that
10 there is no way to predict rainfall events,
11 runoff events that are accurate enough to
12 effect changes in the flow, ten day flow from
13 Gavins Point to St. Louis.

14 At Boonville, many times I have seen a
15 ten-foot rise in the river overnight. Ten
16 feet. And this spring we had a 31-foot river
17 at Boonville, 10 feet over flood stage, and if
18 the Corps had been releasing even 15,000 extra
19 CFS from Gavins Point for a spring rise, we
20 would have lost our 5,000 acres to a flood
21 that fortunately did not occur.

22 I think one of the reasons that this
23 issue is taking a dozen years or longer to
24 resolve is because the people in the lower
25 basin, the farmers, the agricultural interests

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1 simply cannot, will not tolerate an artificial
2 spring rise.

3 Briefly on navigation. Navigation has
4 been portrayed by many to be a marginal
5 industry on the Missouri River of
6 insignificant consequence. If that's the
7 case, I find it hard to understand why it is
8 that since the first of September at my small
9 river terminal in Boonville I have processed
10 nearly, 30,000 tons of commodities, primarily
11 fertilizer and grain. On three occasions
12 since that time by the fact that we could load
13 out barges of soybeans and corn, I have helped
14 the local MFA not be plugged, the grain was
15 allowed to flow. And this is an MFA facility
16 that's been in Boonville for 75 years.

17 That 30,000 tons represents 300 rail
18 cars, 1,200 trucks. I have a hard time
19 imagining how those supplies could move in a
20 timely fashion in the agricultural community
21 if it weren't for navigation. There's been a
22 lot of rhetoric over the years trying to
23 marginalize the industry and that is pure
24 fabrication.

25 I appreciate all the efforts the Corps is

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1 taking in trying to re-evaluate the Master
2 Manual, but I'm very disappointed that the
3 Corps seems to be like a lot of this country
4 held hostage by the environmental community
5 under the guise of the Endangered Species
6 Act. I've seen evidence all over this country
7 in similar problems where the government has
8 been afraid to act in a normal common sense
9 manner because they know that the advocates of
10 endangered species can hold them hostage and
11 prevent them from furthering good programs.

12 In '94 it was really an issue between
13 navigation and recreation and here we are at
14 the 11th hour and now it's become an
15 endangered species issue. I think it's a
16 ploy. I can only support the current water
17 plan and I encourage the Corps to find -- to
18 implement or to continue the current plan.

19 Thank you very much.

20 HEARING OFFICER: Thank you.

21 MR. MOORE: Terry Hugede.

22 MR. HUGEDE: Good evening. My
23 name is Terry Hugede, I'm here tonight
24 representing the Missouri Corn Growers
25 Association.

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1 Unlike many you've heard tonight, I'm not
2 a lobbyist, not a bureaucrat and not a
3 politician, I am a farmer like many other
4 farmers in the room who has a lot to lose if
5 you give into the whims of the
6 environmentalists and the upstream
7 recreationalists and implement a spring rise,
8 split navigation season.

9 Following the 1993 flood, our family farm
10 reclaimed hundreds of acres of farmland,
11 renovated three homes, repaired damaged to
12 irrigation systems and performed an infinite
13 number of clean-up tasks. The prospect of
14 implementing government policy that increases
15 the chance of having to do that all over again
16 is disheartening.

17 The Missouri Corn Growers Association
18 will support the current water control plan
19 because it is the only feasible alternative
20 presented by the Corps of Engineers. All
21 other alternatives being presented would be
22 devastating to agriculture. We are opposed to
23 higher reservoir levels in the upper basin
24 states. Increased reservoir levels reduce the
25 water available and also reduce flood control

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1 for the lower basin. This policy is in direct
2 contradiction to the intent of Congress to
3 manage the river for multiple interests
4 including flood control and navigation.

5 We're also adamantly opposed to the
6 manmade spring rise proposed by the Corps.
7 Central Missouri has seen two major floods in
8 the past nine years. If the spring rise were
9 implemented and it coincided with the highest
10 crest in the spring, we would have had seven
11 floods in the last nine years at Jefferson
12 City. This leads me to ask the question how
13 many farmers in this room could make a living
14 growing two crops out of nine. When water is
15 released from Gavins Point, it cannot be
16 recalled. The weatherman can hardly forecast
17 a day's weather let alone weather ten days in
18 the future when the release reaches Jefferson
19 City.

20 This so-called controlled flood could
21 devastate agriculture, transportation
22 infrastructure, communications, homes and
23 utility service. All this to enhance the love
24 life of one big ugly fish.

25 It is also proposed that the increased

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1 spring flows would be offset in the late
2 summer by a split navigation season. The
3 action would eliminate our lowest cost mode of
4 shipping bulk commodities. Meanwhile, our
5 highways continue to crumble.

6 We also have concerns about what the
7 Corps calls adaptive management. Through the
8 proposal, the Corps would be giving
9 considerable power to make flow adjustments to
10 accommodate the needs of the species. If it
11 is determined by the government agencies that
12 for the sake of the species, the highest
13 spring rise and the lowest summer flow could
14 be implemented. We cannot assume that any
15 other alternative would be proposed and
16 accepted by the Fish and Wildlife service.

17 Adaptive management will also greatly
18 reduce public input in river management. It
19 is this fox in charge of the henhouse type of
20 policy that greatly concerns people like
21 myself who happens to spend their lives
22 feeding the world.

23 In conclusion, the spring rise is
24 unwarranted, unscientific and unreasonable.
25 It threatens towns, farm land values, crops,

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1 railroads, highways, gas lines,
2 communications, and the list goes on. Summer
3 flow reductions would end navigation on the
4 Missouri and threaten badge traffic on the
5 Mississippi. There are other nonflow
6 alternatives. Missouri Corn Growers
7 Association supports nonflow species habitat
8 restoration alternatives as a measure of
9 addressing species concerns.

10 We recommend the Corps keep the water
11 plan now in operation.

12 Thank you for your time.

13 HEARING OFFICER: Thank you, Mr.
14 Hugede.

15 MR. MOORE: Randy Asbury.

16
17 (Whereupon Mr. Asbury read a prepared
18 statement, which is attached to the
19 transcript.)

20
21 MR. ASBURY: I appreciate the
22 opportunity to testify tonight, sir.

23 HEARING OFFICER: Thank you, Mr.
24 Asbury.

25 MR. MOORE: Russ Studebeck.

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1 MR. STUDEBECK: Good evening
2 Colonel, my name's Russ Studebeck, I reside at
3 Route 4, Box 49 Salisbury, Missouri, 65281.

4 My intention tonight was to come here and
5 think up some sort of a riveting, compelling,
6 emotional speech, but with the help of the 7th
7 grade students, my job becomes quite a bit
8 easier this evening. I want to thank Mr.
9 LePage for helping me in that task.

10 Like him I'm a multiple generation family
11 farmer. I'm a member of the fourth generation
12 of our family farm. And I'd like to say that
13 I'm very proud to be a member of the legacy
14 that expands nearly 100 years. We farm the
15 Missouri River bottom northwest of Glasgow,
16 it's an area we call the A-Hole Bottom, it's
17 at the mouth of Chariton River. We also farm
18 some land in the Dalton Bottom.

19 Our main concern, of course, is the
20 potential for the spring rise. In a lowland
21 area where we already have extreme pressure
22 due to seepage, lack of internal drainage and
23 the inability to get rid of rain runoff water
24 when the river is normally at an already
25 excessively high level in the spring. An

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1 increase in that flow in the springtime would
2 reduce the amount of time we could have the
3 flood gates open through our federal levee
4 systems that would allow for the increased
5 internal drainage.

6 Another issue I'd like to discuss is the
7 maintenance of our dikes. I know in our levee
8 district it's become an extremely important
9 issue. Since the dikes have not been
10 maintained, the bank erosion prevention
11 measures have not been well maintained in the
12 recent past and it's become an extreme concern
13 because our levee is at a detrimental point
14 this time due to bank erosion. It's cutting
15 into a part of the land extremely near the
16 levee and we're extremely concerned about
17 that.

18 Something that no one really has
19 discussed yet this evening is stewardship.
20 Farmers are excellent stewards of their land.
21 And what I mean by that is they take only from
22 the land what they can put into it.

23 In a time when commodity are nearing the
24 lowest in a generation, I think our need for
25 increased margins are greater than ever. And

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1 one way to increase those margins, one of
2 easiest ways is through decreased
3 transportation costs. And one of the easiest
4 ways to decrease transportation costs is
5 through increased barge traffic. I think
6 that's been reiterated here many times tonight
7 so there's no need to really go into detail in
8 that. I just wanted to make that point hit
9 home, that through increased barge traffic,
10 the margins will increase for the farmers and
11 we can get our profits rolling again. And
12 also that that will be environmentally
13 beneficial through the decreased air
14 pollution.

15 I would like to leave with a couple of
16 thoughts. Environmentalists will always have
17 a cause whether it's the pallid sturgeon,
18 whether it's the piper or whatever, they'll
19 always have a cause. The Corps of Engineers
20 will always have a river to maintain.
21 Farmers, all we have is the land and our
22 stewardship to that land and our commitment to
23 that land. And I ask you, please don't take
24 away our commitment to that land.

25 Thank you.

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1 HEARING OFFICER: Thank you.

2 MR. MOORE: Tom Waters.

3

4 (Whereupon Mr. Waters read a prepared
5 statement, which is attached to the
6 transcript.)

7

8 HEARING OFFICER: Thank you, Mr.
9 Waters.

10 MR. MOORE: Duane Paulsmeyer.

11 MR. PAULSMEYER: I'm Duane
12 Paulsmeyer from Chamois in Osage County, I
13 farm with my dad and three brothers. I'm so
14 tired I might say anything.

15 We have several concerns. We're
16 concerned with shipping and bank stabilization
17 on the Missouri and the shipping on the
18 Mississippi and the adaptive management plan,
19 the vagueness of the plan, but our main
20 concern is the spring rise. We have a nice
21 levee, but a lot of the lands we farm is on
22 the wrong side of it. So we're always just
23 one or two rain events from a flood, and with
24 the spring rise added to that, we'll have
25 other problems, and a spring rise would also

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1 adversely affect the drainage of our land.

2 We've got some beavers there, we always do a
3 good job on that, too. If any of the wildlife
4 people are still around and need a few extra
5 beavers, they can talk to me later.

6 HEARING OFFICER: Thank you, Mr.
7 Paulsmeyer.

8 MR. MOORE: Randy Britt.

9 MR. BRITT: Thank you, Colonel.
10 My name is Randy Britt, I'm a family and I
11 farm north of Glasgow around the Missouri and
12 Chariton River bottoms. So many things have
13 been addressed. By my count, 30 speakers have
14 spoken against the spring rise. Three have
15 spoken for it, one I wasn't sure quite which
16 side he came down on. If those three folks
17 would love to purchase some ground and start a
18 sanctuary, I would be all for that, I respect
19 them for it. But the trouble is they want to
20 do it with my land and I don't appreciate that
21 very much. If you figure the decrease in the
22 land valuation that the internal drainage
23 problems are going to cause in our area alone,
24 it will be several millions of dollars, much
25 more than what is projected, I think, in your

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1 assessment.

2 In the past, I've had several dealings
3 with the Missouri Department of Conservation.
4 They're a great organization, we've gotten
5 along well, but a few years ago they decided
6 on some of their property that they wish to
7 convert it back to a more natural wildlife
8 situation. No cutting sprouts, we'll just
9 take it away from crop production entirely,
10 let it grow up. They came to a new conclusion
11 this year. The animals do better when you
12 have some crops out there, something for them
13 to eat on. If Missouri Conservation is not
14 above changing their mind, I don't think fish
15 and wildlife would be above changing their
16 mind when they find out this might not work as
17 well as they think it will.

18 I appreciated Daniel LePage a while ago
19 when -- before he came up to speak, I was
20 thinking my grandchildren, Jeremiah and Hanna,
21 I was think thinking of the cute picture of
22 the little birds on the screen and how I wish
23 I had a picture of them here to be able show
24 you. So I don't, you'll have to take my word
25 for it that they are whole lot cuter than that

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1 little bird is.

2 What we're proposing doing here we don't
3 know that that will help that little bird at
4 all, but we do know for sure it's going to
5 hurt Jeremiah and Hanna and that's not
6 acceptable to us.

7 Thank you.

8 HEARING OFFICER: Thank you, Mr.
9 Britt.

10 MR. MOORE: Mike Forck

11 MR. FORCK: Good evening,
12 Colonel, I want to thank you all for letting
13 me say a few words here.

14 I think just about everything has been
15 said, but first of all, I'd like to get a few
16 definitions a little bit more straighter. I
17 wonder how many farmers we got in this room
18 yet tonight. To me they should be the
19 endangered species because if you look them
20 over, they are all getting older and it won't
21 be long we won't have people to give us the
22 abundant food supply to fight the wars like
23 we're going in right now. Because we can't
24 have hungry soldiers and that's what's kept
25 our country safe for all these years and were

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1 going to have to keep it up.

2 I have two sons of my own who also would
3 like to farm, but there is not enough money in
4 it to farm. I, myself, own ground in Cole
5 Junction bottom. I am a vice president of the
6 Cole Junction Levy Boards, I also serve on the
7 Cole County County Commission. Just any way
8 to make a living and keep the farm going.
9 This spring rise would just make it that much
10 worse. I would like to ask the
11 environmentalists why do they get to call
12 themselves environmentalists, because the
13 farmers are the environmentalists. We're the
14 ones who feed the wildlife out there. Thank
15 you very much. We're the ones who fatten up
16 the deer and the squirrels and the rest of
17 them. These here birds and fish they're
18 talking about I've never even seen some of
19 them and maybe they are in danger, but I don't
20 know what they're good for. I feel like we
21 are fighting against our own tax dollars when
22 we're fighting against the conservation
23 department and the fish and wildlife because
24 they have got a lot of tax dollars to work
25 with and here we are trying to get our point

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1 across, just a bunch of individual farmers in
2 coming up here.

3 I am opposed to the higher reservoir
4 levels, I'm opposed to the spring rise because
5 this year we put a monitor on our corn
6 sheller, we're getting up to 200 bushels to
7 the acre where we didn't have water damage
8 from seep water, and with this three-foot
9 rise, we might have even lost our levee this
10 year. But we keep producing more for less and
11 I don't know how much longer this can happen
12 for the Missouri farmers.

13 Thank you for your time.

14 HEARING OFFICER: Thank you, Mr.
15 Forck.

16 MR. MOORE: Dale Ludwig.

17
18 (Whereupon Mr. Ludwig read a prepared
19 statement, which is attached to the
20 transcript.)

21
22 HEARING OFFICER: Thank you, Mr.
23 Ludwig.

24 MR. MOORE: Mark Newbold.

25 MR. NEWBOLD: Good evening,

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1 Colonel, I'll be reading from some prepared
2 remarks, I'll be happy to turn those over when
3 I've completed.

4 My name's Mark Newbold, I'm the manager
5 of administrative services regulatory affairs
6 with Central Electric Power Cooperative. This
7 evening I'm representing the rural electric
8 cooperative user. Our three-tier system,
9 generation, transmission and distribution
10 companies serves almost 1.5 million people
11 primarily in rural Missouri.

12 The Missouri electric cooperatives have
13 numerous concerns with potential changes to
14 the Missouri River Management Plan. These
15 range from the methodology used by the Corps
16 to evaluate historical river data to the
17 impacts on rural families that depend on the
18 river to the Corps' adaptive management
19 proposal and how the U.S. Fish and Wildlife's
20 biological opinion is being applied. However,
21 for tonight I will focus primarily on
22 potential impacts to the electric power
23 production.

24 The primary issue underlying all of our
25 concerns is the shift in benefits of water to

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1 the upstream Missouri River basin states.
2 Upstream states have and continue to incur
3 increase total system storage in the upper
4 lakes to support primarily recreational uses.
5 With this increased storage, increased
6 dependency for other uses develops such as new
7 and expanded water supplies and agricultural
8 uses. These increased dependencies will
9 restrict the use by and impact the future
10 welfare of downstream states.

11 Further, we oppose any out-of-basin
12 transfers such as the Garrison diversion.
13 These transfers negatively impact all
14 designated uses to the Missouri River and have
15 the potential to significantly impact the
16 environmental basin in which transfers are
17 made.

18 Our power supply or associated electric
19 cooperative operates generating facilities
20 that would be affected by changes in the
21 Missouri River Management Plan. Both the
22 water supply from and the ability to discharge
23 to the Missouri and Mississippi Rivers are
24 potentially jeopardized by alternatives to the
25 current water control program.

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1 Additionally, as an integrated system, we
2 are dependent upon regional power supply grids
3 that effectively meets our members electric
4 power needs.

5 There are numerous power plants from
6 North Kansas City to south of St. Louis owned
7 by other companies that could be adversely
8 effected by changes in the Missouri River flow
9 especially during high demand summer months.
10 As such, changes in the Missouri River
11 Management Plan adversely effects these other
12 generating plants on the river indirectly
13 effect our members. President Bush instructed
14 federal agencies through the issuance of
15 Executive Order 13211 to review the potential
16 energy impacts upon energy of regulatory
17 actions under their jurisdiction. The
18 Missouri River Management Plan alternatives
19 have not been evaluated and we request the
20 Corps conduct a review of the energy impacts
21 of each alternative as required by Executive
22 Order 13211.

23 Any plan that hinders electric power
24 generation, either hydroelectric, fossil fuel
25 or nuclear, is contrary to President Bush's

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1 energy policy and should be rejected. The
2 electric cooperatives own and operate two
3 electric generating plants, the Chamois Power
4 Plant and the New Madrid Power Plant that are
5 dependent on water from the Missouri River.
6 These facilities depend on river water for
7 condenser cooling. Low flows not only impact
8 operations by the limited water level
9 available for intake, but also low river
10 stages during the late summer coincide with
11 higher generation demands and elevated river
12 temperatures decreasing the efficiency of the
13 plant and increasing the likelihood of affluent
14 temperature violations.

15 The New Madrid Power Plant has operated
16 for 28 years without the need to limit or
17 curtail operations due to low Mississippi
18 River levels. Since January of 2000 or
19 January 1 of 2000, plants had to implement low
20 water operations for 33 days at a cost of more
21 than \$4.6 million. These low water
22 contingency measures will, however, only
23 ensure plant operations to a river stage two
24 and a half feet below the original critical
25 elevation.

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1 During the past summer of 2001, river
2 water temperatures during August at the
3 Chamois Power Plant were reaching a point at
4 which operations were close to being
5 restricted in order to comply with permit
6 discharge limitations. The issue is an annual
7 one and potentially limits generation at this
8 facility. A lower basin water commitment is
9 necessary to protect the present uses of the
10 Missouri River for electric generating
11 facilities including those located in the
12 Mississippi River below St. Louis and assure
13 resource for future necessary capacity. The
14 electric cooperatives do not support reduced
15 summer flows below 40,000 or the split
16 navigation season.

17 Missouri's rural electric cooperatives
18 and our rural members rely on the Missouri
19 River. Any changes in the management plan for
20 the river must consider not only the
21 ecological impacts, but also the impacts on
22 families that would be affected by these
23 changes.

24 In closing, I would like to state for the
25 record that we concur and support the comments

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1 submitted to these proceedings by the State of
2 Missouri and the Coalition to Protect the
3 Missouri River.

4 Thank you, Colonel.

5 HEARING OFFICER: Thank you, Mr.
6 Newbold.

7 MR. MOORE: Rubin Haberly
8 (phonetic).

9 HEARING OFFICER: Rubin Haberly.
10 (Mr. Rubin Haberly is not present.)

11 HEARING OFFICER: Okay, next
12 person.

13 MR. MOORE: Marvin Rofeeno
14 (phonetic).

15 (Mr. Marvin Rofeeno is not present.)

16 MR. MOORE: Martin Bofling
17 (phonetic).

18 (Mr. Martin Bofling is not present.)

19 HEARING OFFICER: Call the next
20 one.

21 MR. MOORE: Ron Hardecke.

22 MR. HARDECKE: Thank you,
23 Colonel, for the opportunity to testify. My
24 name is Ron Hardecke, I'm a farmer from
25 Owensville, Missouri in Gasconade County. I

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1 serve on the state board of the Missouri Farm
2 Bureau and I'm here tonight to testify on
3 behalf of the 94,000 member families in the
4 Missouri Farm Bureau many of whom will be
5 directly affected by the actions taken on the
6 Missouri River.

7 Missouri Farm Bureau asks that you retain
8 the current water control plan with no
9 alternatives. It is the only viable option
10 for agriculture and the economy of our state
11 and nation. The spring rise will cause severe
12 economic damage to agriculture and the low
13 summer flows will cause damage by eliminating
14 river transportation which serves agriculture
15 and many other industries. Our transportation
16 infrastructure is vital if we are to complete
17 in worldwide markets. There's a lot of talk
18 today about preserving farmland in and around
19 urban areas from development in order for us
20 to be able to feed the world in the future.
21 In NRCS made that topic their focus last
22 year.

23 It seems counterproductive that other
24 government agencies such as the Corps of
25 Engineers and the U.S. Fish and Wildlife

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1 Service are at the same time trying to
2 artificially flood the most productive farm
3 land in the State of Missouri. We must decide
4 do we want to preserve farmland and our food
5 supply. If so, let's save and improve the
6 current infrastructure of agriculture, don't
7 flood it and send it down the river.

8 Agriculture has worked hard over the past
9 60 plus years to reduce soil erosion with the
10 help of the NRCS, formerly the National Soil
11 Conservation Service, only to get to the turn
12 of the century and find the U.S. Fish and
13 Wildlife Service with proposals for the Big
14 Muddy National Fish and Wildlife Refuge that
15 called for the removal of levees and dikes to
16 cause erosion in the name of creating habitat
17 for endangered species.

18 An artificial flood will only accelerate
19 erosion and the destruction of prime
20 farmland. We must decides do we want to
21 reduce soil erosion or cause it. We have come
22 a long way since the mid 1800s when the
23 government was issuing land patents to
24 homesteaders to use the land to create a
25 stable food supply and a strong economy which

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1 builds a strong nation. Now there seems to be
2 an insatiable appetite for government agencies
3 to control as much land as possible.

4 A few days ago I received a brochure
5 about the Corps of Engineers wetlands
6 mitigation project. It states that they plan
7 to acquire up to 166,000 acres for this
8 project. The Big Muddy National Fish and
9 Wildlife Refuge talks about a goal of
10 approximately 100,000 acres. That's a lot of
11 land. In these proposals they state that they
12 will only acquire land from willing sellers.
13 If levee and dikes are removed and then there
14 is an artificial flood, it seems as though the
15 Corps and the U.S. Fish and Wildlife is in the
16 business of creating willing sellers.

17 The strong economy is the best protection
18 for the environment. It gives us the ability
19 and the luxury of improving the environment.

20 I would hope that after September 11th
21 our government agencies would realize that the
22 real threat to the environment, endangered
23 species and clean water are not the American
24 citizens, agriculture or industry. It is
25 imperative that we keep and build stronger the

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1 infrastructure of our nation including our
2 agriculture and transportation
3 infrastructures. We must be able to produce
4 food and have a transportation system to move
5 it.

6 Please don't do to Missouri what the U.S.
7 Fish and Wildlife Service did to the Climate
8 Valley in Oregon this past summer. Please
9 keep our nation strong by continuing the
10 current water control plan for the Missouri
11 River.

12 HEARING OFFICER: Thank you, Mr.
13 Hardecke.

14 MR. MOORE: Bonnie Blackwell.

15 MS. BLACKWELL: Good evening,
16 Colonel Curtis. My name is Bonnie Blackwell,
17 I'm involved with the farming operation in
18 Franklin County. My main purpose for being
19 here tonight and at this public hearing is to
20 ask you to continue to manage the Missouri
21 River as best you can to prevent flooding and
22 drainage problems in the spring when crops are
23 planted and to maintain the river so that
24 navigation will be possible during harvest
25 time.

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1 We also hope that the production of
2 energy continues to be reliable and
3 affordable. Therefore, I ask you to please
4 manage the Missouri River so that it is
5 agriculture and energy friendly, in other
6 words, as is.

7 Thank you.

8 HEARING OFFICER: Thank you, Miss
9 Blackwell.

10 HEARING OFFICER: Jeffrey
11 McFadden.

12 MR. McFADDEN: Good evening,
13 Colonel, I'm Jeffrey McFadden, I live in rural
14 Missouri near Richmond, I'll try not to bore
15 you with the things you heard me say
16 yesterday.

17 I feel kind of like a cat in a room full
18 hound dogs tonight. I'm one of those accursed
19 environmentalists, but not really. Really
20 what I am is a river rat, you know that. The
21 Missouri River is the place I go when I need
22 to rest my mind and my spirit.

23 I've heard a lot of farmers speak
24 tonight. I admire their organization, I
25 admire the work they do. Unfortunately, I was

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1 not born into this hereditary American
2 nobility, but was forced to find a way to
3 scratch out a living without the federal
4 government's assistance underwriting the cost
5 of doing business as I choose.

6 I operate a small business of my own and
7 I know how hard it is for small businessmen to
8 make a living in America. But I also know
9 that many opportunities for small business men
10 are shut out by the current management of the
11 Missouri River. The biggest growth industry
12 in this state is recreation.

13 All evening as we've heard people speak
14 about recreation, they have spoken of the
15 upstream states, recreation on the lakes. The
16 river is managed so totally without
17 recognition of the recreation opportunities of
18 the flowing river that even the opponents of
19 the change don't know that there are
20 recreational users here in their home state.

21 I wish all the people out there in the
22 johnboats dragging in trot lines were as well
23 organized as these farmers, we could turn out
24 a bunch, too, but their an independent lot.
25 They don't come out here in bunches. You

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1 can't just call them up and say here is the
2 meeting and here is the topic, I want you to
3 come talk, because they're out there trying to
4 scratch out food for their families out of the
5 natural things in the river.

6 We've heard a lot about endangered
7 species, but the fact of the matter is, and
8 you know it, it's a matter of public record,
9 that every single native species on the lower
10 Missouri River is in decline, period. A
11 little over ten years ago the State of
12 Missouri completely closed commercial fishing
13 for all the catfish, the only valuable species
14 on the river. We have heard this cast as
15 people versus three endangered species, but
16 it's not. It's people versus other people,
17 and it's a pity to be standing here in
18 America and talking in defense of my industry,
19 my livelihood when the government has chosen
20 another industry to be the winner. That's not
21 the American way. The American way is free
22 markets. Everybody pays their money, they
23 take their choice, they underwrite their own
24 cost of doing business. If they can't make a
25 living at it, they have to do something else.

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1 People in my business do. I would like to
2 have the opportunities to be an outfit on the
3 Missouri River. I have the knowledge, I have
4 the equipment, but I can't get the customer
5 base because there aren't enough fish, there
6 aren't enough wild fowl. The native species
7 which make the river valuable to all
8 nonagriculture users have been virtually
9 destroyed by the current water management
10 plan. So I encourage the Corps to follow not
11 just that portion of the law which says to
12 maintain the river for flood control and
13 navigation, but to also follow that portion of
14 the law which requires you to maintain the
15 river for recreation and wildlife, and in the
16 case of the largest number of recreational
17 users, those two things are inseparately
18 combined.

19 Thank you very much.

20 HEARING OFFICER: Thank you, Mr.
21 McFadden.

22 MR. MOORE: Orin Beckmeyer
23 (phonetic).

24 (Mr. Orin Beckmeyer is not present.)

25 MR. MOORE: Leonard Strobe.

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1 MR. STROPE: I'm pleased for you
2 to let me speak tonight, Colonel. I'm farmer
3 here in Cole County. I support the renewal of
4 the current water control plan for a few
5 reasons which I've written down here.

6 Navigation is an important part of our
7 transportation system, to agriculture and
8 other freight. With one and a half million
9 tons of freight on the Missouri River in 1994,
10 that equals approximately 60,000 semi truck
11 loads. We do not need more trucks on our
12 overcrowded highway system due to any cuts in
13 river navigation.

14 Flood control also benefits -- are
15 extremely important to protect the food supply
16 in our country. Our food supply is the most
17 important commodity this country has.

18 Agriculture is the largest industry in our
19 nation.

20 Flood control is also very important for
21 our cities and towns along the Missouri River
22 since the river was the first form of
23 transportation in this country and the cities
24 were built along the banks of this river.

25 The proposal to add 118,650 acres of land

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1 for aquatic and terrestrial habitat, who is to
2 control the mosquito population and health
3 problems like malaria and et cetera caused by
4 the swampy conditions caused by large
5 wetlands. It took this nation many years to
6 conquer this problem.

7 I'm also appalled by the need to change
8 the river flow based on biological opinion.
9 And I'm also a trot line fisherman.

10 Thank you.

11 HEARING OFFICER: Thank you, Mr.
12 Strope.

13 MR. MOORE: William Taysen.

14 MR. TAYSEN: It looks like I've
15 got the last word. Good evening, Colonel.
16 Actually, you pronounce that Bill Taysen, but
17 I'm not going to hold that against you. I
18 appreciate the opportunity to have a voice
19 here tonight.

20 We, as an organization which was formed
21 in 1935, had a voice in the Master Manual ever
22 since 1994, made comments in '99 and it
23 doesn't look like anything has been resolved
24 yet.

25 Is there anything you haven't heard

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1 tonight? Maybe you don't want to answer
2 questions, but I was just wondering if there's
3 anything that you'd like to hear that you
4 haven't heard yet.

5 HEARING OFFICER: You know, you
6 don't know what you don't know, but I'm
7 learning a lot.

8 MR. TAYSEN: I am, too.
9 I'd like to throw out something here that
10 I imagine there's a lot of people don't know
11 and too many of them went home already. I
12 live 20 miles up the Osage River which I've
13 heard mentioned twice tonight, and as you
14 know, the Osage River is the greatest
15 tributary or the biggest tributary on the
16 Missouri. And we are very concerned about
17 what happens on the Missouri River, have been
18 since -- ever since '93 ' when it literally
19 killed us. All the back water backed up as
20 far as the Tuscumbia bridge, which is
21 approximately 42 miles, I think.

22 I think the present manual works very
23 well with the exception of I don't think the
24 Corps actually knows what's going on down in
25 this area. Now, I experienced that in June of

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1 2001 when we had the flood with the crest here
2 at Jefferson City of 29 feet. Everyone knew
3 that this river was cresting. I can't
4 understand why the Corps of Engineers didn't
5 know it because they were releasing water June
6 5th. I take that back, June 4th, June 5th and
7 June 6th into the Lake of the Ozarks. Well, I
8 don't know whether you're acquainted with the
9 Lake of the Ozarks or not, but they virtually
10 hold their water level a foot from full most
11 of the time and they're suppose to be
12 providing flood control. A foot from full is
13 no flood control when you have inflows from
14 Truman Dam and inflows from rainfall of 32,800
15 cubic foot a second, and on down the line to
16 the 6th, they were at 26,500 cubic foot a
17 second of inflow. Well, they were releasing
18 and drawing the lake down. The 4th they
19 released 34,500, the 5th 34,700 and the 6th I
20 got on the phone and tried to find out what
21 the hell was going on. Well, I found out that
22 Truman Dam was releasing 7,146 on the 4th,
23 8,792 on the 5th, and on the 6th after I
24 called them, they shut her down to 1,892 cubic
25 foot a second.

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1 Well, Bagnell shut down, too, then to
2 24,700, 10,000 less than what they were
3 releasing the day before. What this amounts
4 to is virtually a manmade flood. If Bagnell
5 Dam was providing flood control and Truman --
6 the people at Truman Dam knew what goes on
7 down here, which I'm going to relate to here
8 in a minute, they wouldn't be releasing
9 water. I don't know how many people know it,
10 but when flood stage is -- on the Missouri
11 here at Jefferson City at 23 feet, this water
12 goes over the Osage Delta and virtually flows
13 backwards up through the Osage River. Where I
14 live 20 miles up, we had four feet of water we
15 shouldn't have had. Now, you wonder why I'm
16 saying all this, but in the event that this
17 new Master Manual is approved and at the same
18 time they advocate the spring rise of May 1 to
19 June 15, that is right in our wettest time
20 around here and that's exactly when we had our
21 flood in 2001. We would have had another four
22 feet of water or maybe more that come from the
23 Missouri back up the Osage. Now, on the 6th
24 when I talked to Mr. Parker, the water control
25 in Kansas City, nobody knew what was going on

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1 down there. But everybody should have known
2 that the Missouri was going to crest at 29
3 feet. The predictions earlier were, were 25,
4 I think, and then went to 27, and the last
5 report was 29. We think that that is poor
6 water management. If we had this levee in
7 place down here on the Osage Delta, which was
8 destroyed in '93, we would have had
9 considerably less water. We always get some
10 from the Missouri even though the levee was in
11 place before, but we wouldn't have had as much
12 as we did with it being breached and then the
13 excess that Bagnell was giving us, too, you
14 know. I don't know how many people know that
15 this water backs up the Osage when that
16 happens down here at Jefferson City.
17 Apparently, the Corps doesn't know it. Now,
18 they told me they were going to come down and
19 study the area when this happened after I
20 called them, but I never heard a word what
21 transpired. We're not opposed to protecting
22 endangered species. We think this manual
23 that's in place now can work. And that's
24 about what I have to say.

25 Thank you.

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1 HEARING OFFICER: Thank you, Mr.
2 Taysen.

3 I'm going to run through these cards to
4 make sure that we haven't missed anybody.
5 Orin Beckmeyer. Martin Bofling (phonetic).
6 Marvin Rofeeno (phonetic). Rubin Haberly.
7 Norm Plassmeyer (phonetic). Ken Metcalf.

8 Is there anyone else who wishes to
9 testify this evening?

10 (No response.)

11 HEARING OFFICER: Let the record
12 reflect the negative response to that
13 question.

14 In closing, I would like to remind you
15 that the hearing administrative record will be
16 open through 28 February 2002 for anyone
17 wishing to submit a written fax or electronic
18 comment.

19 Also, if you want to be on our mailing
20 list to receive a copy of the transcript, you
21 need to fill out one of the cards available
22 here.

23 If there are no further comments, this
24 hearing is closed.

25 Ladies and gentlemen, thank you for being

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1 here tonight and providing us with valuable
2 information which I can assure you will be
3 considered in making the decision on the
4 Master Manual plan to select the Missouri
5 River mainstem systems operational framework.

6 Have a nice evening, have a safe drive
7 home.

8

9 (Hearing concluded at 11:00 p.m.)

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ROBERTS & ASSOCIATES BY TOM ROBERTS, RPR, CCR

1 STATE OF MISSOURI)

2) ss

3 COUNTY OF PETTIS)

4 I, Thomas Roberts, Certified Shorthand
5 Reporter and Notary Public of the State of
6 Missouri do hereby certify that the foregoing
7 transcript is a true and correct transcript of
8 my original stenographic notes.

9 I further certify that I am neither
10 attorney or counsel, nor related to any party
11 to said action, nor otherwise interested in
12 the outcome thereof.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand and affixed my Notarial Seal this 12th
15 day of December, 2001.

16

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THOMAS ROBERTS

20

COSTS: DUE FROM: Corps

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ROBERTS & ASSOCIATES BY TOM ROBERTS, RPR, CCR

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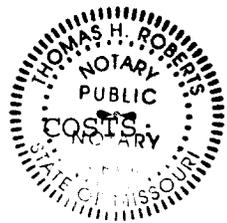
13 IN WITNESS WHEREOF, I have hereunto set my
14 hand and affixed my Notarial Seal this 12th
15 day of December, 2001.

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Thomas H Roberts

THOMAS ROBERTS

DUE FROM: Corps



THOMAS H. ROBERTS
NOTARY PUBLIC - STATE OF MISSOURI
PETTIS COUNTY
MY COMMISSION EXPIRES AUG. 4, 2008



201 Ray Young Drive
Columbia, MO 65201-3599
Phone: (573) 874-5111

November 6th Corp Meeting - Statement of Record

My name is Bruce Hanson. I am Vice President of Transportation & Distribution of MFA Incorporated. MFA is a Midwest agricultural cooperative. MFA serves the economic interest of over 50,000 member/customers in several Midwest states. The welfare of our members is influenced by their ability to procure, produce and market outputs.

The costs for crop inputs and the price received for crops produced depend significantly on transportation costs. Additionally, market access is highly driven by transportation alternatives.

I would like to comment on the Corp of Engineers' proposed plan for managing the operation of the Missouri River.

At stake is the economic well-being of area farmers and communities, the future of viable river navigation, flooding of Missouri River bottom land, safe dependable drinking water, and power generation.

FLOOD CONTROL

Higher spring flows coupled with normal rain fall will adversely affect millions of prime farming acreage. As water in the Missouri rises, smaller rivers and tributaries will also rise. The resultant higher water tables and soil moisture will make even non flooded land uncropable. This acreage is among the most productive, high yielding land in the area and will be lost due to excessive moisture. The loss of over 1.4 million acres of prime farmland to create 164 acres of habitat is far too great of an economic burden to be considered.

We have a naturally occurring spring rise every spring and four feet of additional water will ensure a flood event is probable each year. Like a bullet fired from a gun, once water is released it can not be taken back. Out of control it continues on its course, sometimes with devastating results.

TRANSPORTATION

There can be no doubt that a significant adverse impact will be had on transportation. Higher spring flows coupled with normal rainfalls will cause interruptions in the navigational process, and add to the cost of transporting commodities and equipment upstream. Delays in transit, higher fuel consumption and increased prices paid for transportation will impact Missouri agribusinesses and our economy as a whole.

Lowered water levels later in the season mean less tonnage can be hauled, higher per ton costs incurred and reduced efficiency in transporting vital goods. Each 1 inch loss of draft reduces carrying capacity over 1%. A 6" draft reduction reduces the tonnage by 6½ %. That's equivalent to 1 rail car or 4 trucks. It also increases freight costs by 6-10%. Put simply it costs more to haul less! Any further reduction in flow due to drought would devastate river transportation. This, coupled with the reduced navigational season can only exacerbate the logistical problems faced by those many who depend on the Missouri River for their transportation needs.

The future of the marine towing industry on the Missouri is also at stake. The reduction in the navigational season, lowered draft and tonnage capacity and higher spring operating costs jeopardize the river operator's future and those who depend on them. Increased costs coupled with reduced revenues will sink river navigation. This key component, if lost, would likely not return. Ripple effects would be felt in many ways.

Without a viable, competitive river transport system, other modal options if available, would become more costly. This fall, rail and truck capacity was unable to handle the grain harvest. Rail and truck freight charges are kept in line due to water compelled rate levels. Freight costs would increase by one third above today's rail costs. The change in freight costs from water usage to rail would leap by more than 55%. This could increase MFA's freight costs by more than \$20,000,000.

The resultant diversion of traffic to other modes is not in Missouri or our countries best interest. The net result is to move traffic via less efficient, higher cost and more polluting means. Our roads are already congested and dangerous. Increased costs to repair road/bridge damage will further strain river basin states' budgets.

Another issue is one of capacity. Most railroads are already experiencing shortages of equipment motive power and even labor. It is often times extremely difficult to receive required equipment under current circumstances, much less under the increased demand that would be encountered without barge availability. One standard barge holds the equivalent of 15 rail cars or 60 trucks. Shifting tonnage to rail or truck translates into thousands of additional units that are not currently available.

WATER QUALITY

Water supplies and quality/safety issues also are under siege. Erratic water levels make supplying dependable, safe drinking water difficult. Intakes cannot be moved to adjust to fluctuating water levels. Increased chemical additives will be necessary for bacteria control. Costs will rise to purify water, generate power and compensate for erratic, unpredictable water supplies. The goal of safe, dependable drinking water will be compromised.

ECONOMIC IMPACT

Today, infrastructure improvements or expansions along the river are stymied. No one can justify expenditures in this uncertain environment. Therefore limited economic progress is taking place in many river communities. MFA has recently added two Missouri river locations. Uncertainties in river operations limit our investment/expansion plans. This is occurring in many localities. Less income in our communities reduces tax bases, spendable income and has a negative impact on people who live there. I was born in Minnesota and lived in the Dakota's. We could choose several recreation options. Those whose businesses, homes and livelihood may be impacted don't have that luxury. You can't just move the family farm!

IN conclusion, the CWCP is the only feasible alternative of those released.

Alternatives other than the CWCP will likely create adverse consequences for flood control, inland drainage, navigation on the Missouri and Mississippi Rivers and water quality standards for utilities.

**GOVERNOR HOLDEN'S PUBLIC
COMMENTS
MISSOURI RIVER PUBLIC HEARINGS
JEFFERSON CITY**

11/7/01

**Thank you for this opportunity to share my
thoughts and observations with you this
evening.**

This issue is of supreme importance not only to Missouri, but also to the entire nation, and I want to thank you for holding this hearing to listen to the comments and concerns of the people of Missouri.

As Missouri continues to evaluate the newest data from the Corps, we will be looking to ensure that the Missouri River remains a “river of many uses,” including recreation, navigation, agriculture, hydropower, water supply, and fish and wildlife conservation.

Balancing the interests of both the upstream and downstream reaches of the river is absolutely essential to achieving this goal.

Because of the vital importance of these issues, Missouri maintains that all decisions must be based on sound science.

We strongly believe that if all sides of this discussion commit themselves to adherence to solutions founded on valid scientific studies, that will enable us to make substantial progress on resolving the issues that have been debated for so many years.

Contrary to some representations, Missouri is firmly committed to improving the environmental health of the Missouri River.

However, we believe that there are ways to achieve these benefits while still protecting, and possibly enhancing, the lives and livelihoods of the Missourians who live on or near the banks of the Missouri River.

A significant concern to Missourians is that many of the proposals in the Revised Draft Environmental Impact Statement (RDEIS) include plans to increase total system storage in the upper lakes.

We have apprehensions that such changes would significantly reduce the ability of the Corps to ensure that the River is managed to the benefit of all residents of the basin.

The Corps must have adequate flexibility to respond to a wide variety of situations, both anticipated and unforeseen.

We believe these proposed changes to storage levels in the upper lakes would limit the Corps' capacity to perform its statutorily mandated role.

Missouri has further concerns that these changes to total system storage could eventually restrict the use of water by downstream states and thus be detrimental to the future welfare of Missourians.

Missouri strongly opposes any plan that would reduce the amount of usable water released to downstream states.

Furthermore, in light of the importance of the endangered species in this discussion, Missouri also suggests that the effects of increased storage of water in the upper lakes on the endangered species be examined.

Comprehensive data regarding the impact of higher levels in the upper lakes on the endangered species is not currently available, and we believe this information should be included in this dialogue.

A second key component of many of the current proposals is for a variety of reduced flows from Gavins Point Dam in the summer.

The flow levels and timing of the current proposals differ significantly from the historic hydrograph.

Missouri recognizes that a properly timed and proportioned reduced late summer flow will likely benefit some sections of the River's ecosystem.

I thus support efforts to achieve a flow level that will help these species, while also ensuring that the long-term viability of river commerce on the Missouri River is not degraded.

Missouri believes that such a flow level exists.

Our state has advocated a reduced flow of 41,000 cfs at Kansas City from August first through September fifteenth.

The goal of this proposal is to accomplish these flow conditions approximately three of every five years in order to balance the interests of the endangered species, recreation, and the continued support of other uses of the Missouri River.

Proposals to depart from current operations must also consider the effects of any changes on Mississippi River system navigation.

The entire inland waterway system depends on the supplemental flows from the Missouri River into the Mississippi.

I do not support proposals that are detrimental to the long-term viability of navigation on either the Missouri River or the Mississippi River.

Finally, any reduced summer flow alterations must be water neutral.

As I said before, Missouri will strenuously oppose proposals that reduce the amount of useable water released to downstream states.

A third key component of many of the current proposals is a periodic spring rise, created by federal releases of additional water from Gavins Point Dam during May.

Missouri has serious concerns that the current proposals for expanded spring releases could have adverse effects for the bottomland farmer in Missouri, including increased flood risk, higher groundwater levels, and inadequate drainage throughout the lower basin.

Additional spring releases could potentially compound the effects of large rainfall events downstream of Gavins Point, thereby increasing the risk of unanticipated flow levels in downstream states.

The dangers of such a spring rise are increased because water from Gavins Point Dam takes approximately 10 days to reach St. Louis.

Spring flooding keeps farmers out of their fields during the planting season, and higher groundwater levels reduce yields, thereby having a significant negative impact on Missouri's bottomland farming community.

Missouri's agricultural community must be a top priority in this discussion, and I will strive to ensure that the agricultural community along the Missouri River remains viable and profitable in the twenty-first century.

One issue that has occasionally been lost because of the more contentious nature of some of the other proposals is the importance of habitat improvement projects in restoring the aquatic diversity lost to the creation of the upstream lakes, and channelization and bank stabilization efforts over the last fifty years.

Missouri believes that an active program of habitat creation and restoration, augmented by appropriate alterations to late summer flows, would substantially assist the recovery of the endangered species.

Our state has undertaken a number of habitat improvement projects, often in concert with the Corps, and we believe that these cost-effective and uncontroversial efforts deserve significant investment by the federal government.

Finally, one issue of high-importance to our state, which is not currently in any proposals but has been raised at various times during this discussion, is the possibility of water transfers out of the Missouri River basin.

Missouri unequivocally opposes out-of-basin transfers.

Such transfers constitute economic and ecological threats given the existing demands for water within the basin and the needs of species dependent on the river for their survival.

In conclusion, Missouri is firmly committed to restoring and protecting the Missouri River – and ensuring that the river is managed for all citizens.

As the evaluation process of proposed changes continues, I want to reiterate the importance of basing all decisions on sound scientific data, and further urge that all of the potential impacts and opportunities to both the Missouri and Mississippi River systems for each component of every proposal be considered.

Thank you for the opportunity to express my position on these extremely important issues.

STATEMENT TO THE US ARMY CORPS BY SENATOR BOND ON
MISSOURI RIVER MASTER WATER CONTROL MANUAL REVIEW 11/7/01
JEFFERSON, CITY MISSOURI

My name is Mike Mills and I am here to read the following testimony on behalf of Senator Kit Bond who is in Washington and could not be here tonight.

"Col. Curtis, members of the Corps, and my Missouri neighbors, I regret that I cannot be here tonight because the Missouri hearings have been scheduled during the middle of the week when Senate is in legislative session. Thank you for the opportunity to provide initial public testimony. More comprehensive testimony will be provided later in the comment period when I have the opportunity to review the materials in full that were just recently made available for the public for inspection.

I renew my previous request that the comment period be extended and that an additional public hearing be held in Missouri at the end of the public comment period so that experts in our State have a fair opportunity to review the hundreds of pages of technical data.

In summary, I believe that government should protect people from flooding, not cause floods. It should produce more efficient transportation options, not railroad monopolies, and it should continue the clean production of hydropower, not discourage it. This is always the case but it is even more obviously the case when our economy slows and jobs are at risks and families are feeling serious economic pain. The Fish and Wildlife Service plan fails because the plan's value to fish habitat is dubious while its risk to people is very real.

The good news is that I believe this new Administration will listen to the public and wants to find ways to improve fish and wildlife habitat without hurting people and property. This Administration did not start this mess, but they are left to clean it up. The President will soon have language approved by Congress in the Energy and Water Appropriations Act for 2002 which states clearly that the Secretary of the Army "may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the United States Fish and Wildlife Service." It says further that, "the Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained."

This language means two things: It means the Fish and Wildlife Service does not have a monopoly on this process and it means that the Army must maintain flood control and navigation.

In the end, I believe that the process can and will produce positive initiatives to help improve habitat for fish and wildlife and I believe that it will do so without selecting an alternative which injures people and property.

The proposition before the government is as follows: Shall this government increase your flood risk, bankrupt water transportation, leave shippers to the mercy of a railroad monopoly, and reduce energy production during peak periods of energy demand during an energy crisis because there is a chance it might help three endangered species?

This experiment is too dangerous and defies common sense. People downstream rely on the river for their livelihoods and they know the risk and have felt the economic and human loss when the river behaves outside its average tendencies. The Corps suggests that on average, few will be hurt much but it isn't the averages we are worried about, it is the additional extremes that we cannot tolerate. As everyone here knows, in Missouri, on average, it is neither hot nor cold.

The Fish and Wildlife Service, like the rest of us, want there to be more ^{stronger} ~~palid~~ in the river, but the Fish and Wildlife Service also wants to avoid going to court and since some have threatened to sue them if they don't propose a spring rise and summer low flow, they propose a spring rise and summer low flow. They then attempt to market it to the public as being necessary because it is natural when in fact it is not. They propose a dramatic summer low during the time when we experienced the unregulated historic peak highs as a result of upstream snow melt.

We are fully aware of a natural "spring rise" because in Missouri, we already have one. It is dangerous and it floods rural and urban communities without warning. When it rains in the spring, unregulated tributary flows swell the river from normal to flood stage in hours and this is the monster that the Fish and Wildlife Service wants us to flirt with by adding what they call "no more than 3 feet" of water in the spring.

Until officials can accurately make 14 day weather forecasts, they are simply playing Russian Roulette with the gun barrel pointed at our heads.

According to the non-political, not-regulatory, scientists at the Department of Interior's USGS, "Currently, decisions regarding water and flood plain management on the Missouri River must be made without the benefit of long-term, in-depth scientific information to document changing conditions on the river."

The science of a river this size is extremely complex and the understanding of how everything interacts is understandably minimal. That is why the Fish and Wildlife Service is really hanging their hat on their concept of "adaptive management" so that they will be free to make additional changes to river management as they say "without having to go through another 12-year process." They don't want the public involved and they want this flexibility because they apparently don't believe that the specific "spring flood" and summer low flow proposal will restore the palid.

Seven years ago, the Corps "spring rise" plan was condemned from Omaha to New Orleans by the public. I have been very critical of the Clinton Administration for trying to force this down our throats this last year, but everyone should be reminded that it was the Clinton Administration in 1994 who proposed it only to reject it subsequently. It was their Secretary of Agriculture and Secretary of Transportation who vigorously opposed the Corps plan in 1995 representing the honest views of cabinet-level officials.

Governor Holden and the Mississippi River Governors of Kentucky, Tennessee, Louisiana, Mississippi, Illinois, Arkansas, Wisconsin and Minnesota wrote to the President earlier this year to communicate their opposition to this plan because of the impacts it will have on the Mississippi River which you will learn more about when you travel to Memphis and New Orleans. I would not be surprised to see our Brazilian competitors propose eliminating U.S. water transportation but it is not something one would expect from our own government.

There are nearly 100 organizations of the National Waterways Alliance from Virginia to Oklahoma to Mississippi to Minnesota to Alabama to Nebraska to Louisiana to Ohio and Pennsylvania who have written in opposition to what the Fish and Wildlife Service is trying to impose.

The American Soybean Association, National Corn Growers Association, National Association of Wheat Growers, National Grain and Feed Association and other national groups who represent farmers have written in protest of the Service

proposal.

I believe what will happen at the end that did not happen seven years ago is that the Administration will actually identify projects and approaches that build habitat but do not injure people and property. The Bush team will work with the Congress, the States and the public to fund and implement them aggressively.

There are many ways to improve fish and wildlife habitat without hurting people and property. That should be and will be the ultimate positive approach that I believe the government will take.

 I believe that the upstream states, who spend a small fraction of what our State spends on Conservation, should have a role in devoting more of their own resources to improve the river. What this debate between the states is really all about is who gets water when it is dry and the fact of the matter is that we all suffer when it dry. I don't blame them for asking for more water when its dry just as they should not blame us for wanting more water but we are not hiding behind the Endangered Species Act to argue our case.

Finally, many brave young men and women are in harm's way risking their lives as we speak to keep this country safe. At home, we must make our economy strong and we look to government to work with us, not against us, in fulfilling that mission.

I thank the public for being here tonight and I thank the Corps for being available to listen.

TESTIMONY SUBMITTED BY U.S. SENATOR JEAN CARNAHAN
November 7, 2001

Thank you for the opportunity to address an issue that is very important to the people of Missouri. As you can see, my State lies at the confluence of these two great rivers, the Missouri and the Mississippi. The rise and fall of these rivers has a tremendous effect on Missouri -- on its agriculture, recreation, environment, and economy.

Eight years ago Missourians faced one of the worst floods in the State's history. The great flood of 1993 destroyed crops, farmland, and entire neighborhoods. The damage caused by '93 flood ran into the billions of dollars.

This year we saw communities up and down the river again battling floodwaters. It astounds me that any government agency, whether it be the U.S. Fish and Wildlife Service or the Corps of Engineers, would contemplate an action that would put Missourians and residents of other downstream states at risk of even more flooding.

Changes to the Missouri River Master Manual could have a disastrous impact on Missouri and other downstream states. If the Corps implements any of the proposed alternatives under consideration in the Revised Draft Environmental Impact Statement (RDEIS) -- other than the Current Water Control Plan (CWCP) -- Missouri would suffer great losses. Our agricultural industry would suffer, not only by the higher risk of flooding, but also by delayed or prevented planting due to backwater during the spring planting season.

Any change would also damage the region's overall economy. The barge industry alone contributes as much as \$200 million to our economy and would be severely hurt by the changes in the River levels. We also must consider the effect on the Mississippi River. The alternatives other than the CWCP would jeopardize 100 million tons of Mississippi River barge traffic, which generates \$12 to \$15 billion in annual revenue. Irrigation, public water supplies, and Missouri utilities would also be negatively affected by proposed changes.

The Corps is considering such changes to the Missouri River Master Manual by a large degree to help endangered species. While I strongly support protecting endangered species, I firmly believe that we must factor in the hardships that we are placing on our citizens as well. Furthermore, I am not convinced that many of the proposed changes would actually accomplish the goals of protecting these species.

In recent years, this has become a partisan issue. It should not be. Some say that it is an environmental issue. However, the environmental benefits of the proposed changes have not been proven. Others say that it is solely an economic issue affecting upstream states. It is not. On balance it would greatly harm our economy.

This is an issue of fairness, and it is not fair to expose Missourians and other downstream residents to severe flooding, economic loss, and potential environmental destruction. I strongly urge the Corps to consider this when selecting a plan to govern the flow of the Missouri River.

IKE SKELTON

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Congress of the United States

House of Representatives

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Statement of Congressman Ike Skelton (D-MO)

Regarding the Missouri River Master Manual Review and Update Revised Draft Environmental Impact Statement (RDEIS)

Wednesday, November 7, 2001 – Jefferson City, Missouri

I want to thank the U.S. Army Corps of Engineers for convening this series of public meetings and hearings to discuss the six proposed alternatives to revise the Missouri River Master Manual. As you know, Missouri residents have demonstrated a serious interest in ensuring that responsible water flows are maintained on the Missouri River and have actively participated during the previous public meetings and comment periods to discuss proposals to modify the Master Manual. I am confident that the Corps will consider the testimony and comments received during this latest process in a thoughtful way.

The Missouri River forms the northern border of the Fourth Congressional District, whose residents I have the privilege of representing in the U.S. House of Representatives. Having been born in the river town of Lexington in Lafayette County, the Missouri River has played an important part in my life. Generations of men and women who have lived along the river share my respect for the Missouri River's contributions to our history, our heritage, and our economy. Missourians also respect the need to protect endangered species to the best of our ability. But it will be impossible to ask the public to support any plan that presents doubtful benefits for fish and wildlife and presents significant risks to our citizens.

Citizens in Missouri and other downstream states continue to be concerned about the impact of proposed water flow changes on farming, barge navigation, other agribusiness, and power generation, as well the impact on wildlife and habitat. A

spring rise and subsequent flooding that keeps farmers out of the fields would be an additional blow to farmers who have been dealing with some of the lowest crop prices in a generation. Lower water levels in the summer that disrupt the barge navigation season would raise transportation costs and possibly end barge navigation on the Missouri River altogether. Low water levels, in the summer and in the winter, may hinder electricity generation, also increasing costs at a time when our country is facing challenges to the energy sector. Modifications to water flows on the Missouri impact other vital waterways, such as the Mississippi River, and may interrupt commerce. None of these possible outcomes can be taken lightly. Short of maintaining the current water control plan, other proposals that have been discussed would be disastrous to these interests, without any measurable benefit for wildlife or habitat.

It should not be necessary to sacrifice the well-being of residents of Missouri and other downstream states in order to enhance wildlife habitat. In fact, current habitat rehabilitation projects along the Lower Missouri River have successfully begun to reverse the loss of habitats. The continuation of such projects could provide a proven tool to protect and restore endangered species.

Again, I appreciate this opportunity to comment on the Revised Draft Environmental Impact Statement. It is my hope that the Corps' final environmental impact statement and selected alternative seeks to avoid the adverse results that are such a concern to Missourians and to residents of the other downstream states. I am grateful for your attention to my views as the Corps seeks to balance the needs of Missouri River stakeholders.

U.S. Fish and Wildlife Service
Public Comments
Missouri River Master Manual Hearing
November 7, 2001 - Jefferson City, Missouri

Good evening, my name is Charles Scott and I'm here this evening on behalf of the U.S. Fish and Wildlife Service to issue a brief statement on the Revised Draft Environmental Impact Statement for the Missouri River Master Water Control Manual. I'm also here to listen to the comments in person from citizens on this important issue.

The Service has primary authority for oversight of our nation's rarest animals under the Endangered Species Act. The Missouri River is home to the endangered pallid sturgeon and least tern, and the threatened piping plover. The decline of these species tells us that the river is not healthy for its native fish and wildlife, and that there needs to be a change in its management to restore the Missouri to a more naturally functioning river system. A healthy river provides wildlife habitat, supports fishing, and makes boating an attractive recreational activity.

Congress committed the Federal Government to preventing extinctions by requiring Federal agencies to use their authorities to conserve endangered and threatened species. During the last 12 years our agency has been working with the U. S. Army Corps of Engineers to modernize the management of the Missouri River to help stabilize and hopefully, begin to increase and recover populations of these vary rare animals. This new approach was described recently in a document called the “Missouri River Biological Opinion,” published in November 2000.

The biological opinion looks at the river as a system and outlines the status of these rare species, the effects of the current operation on them, and a reasonable and prudent alternative to the current operation that will not jeopardize their continued existence.

Our biological opinion is based on the best available science and includes nearly 500 scientific references. In addition, we’ve sought out 6 respected scientists – “big river specialists” – who confirmed the need to address flow management, as well as habitat restoration. Further, the Missouri River Natural Resources Committee, a group comprised of the state experts on

Missouri River management, endorses the science in the opinion.

If you have read the RDEIS or summary document, you understand that the “GP alternatives” encompass the range of flows identified by the Service as necessary below Gavin’s Point Dam to keep the listed species from being jeopardized. Our agency, and the Corps, also recognized the importance of some flexibility in management that would enable Missouri River managers to capitalize on existing water conditions to meet endangered species objectives without having to go through another 12-year process.

Other management changes identified in the biological opinion include a “spring rise” out of Fort Peck Dam, an improved hatchery operation to assist declining pallid sturgeon populations, restoration of approximately 20% of the lost aquatic habitat in the lowest 1/3 of the river, intrasystem unbalancing of the three largest reservoirs, and acceptance of an adaptive management framework that would include improved overall monitoring of the river.

In closing, the Service supports the identified goal of the revised master

manual - to manage the river to serve the contemporary needs of the Missouri River Basin and Nation. These needs include taking steps to ensure that threatened and endangered species are protected while maintaining many other socioeconomic benefits being provided by the operation of the Missouri River dams. The Service stands behind the science used in the opinion, and is confident that the operational changes identified in our opinion, and included in the RDEIS as GP alternatives will ensure that these rare species continue to be a part of the Missouri River's living wildlife legacy.

The Missouri River is a tremendous river, with a significant and revered heritage. Our influence has altered the river greatly. Changes are needed to modernize and restore health to the river – for the benefit of rare species and for people, too.

Thank you for the opportunity to speak to you here tonight.

I'm Daniel LePage. I'm a 7th grade student at St. Martin School here in Cole County. My parents are Bill and Lesley LePage, and our family farms in the Missouri River Valley at Cole Junction. My Grandpa, Paul LePage, also farms in the Cole Junction Levee District.

We have a good levee, but we don't need any extra water in the spring of the year. That's planting time, and a high river means more seep water, which makes it really hard or even impossible to plant our crops. Extra water in the spring would also increase our chances of having a flood. Dad says there are enough challenges to farming without having a controlled flood forced upon us by the Corps of Engineers.

My brother and I like to stand on the bank of the river and watch the barges go up and down. Grandpa says if there's not enough water in late summer for the barges to travel, our fertilizer prices would be higher and the grain we sell would not bring as much money.

My brother and I also like to hunt and hike in the woods outside the levee. But without the river controlled and the dikes repaired, the river is rapidly eating into our hunting grounds.

I've been to visit the Steamboat Arabia in Kansas City. I know that our great country would not be where it is today without the river navigation that went on in the past. I think river navigation is important for our future. Our highways are already overloaded and in disrepair. Do you know how many trucks it would take to haul the grain that one barge can haul? Why would we want to put more traffic on our highways?

I also think that American farmers need to continue to grow lots of grain so that we can develop and market more ethanol and biodiesel. Everyone knows that our dependence on foreign oil is scary, so why would we want to take fertile crop ground out of production when we can be growing grain for food, and clean-burning ethanol and biodiesel?

I've watched my Dad and my Grandpa farm, and I hope that someday I can farm, too. That's why I hope the Corps of Engineers will use the same plan to manage the river as they have been using in the past.

Thank you.

Daniel LePage

Thank you for the opportunity to be on the program today.

I am Paul W. LePage. I own and operate farm land in the Cole Junction Levee District here in Cole County.

The Missouri River is a tremendous resource. In the valley along the Missouri River, we are blessed with fertile soil and a climate favorable for many different agricultural products. The impact statement of the Missouri River Master Water Control Manual Executive Summary dated July 1994, states: "Agriculture lands, residential areas, and business districts all benefit from flood control on the Missouri River." Approximately 1.1 million acres of farmland are subject to flooding along the Mainstem System. We do not need any additional water in the spring of the year.

The world food demand will continue to increase from the current demand, adding about 35 million tons of grains, oilseeds, meat and dairy products per year. To meet this demand, and keep our food prices as low as possible, we must continue to farm the Missouri River Valley.

A spring rise would increase the chance of flooding. Also, it would cause internal drainage problems, delayed planting dates, and drowned crops.

A reduced summer flow (split navigation season) would be a great disaster to Missouri, and many other states. The reduced summer flows would not be adequate to provide for navigation on the river during the harvest season. This

would end navigation on the Missouri River. The industry cannot afford to operate under a split-season scenario.

There are many power plants along the river, generating our ever precious electricity. If the river became low in late summer, they would not receive enough water to keep in operation. Between Sioux City, Iowa and St. Louis, Missouri, there are approximately 1,600 water intakes. They serve many purposes, the main one, of course, being the municipal water supplies. With lower late summer flows, there would not be adequate water to supply their needs.

It seems that after all is evaluated, the current water control plan is the best plan for the Missouri River.

Thank you.

A handwritten signature in black ink, appearing to read "Saul H. Hayes". The signature is written in a cursive style with a large, looping initial "S".

November 3, 2001

Re: Missouri River Master Water Control Manual

I have been farming in Missouri, including Missouri river bottom land and hill land, for over 65 years, continuing on from my father, and I have always been a friend to the land and nature. I have been a strong supporter of Conservation, and have worked my whole life to improve the population of deer, turkey, and grouse, at a balance with producing a good living for my family.

Based on my experience, I know that the last thing that we need is a Spring rise in the Missouri River EVER. We purchased our first river bottom ground near Hermann in the 1940's and have increased our operations in the river bottom over the years since. I know how the river level affects farming operations from the 65 years that I have watched it and tried to manage my operation around it. The changes in flow that you are suggesting do not make any sense if you want farming to continue along the river, in some of the best land in Missouri. Farmers have had to contend with the weather as a factor that we could not control, but now you put forward a plan that would 'guarantee' the kinds of disasters that heretofore only nature could provide.

If you are going to flood out farmers every third year, as your plan will do, you will then need more welfare for young farmers as they will be out of business. What bank would give a farmer a loan for seed and chemicals for that third year when the 'Spring Rise' will come? The interest would need to be very high for that bank to have any expectation of recovering their money. I do not think that we need to be creating more welfare opportunities; we are supposed to be reducing welfare. Spring soil preparation and planting will not happen that year for many farmers. Even having the river level at Hermann at 22' (1 foot over flood stage) may not top the levees, but it will make the land so wet it will keep us out of the fields and prevent preparation and planting. Any Rise that you plan, no matter how controlled or planned, will only add to Nature's fury. You can't stop the water once you let it go, and you will not know the weather for our area at the time that you release, so you can't say that you will know and plan around existing weather conditions.

Reducing the navigation of the river can be just as detrimental to farmers, although it may not be recognized as a direct affect. The limiting of barge traffic with reduced summer flow comes right after wheat harvest and will make transportation costs go up; therefore giving the farmer less profit. It may affect the price to the end customer, but it always comes back to the farmer to take less for his crops in the end.

Ongoing management of the river without direct input from all parties involved is as big a mistake as your current plan. Not only are you saying that this plan is good for all (which it is not as I pointed out above), you are saying that these same people who put this plan together should keep making all the decisions forever. This is probably the most dangerous mistake. You say that people who have done the work and have the experience of 65 years of working with the River and Nature do not know anything. You need to listen to us who have been there and know the long term affects of what you plan.

Do not implement this plan if you want some of the most profitable farming in Missouri to continue.



Rubin G. Haeberle
Missouri River-Bottom Land Owner and Farmer

**Oral Testimony:
Lynn M. Muench
The American Waterways Operators**

**Missouri River RDEIS Public Hearing
Jefferson City, Missouri
November 7, 2001**

I'd like to thank the Corps for this opportunity. How we decide to balance the multiple uses of this important national treasure, the Missouri River, will indicate how much we, as a nation, value economic prosperity, the health of the family farm, and our environment.

My name is Lynn Muench and I am Vice President of the Midcontinent office of The American Waterways Operators. AWO represents the towboat and barge operators on our coastal and inland waterways system, including on the Missouri River. Today, I'm here to articulate our industry's concerns with the alternatives presented in the RDEIS and our vision of the future.

The construction of the dams on the Missouri River and the locks and dams on the Mississippi River were begun in the 1930s. Congress mandated 9-foot channels to move agricultural, ^{products} ~~goods~~ in a cost-effective manner, ~~products~~ from the landlocked Midwest to the coasts and to export markets. Before

these rivers became a reliable “third coast,” farmers were held hostage to high rail rates. Farm income was often devastated by these high rates. With the construction of the water superhighway, low-cost transportation became available and rail was forced to compete for business. This phenomenon, otherwise known as “water-compelled rates”, saves shippers in the region between 75-200 million dollars per year in decreased rail and truck rates when forced to compete with the Missouri River. The towboat industry is dismayed that these numbers are not proportionally evaluated for the immediate and real regional economic benefits or costs. We call on the Corps to correct their methodology to fully reflect the economic hardship the region will face without river navigation.

The Corps has underestimated flow levels needed for minimum service. The flows used in the study are pre-1993 flood needs. Over 100 dikes have not been repaired since the 1993 flood, increasing the amount of flow needed for minimum service by several thousand cfs. AWO members call on the Corps to adjust these numbers to fit reality and the Congressional mandate to support navigation.

The ability to ship via barge also mitigates major air pollution problems in the St. Louis area. As a “Non-Attainment” Zone, the region already faces heavy scrutiny from the EPA. If barge traffic no longer existed on the Missouri River, a reasonable expectation with the split-navigation proposal, 1.5 million tons would be forced to rail or truck. If this tonnage were shifted to truck, almost 40,000 more trucks would move through St. Louis yearly. This does not consider tonnage that would have to move off the Mississippi River due to the decreased reliability. The RDEIS does not indicate that the Corps has evaluated increased costs due to appreciably increased air pollution, to the potentially increased fatalities on our roads, or the cost of increased road and bridge construction. Our industry requests that the Corps consider the environmental and quality of life costs of this modal shift.

The impacts on the Mississippi River are either unknown at this time or grossly underestimated. The Corps has either not evaluated, considered, or released information on the following:

1. According to the Missouri Department of Natural Resources, split-navigation, otherwise known as low summer flows, would render the Mississippi River unreliable in at least 27 out of 100

- years. How will this impact the nation's economy and the American farmer? Will agricultural exports still be able to be competitive in the world market?
2. The "spring-rise", otherwise known as a "planned" spring flood, would vacillate, in a short period of time, the water levels in the St. Louis Harbor. There is no evaluation of how fast the St. Louis Corps District could dredge the harbor. What are the costs?
 3. The Depletion Analysis Fact Sheet initially misstated that GP2021 would be a save the nation \$10 million when, in fact, it would be a \$10 million cost. How many more mistakes are there in the RDEIS that we have been unable to locate? The Corps has not allowed appropriate time for stakeholders to evaluate these documents.
 4. With low summer flows, how would the unreliability of the Missouri, Mississippi, and Illinois Rivers impact our national security? The Department of Defense relies on our river system to move supplies during peacetime and wartime.
 5. Why are shippers' increased costs not included in economic costs?

6. Why is the methodology used to evaluate recreation and navigation different? How can we compare apples to oranges?

AWO requests the Corps reevaluate their economic analysis. The study must reflect the true impacts to the entire nation.

The waterways industry desires to provide the nation with the safest, most environmentally friendly, and cost-effective form of transportation. AWO members request that the Corps and the USF&WS reevaluate both the Biological Opinion and the RDEIS and look for ways to balance all the basin's needs. Sufficient water flows for navigation in the Missouri and Mississippi can be maintained while improving habitat for threatened and endangered species. Habitat restoration in concert with current flows as dictated by the CWCP could find such a balance. Adaptive Management, an ingredient of all the options, would disenfranchise stakeholders. It is also illegal under NEPA. AWO members strongly urge the Corps to choose CWCP as its preferred alternative and work to create habitat for threatened and endangered species in a way that does not endanger America's economic prosperity, the American farmer and the environment.

In summary, AWO remains strongly opposed to any change in Missouri River reservoir operations that will jeopardize Missouri River or mid-Mississippi River navigation.

George Struckhoff

5266 Hochmann Rd
Augusta, MO 63332

Points

① Turn in low area of bottom -

② Losses about \$100 an acre - seep water

③ Can't do too much about our situation,

but the raising of the river 2 ft in the spring will almost certainly cause other farms in our neighborhood to experience this as well.

(Off the point) -

④ Most people have assumed that when you don't rebuild a levee and permit the water to flow through ~~the~~ a river bottom, that the river level should drop. ^{During flood time} That is at least as likely is that the current will slow in the main channel; that the channel will, as a result, silt up and as a result reduce the carrying capacity of the river. Thus it is at least as likely that opening a bottom will not really help flood levels in the long run.

Lastly, a word about Congressional intent.

⑤ ~~If the~~ I don't think I ~~if that~~ this increase in spring flood levels had been proposed as a consequence of the Endangered Species Act, is there anyone at all who thinks that that Act would have sailed through Congress as it did?

Statement that

(4) These ill effects are certain;



**Revised EIS for the Missouri River Master Water Control Manual
November 7, 2001 Public Meeting
Jefferson City, Missouri**

Good evening, my name is Steve Kidwell. I work for Lafarge North America Inc. We are a worldwide leader in supplying construction materials, most notably Portland cement, concrete, aggregates, wallboard, and roofing tiles. Lafarge is strongly committed to producing high quality products safely and responsibly.

I work at our cement plant in Sugar Creek, Missouri. Our facility and property lie on the south bank of the Missouri River just east of Kansas City, Missouri. I manage all the environmental and public affairs at our location there.

Cement manufacturing has existing at this location long before Lafarge acquired the facility in 1991. In fact our property has supported limestone mining and cement manufacturing since 1907. The river has been used for raw material, fuel, or product transportation since the beginning.

Lafarge is investing heavily in this location. To meet increased demand, we are nearing the completion of a \$200,000,000 project to nearly double our annual cement production capability. Lafarge has also recently invested over \$300,000 in the barges used to transport cement to Omaha, Nebraska.

The Sugar Creek Plant is part of Lafarge's River Region, which includes cement plants and numerous terminals located on the Missouri, Mississippi, and Ohio Rivers. River transportation is a vital link in between Lafarge's plants and suppliers, and is the most cost effective, safe, and, environmentally friendly form of transportation that we can employ in our region.

As a specific example, next year my plant anticipates shipping up to 79 barge loads of cement to our customers. This same amount of material would require over 4000 tractor-trailers, create additional safety and noise concerns for our cities and highways, and consume 3-4 times the amount of fuel resulting increased air emissions.

These are significant environmental and quality of life impacts. And yet, I haven't even included the impact of receiving raw materials or fuels by barge.

River transit also serves to keep rail and truck transportation rates more competitive, and that is good for all industries.

In conclusion, Lafarge wants to maintain the ability to ship and receive materials via barge. We believe the Missouri River provides the most cost effective, safe, and environmentally sound way to do this. Lafarge supports any alternative that avoids a split navigation season or significant reduction in the length of the navigation season.

November 7, 2001

Oral Testimony:
Jefferson City, Missouri Public Hearing
Revised Draft Environmental Impact Statement
Missouri River Master Water Control Manual
United States Army Corps of Engineers
Northwest Division

Good evening. My name is Randy Asbury and I'm Executive Director of the Coalition to Protect the Missouri River. This coalition represents a diverse group of twenty-eight agricultural, navigational, utility, industrial and business-related entities all of which are, or represent, Missouri River stakeholders. We support responsible management of Missouri River resources and the maintenance of congressionally authorized purposes of the river including flood control and navigation. We also support habitat restoration for endangered or threatened species to the extent that it doesn't jeopardize humans or their sources of livelihood.

In a paper written to address the preferred alternative of 1994 entitled The Historical Mission of the US Army Corps of Engineers, Rose Marie Hopkins wrote, "The world has become smaller. Business is now operated on a global basis. Only two percent of the US population are farmers. Therefore, those farmers must be more efficient to continue producing an affordable and plentiful food supply. Depriving farmers in the Missouri River Basin of the competitive transportation structure that includes the river, railroads, and trucks will directly impact the price paid for every bushel of grain...According to Bill Jackson, AgriServices of Brunswick, Missouri and Bob Macoy, Manager of Bartlett & Company of Waverly, Missouri, the price paid to the farmer for grain produced will be \$.20-.25 per bushel less...Lower prices will reflect the higher transportation costs the river terminals will be forced to pay to get the grain on to market."

"Moving grain by barge is much more cost effective than by truck or rail. Water-compelled rates result when railroad routes that run parallel to the rivers are forced to

compete with the lower-priced barge rates. There is little doubt that without river navigation, the price of transporting by rail will be even less attractive than it is currently. Simply put, savings result from water-compelled rates. Rail rates in North and South Dakota where the only options are truck or rail are much higher than where there is competition from barge transportation. It is quite obvious that this is because of the lack of competition. Fractions of pennies in the price of grain, let alone quarters, greatly impact international markets in today's global marketplace."

The importance of agriculture and navigation to our nation today is even of greater importance. Reliance on world markets and transportation to these export opportunities is critical to our nation's farm economy. World population continues to climb and our nation's farmers meet that challenge by producing food to meet ever-increasing food needs. Farmer's efforts are complemented by the role navigation plays in the transportation of agricultural commodities to the world market.

The Corps' Depletion Analysis Fact Sheet states river depletions are generally bad for Missouri and Mississippi River navigation. This is a correction over original Corps documentation stating the opposite. Documentation now shows that Mississippi navigation will incur an additional \$10 million in expenses. We believe this figure is underestimated and could substantially increase upon further review.

The importance of navigation to our nation's transportation system cannot be overemphasized. Agricultural commodities travel the rivers to New Orleans on their final destination to foreign markets. The competitive cost of transportation on the Mississippi is one reason our nation is able to compete in global export markets. South American countries are investing large sums in river infrastructure to upgrade their river systems to be more competitive in world markets. America cannot afford to allow any aspect of river commerce to deteriorate for fear of losing export market share to South America at the expense of our agricultural industry. It is imperative that no alternatives be implemented that will cause damage to this critical component of our transportation system.

Ag and navigation also combine two segments of society that are environmentally friendly. Farmers and navigators are daily conservationists despite the rhetoric. Navigation offers transportation that is unparalleled in environmental effectiveness. The carrying capacity of one barge tow eliminates the need for 870 semi-trailer trucks to travel our nation's highways saving lives, resources and dependence on fossil fuels. Our nation's highway and railroad infrastructure is not adequate, especially in Missouri, to withstand ^{the} loss ~~or reduction in~~ ^{of} navigation. It's time for federal agencies like the Departments of Ag, Transportation, Energy and EPA to recognize the seriousness of this issue and analyze the effects this issue will have on the sectors of society they oversee?

The end of Missouri River navigation and the curtailment of Mississippi River commerce will occur under the GP options. The far-reaching effects of the direct and indirect costs associated with this burden to the transportation system will adversely impact both agriculture and navigation. I urge the Corps to continue with the CWCP ^{with} ~~that~~ the addition of adaptive management.

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November 7, 2001

TESTIMONY:
JEFFERSON CITY, MISSOURI PUBLIC HEARING
REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT
MASTER WATER CONTROL MANUAL
MISSOURI RIVER
REVIEW AND UPDATE
UNITED STATES ARMY CORPS OF ENGINEERS
NORTHWEST DIVISION
COLONEL DAVID A. FASTABEND, COMMANDER

Good evening. My name is Tom Waters. I live near Orrick, Missouri and I am a seventh generation Missouri River bottomland farmer. Colonel Curtis, tonight I want to express my personal opinions about the alternatives found in the U.S. Army Corps of Engineers Revised Draft Environmental Impact Statement.

You see? I am one of the many farmers along the Missouri River which could be driven out of business if the U.S. Fish and Wildlife Service achieves its goal of gaining control of the Corps of Engineers and the operations of the Missouri River. The Spring Rise and Low Summer Flow alternatives proposed in the Revised Draft Environmental Impact Statement would be devastating to my farm. A farm that has been handed down through several generations.

I want to tell you about the people the Spring Rise would affect. As Chairman of the Missouri Levee and Drainage District Association I have had the opportunity to meet and become friends with hundreds of Missouri River bottomland farmers. Colonel, these people live their lives farming the rich bottomland soils found along our great river. They produce the world's safest and abundant food supply.

The people along the Missouri River have a great resolve and determination when it comes to protecting their way of life for they know the importance of the work they do. I share their determination to protect one of our nation's greatest natural resources and the productive farmland adjacent to it.

Colonel, I do not exaggerate when I tell you my farm will suffer if the Corps releases higher flows in the spring. My farm will suffer if navigation is forced off the river by lower summer flows. Higher spring flows keep our floodgates closed and my fields are unable to drain. This causes delays in planting and sometimes drowns the crops I have planted. In these times of a poor farm economy, farmers cannot afford to replant their crops two and three times because the river is flowing at high levels. Barge and rail ship much of the grain I grow. The loss of navigation on the Missouri River would increase transportation cost and reduce the price I receive for my grain.

During World War II, the land I farm today produced potatoes that fed thousand of hungry soldiers fighting for our country. Today, I raise several thousand bushels of corn, wheat and soybeans, which are not only used here at home, but are also shipped across the globe to feed an ever-growing population.

Past generations worked hard to harness the river. Generations after generations have fought to keep the river from flowing over their land. We must not abandon the flood control efforts put into place by our forefathers. The current water control plan was designed to protect our communities, provide transportation for our nation's products and supply drinking water for communities along the river.

Recently, the repair and maintenance of the riverbanks and channel have declined. Many dikes and structures in the river no longer meet the original design criteria for the system. Increasing flows in the spring and reducing them in the summer as proposed in the Revised Draft alternatives would stress the system beyond its designed specifications. This is a dangerous prospect for farmers and communities along the river.

There has been a great discussion about flexible flows for the Missouri River. Sir, I can tell you, without a doubt, flexible flows flood farmers and families. The idea of flexible flows is based on theories and guesses about what might happen. The U.S. Fish and Wildlife Service biological opinion is not based on sound science. It is a plan for various experiments to be conducted with the river system.

Colonel, my farm is not a laboratory and I don't wish to be a guinea pig. While fish and wildlife biologist plot and plan on ways to connect the river to the floodplain, I continue to fight lower crop prices and higher expenses. I am proud to help feed our hungry world and just as my forefathers fought the Missouri River, I will continue to fight the Fish and Wildlife Service, the Corps of Engineers, Senators, Representatives, Environmental groups and anyone else whose plans and ideas would push me out of the business I love.

Colonel, I have, and many of the people in this room tonight have, a great resolve and determination to protect our livelihoods. We will not support any plan that calls for any additional spring flows. We will not support any plan which causes a split navigation season. Therefore, the only plan I can support is the current water control plan without the addition of the adaptive management strategy.

I truly believe we can protect the endangered species found in and along the Missouri River. I addressed that topic last night in Kansas City. Until the Corps of Engineers develops a plan which will not put human lives and property in danger, I and thousands of farmers like me will stand ready to protect some of the nations most productive bottomlands. I have enjoyed working with the Corps to find a workable solution and look forward to continue to work with you and your staff as you reconsider the Revised Draft Environmental Impact Statement. Thank you.

November 7, 2001

Oral Testimony

Jefferson City, Missouri Public Hearing
Revised Draft Environmental Impact Statement
Missouri River Master Water Control Manual
United States Army Corps of Engineers – Northwest Division

Good evening. My name is Dale Ludwig. Tonight, I am representing the Missouri Soybean Association and the Coalition to Protect the Missouri River. I am executive director/CEO of the Missouri Soybean Association, a membership organization made up of nearly 1,500 soybean farmers from across the state. I also farm 800 acres of soybeans and other crops with my father in southeast Missouri.

First, I would like to say this whole issue of Missouri River management seems outrageous. Why is the Corps of Engineers considering birds and fish more important than agriculture? Agriculture provides a livelihood for thousands of Missourians. Farmers are putting food on the table for millions of people around the world, and the Corps is planning to jeopardize some of our best land, not to mention, the devastation this could cause on our homes and communities. Yes, we support habitat restoration for endangered or threatened species, but only if it does not harm humans or their livelihoods.

We are opposed to a spring rise that would create adverse affects on our farmland, such as flooding and inland drainage. Missouri agriculture already experienced nature at its worst with the floods of 1993 and 1995. We do not need to put our land in danger again. It is impossible for us to support any alternative that proposes a three to four foot spring rise and suggests further risk to our crops.

The proposed spring rise would occur during planting season and increase the risk of flooding and internal drainage problems during our prime. Our planting season is time sensitive as it is and this would cause delayed planting dates. If our crops are already in the ground, they will be drowned or washed out.

Increased flooding of the Missouri River also has the potential to lead to the loss of lives and property. People and communities are at stake. A spring rise could cause thousands of homes to become flooded. We must consider the citizens of Missouri and their livelihoods before we increase the level of our largest waterway.

Furthermore, we are opposed to reduced summer river levels that will result in a split navigation season and likely end Missouri River navigation altogether and pose a negative impact to the Mississippi River. In Missouri, we export nearly 50 percent of our soybeans. In order to transport our products out of the state, we are using the Missouri and the Mississippi Rivers. Some statistics show that we are not using the Missouri River to export that many soybeans. Many times we ship our beans to St. Louis and then use the Mississippi River to transport them to New Orleans. The flow of the Missouri River still has an impact on the Mississippi River, therefore leading to the reduction of transportation.

The reduction of summer flows would equal the minimum service for navigation. These releases would not be adequate to provide navigation on the Missouri River or the Mississippi River during the harvest season. With grain prices at an all-time low, we do not need unnecessary actions hindering our efforts.

As a producer from Cape Girardeau County, I use a local river terminal to ship most of my grain. I farm on the stretch of the Mississippi River that depends on the Missouri River before it connects with the Ohio River. A summer flow reduction of the Missouri River would lead to a reduced flow of the Mississippi River. This in turn would lead to decreased barge traffic for my grain exports.

As a representative of Missouri's over 24,000 soybean farmers, we do not support the spring rise/summer flow. We are forced to support the current water control plan as the only feasible alternative proposed. The potential consequences of increased flooding are prevalent and disastrous. The so-called 'controlled flooding' is an unthinkable option that threatens thousands of acres in Missouri. It would allow the river to flood areas that are key to agricultural production.

We believe adaptive management creates too much freedom for the Corps to adjust river management, and specifically flow management, without any significant input from the public. This would not coincide with the guarantee of the National Environmental Protection Act to provide the public with a meaningful opportunity to comment on all major federal actions significantly affecting the quality of the human environment. The far-reaching authority of adaptive management on flow adjustments is unacceptable.

Producers are not the only group that disagrees with the proposed river management alternatives. We have the support of numerous senators and representatives who do not agree with a spring rise and summer flow because it jeopardizes the safety and well being of Missouri. People and communities must be valued before the pallid sturgeon, piping plover and the least tern. I urge you to put the people living and working along the Missouri River first.

Thank you.

Good evening. I am Mark Newbold, Manager of Administrative Services and Regulatory Affairs with Central Electric Power Cooperative. This evening I am representing the rural electric cooperatives of Missouri. Our three-tier system of generation, transmission and distribution company's serves almost 1.5 million people primarily in rural Missouri.

The Missouri electric cooperatives have numerous concerns with potential changes to the Missouri River Management Plan. These range from the methodology used by the Corps to evaluate historical river data, to the impacts on rural families that depend on the river, to the Corps' adaptive management proposal, and how the USF&W biological opinion is being applied. However, for tonight I will focus primarily on potential impacts to electric power production.

The primary issue underlying all of our concerns is the shift in benefits of water to the upstream Missouri River Basin states. Upstream states have, and continue to, encourage increased total system storage in the upper lakes to support primarily recreational uses. With this increased storage, increased dependency for other uses develops, such as new and expanded water supplies and agriculture uses. These increased dependencies will restrict the use

by, and impact the future welfare of downstream states. Further, we oppose any out-of-basin transfers, such as the Garrison Diversion. These transfers negatively impact all designated uses of the Missouri River and have the potential for significant environmental impact in the basin to which the transfers are made.

Our power supplier, Associated Electric, operates electric generation facilities that would be affected by changes in the Missouri River Management Plan. Both this water supply from, and ability to discharge to, the Missouri and Mississippi Rivers are potentially jeopardized by alternatives to the Current Water Control Program. Additionally, as an integrated system we are dependent on the regional power supply grid to effectively meet our members' electric power needs. There are numerous power plants, from north of Kansas City to south of St. Louis, owned by other companies that could be adversely affected by changes in the Missouri River flow, especially during the high demand summer months. As such, changes in the Missouri River Management Plan that adversely affect these other generating plants on the river indirectly affect our members.

President Bush instructed federal agencies, through issuance of Executive Order 13211, to review the potential energy impacts of

regulatory actions under their jurisdiction. The Missouri River management Plan alternatives have not been evaluated and we request that the Corps conduct a review of the energy impacts of each alternative as required by Executive Order 13211. Any plan that hinders electric power generation, either hydroelectric, fossil fuel, or nuclear, is contrary to President Bush's Energy Policy and should be rejected.

The electric cooperatives own and operate two electric generating plants, the Chamois Power Plant, and the New Madrid Power Plant, that are dependent on water from the Missouri River. These facilities ~~are~~ depend~~ent~~ on river water for condenser cooling. Low flows not only impact operations by the limited water level available for intake but also low river stages during late summer coincide with higher generation demand and elevated river temperatures, decreasing the efficiency of the plant and increasing the likelihood of effluent temperature violations.

The New Madrid Power Plant has operated for 28 years without the need to limit or curtail operations due to low Mississippi River levels. Since January 1, of 2000 the plant has had to implement low water operations for 33 days at a cost of more than 4.6 million dollars. These low water contingency measures will however, only

assure plant operations to a river stage two and a half feet below the original critical elevation.

During this past summer of 2001 river water temperatures during August, at the Chamois Power Plant, were reaching a point at which plant operations were close to being restricted in order to comply with Permit discharge limitations. This issue is an annual one that potentially limits generation at this facility. The Chamois Power Plant is dependent on a consistent water supply from the Missouri River to assure continued operations

A lower basin water commitment is necessary to protect the present uses of the Missouri River for electric generating facilities, including those located on the Mississippi River below St. Louis, and assure a resource for future necessary electric generating capacity.

The electric cooperatives do not support reduced summer flows below 40,000 cfs or a split navigation season.

Missouri's rural electric cooperatives and our rural members rely on the Missouri River. Any changes in the management plan for the river must consider not only ecological impacts, but also the impacts on families that will be affected by these changes. In

closing, I would like to state for the record that we concur with and support the comments submitted to these proceedings by the State of Missouri and the Coalition to Protect the Missouri River.

Thank you.

BONNIE BLACKWELL
3445 PETERS FORD ROAD
LESLIE,MO 63056

LADIES AND GENTLEMEN OF THE UNITED STATES
ARMY CORPS OF ENGINEERS:

MY MAIN PURPOSE FOR BEING IN
ATTENDANCE TONIGHT AT THIS PUBLIC
HEARING IS TO ASK YOU TO CONTINUE TO
MANAGE THE MISSOURI RIVER AS BEST YOU CAN
TO PREVENT FLOODING AND DRAINAGE
PROBLEMS IN THE SPRING WHEN CROPS ARE
PLANTED AND TO MAINTAIN THE RIVER SO THAT
NAVIGATION WILL BE POSSIBLE DURING
HARVEST TIME.

WE ALSO HOPE THAT THE PRODUCTION OF
ENERGY CONTINUES TO BE RELIABLE AND
AFFORDABLE.

THEREFORE, I ASK YOU TO - PLEASE -
MANAGE THE MISSOURI RIVER SO THAT IT IS
AGRICULTURE AND ENERGY FRIENDLY-----IN
OTHER WORDS-----AS IS!

NOV. 2001
JEFFERSON CITY RIVER TERMINAL

TO: CORP OF ENGINEER:

JEFFERSON CITY RIVER TERMINAL AND MIDWEST CEMENT CO. ARE INVOLVED IN TOWING BARGES TO AND FROM JEFFERSON CITY MO. AND INVOLVED IN UNLOADING BARGES ON THE MISSOURI RIVER.

WE NEED A MINIMUM OF 8 MONTH NAVIGATION SEASON TO GET PRODUCTS INTO JEFFERSON CITY MO.

IN THE EARLY SPRING AND OUT IN THE FALL WE ARE OPPOSED TO A SPLIT NAVIGATION SEASON TOWING BARGES WITH 8' DRAFT HAS 1313 TON PER BARGE OR 52 TRUCK LOADS PER BARGE WITH A 6 BARGE TOW WE CAN BRING 312 TRUCK LOADS INTO JEFF WITH A TOW

THIS IS BURNING LESS FUEL PER TON AND THE AIR QUALITY FROM EMISSIONS ARE LESS THAN BY TRUCK FOR THOSE INTERESTED IN THE ENVIRONMENT

THIS IS A SERVICE TO THE MIDWEST

WE CAN BE MORE COMPETITIVE WITH OUR PRODUCT TO OUR CUSTOMERS HERE IN THE MIDWEST

JEFFERSON CITY RIVER TERMINAL
MIDWEST CEMENT CO
Bob Cox

This Plan will be devastating to Missouri Farmers. We have a spring flood crisis and often it is more flood than flush

Also it will be devastating to large Companies, the most environmentally sound transportation in terms of Ton material moved per gal Fuel

I believe it would be a disservice to the Farming Community to side with the environmental faction

Doug Schmit
2060 Old Ferry Rd
Moberly Mo

MASTER MANUAL HEARINGS TESTIMONY
NOVEMBER 7, 2001

For well over 100 years the Citizens of this country have been working together on improving the Missouri River and its surroundings. Now is the time to come together and see that our ecosystems remain in focus for all. I would strongly urge our Senators and Representatives to examine the current water control plan (CWCP) as the guideline for the Missouri River Master Manual operations.

The Corps proposed plans for Spring Rises, Reduced Summer Flows, Higher Reservoir Levels in the Upper Basin, Adaptive Management Practices, Bank Stabilization practices, and Species and Habitat Restoration all are plans which have major ramifications. I would strongly urge you to examine these plans as to how they affect everyone.

In the Boonville Wooldridge area these plans could be detrimental. Just this last summer another two feet of water would have put the water over the levy threatening not only the farmland but also Interstate 70.

The lack of water with reduced Summer Flows also threatens our water supply for our town.

It is quite imperative that everyone realize that everything must work together for the benefit of all and we cannot control Mother Nature to the degree that we end up with a dry Missouri River or a River spilling out of its banks.

Sharon Schnuck

MASTER MANUAL HEARINGS TESTIMONY
NOVEMBER 7, 2001

For the best interest of all concerned I strongly urge you our Senators and Representatives to see that our current water control plan (CWCP) be established as the focal point for the Missouri River Master Manual operations. This plan manages the Missouri River currently to prevent flooding and inland drainage problems, support reliable and affordable energy production, and maintain navigation for the transportation of grain and other goods.

The proposed Spring Rises are very risky because no one can control the weather in all the states that affect the Missouri River. Even this last year another two feet of water on the Missouri River at Wooldridge would have been detrimental. As we were already experiencing flooding, delayed planting, drowning crops, and the threat of railroad washouts. With Interstate 70 being a major lifeline to the heartland of the U.S. it would be of major interest to everyone to never put it in danger of being threatened by flooding. The proposed use of "adaptive management" will only put control of the Missouri River into the hands of a select few. Public input will be reduced in the decisions involving flow management and the total ecosystem may be lost as well as our democratic way of government.

The corps and fish and wildlife service are considering jeopardizing our riverbanks and causing erosion of our farmland by removing and modifying the rock dikes and structures in the Missouri River. It would be better to maintain these structures and capitalize on other structures that would better maintain our river

The Corp also plans for increasing the reservoir levels in the upper basin. This will directly affect Boonville by lowering the quality of their drinking water as well as putting their water supply in question. Also this would mean a loss of water for hydroelectric generation.

A handwritten signature in black ink, appearing to read "Bill H. Schmidt". The signature is written in a cursive style with a large, looping initial "B".



Associated Industries of Missouri

The Voice of Missouri Business.

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Statement of Norb Plassmeyer, Vice President and Director of Environmental Affairs for Associated Industries of Missouri

*U.S. Army Corps of Engineers hearing on future management of the Missouri River
November 7, 2001*

Industrial Implications of Reduced Flow in the Missouri River

The effects of changing the flow patterns on the Missouri River on transportation and agriculture have been thoroughly discussed, and properly so. Since transportation and agriculture are so fundamental to the economy, a demonstration of significant negative effects of any action in these areas should be sufficient to eliminate the proposal from serious consideration.

But there are additional considerations that are possibly even more significant in Missouri. They are the effects of reduced flow on communities, and industrial and utility operations with facilities operating on the basis of design flow rates established prior to the proposal reductions.

Some facilities could find themselves in a precarious position in terms of a consistent water supply with intakes in their existing position.

In addition, and equally important, is the effect of discharging effluent into a reduced flow stream. Michael Comodeca, an attorney with Spencer Fane Britt & Browne and formerly a senior environmental attorney with the U.S. Army has written a paper "The Emerging Battle Over the Missouri River and How it Affects Your Business," which effectively examines this issue. (A copy of Mr. Comodeca's paper is attached.) Because industrial discharges to the river are often concentration based, a decrease in water flow could increase concentration levels and make compliance with water quality requirements extremely difficult. In order to stay in compliance, cities and industries along the Missouri River will be forced to either add technology or decrease their amount of wastewater discharge.

It is highly likely that the economic consequences of changing flow to the industrial, agricultural, transportation and municipal facilities on the lower Missouri will far outweigh the benefits to upstream states.

Clearly, Missouri cannot tolerate the proposed changes and all Missourians should vigorously oppose them.

SPENCER FANE

BRITT  BROWNE LLP

The Emerging Battle Over The Missouri River And How It Affects Your Business

© Michael P. Comodeca
Spencer Fane Britt & Browne LLP

In August, the State of Missouri joined the battle over managing the flow of the Missouri River. Through the Missouri Attorney General, the state filed a federal lawsuit against the U.S. Fish and Wildlife Service challenging the Service's position that the river should be managed to create more natural-like, seasonal fluctuations in flow. This is the second actual or threatened lawsuit concerning Missouri River management.

The battle promises to be long and potentially bitter. On the one side are environmental groups who have threatened to sue both the U.S. Army Corps of Engineers and the Fish and Wildlife Service for failing to protect endangered species on the river. On the other side are industry and farming interests who are fighting back against what they perceive as a direct attack on their livelihood. The environmental groups advocate a change in the flow of the river that could have substantial economic impacts. These groups would increase water flow in the spring and decrease water flow in the summer, resulting in a split barge season. According to industry representatives, a split barge season would lead to the demise of the barge industry and a rise in transportation costs throughout the Missouri River basin. The changes advocated by the environmental groups could also affect the ability of cities and industries along the Missouri River to meet the limits of their wastewater discharge permits under the National Pollutant Discharge Elimination System (NPDES) program. A decrease in water flow in the summer is particularly troublesome to dischargers whose limits are concentration-based. To achieve compliance, the discharger would be forced either to purchase and install additional technological controls, terminate or lessen the amount of the discharge, or face substantial environmental fines. Moreover, the recent and controversial rule issued by EPA which implements new Total Maximum Daily Load (TMDL) requirements may result in even tighter permit limits.

The management of water flow in the Missouri River

The Corps controls the management of the Missouri River through a series of six dams and reservoirs. The Corps operates and maintains these dams and reservoirs to balance the need for flood control, navigation, irrigation, hydropower, water supply, water quality, recreation, and fish and wildlife. To assist in accomplishing these purposes, the Corps prepared the Missouri River Water Control Master Manual, often referred to simply as the Master Manual.

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The Master Manual describes the water control plan for operating the dams and reservoirs. The current water control plan has remained virtually unchanged since its creation in 1960. Since then, development within the Missouri River basin has changed, partially in response to 20 years of near-normal inflows of water into the system. In response to concerns about the effects of the first major drought (1987 to 1993) since the system first became operational, the Corps in 1989 initiated a review and update of the Master Manual.

Environmental issues

The National Environmental Policy Act (NEPA) requires an environmental impact statement (EIS) for any action that may significantly impact the quality of the human environment. The review and update of the Master Manual must conform with NEPA, so in 1994, the Corps published a draft EIS. That document included: (1) a discussion of alternatives; (2) economic, environmental and social impact assessments; and (3) technical studies. The document also presented a preferred alternative for managing the water flow in the Missouri River. As required by NEPA, the draft EIS was the subject of a full public review process. In addition to a submission of written comments, 24 public hearings were held in both the Missouri and Mississippi River basins. Due to the extensive public interest in the proposed preferred alternative, the Corps decided to publish a preliminary revised draft EIS in an effort to build a consensus on how to manage the river. The planned publication of this document was delayed when two national environmental groups notified the Corps they intended to file lawsuits to stop the proposed revision of the water control plan (see below).

The Endangered Species Act (ESA) requires federal agencies to consult with the Fish and Wildlife Service if the proposed action may affect endangered or threatened species. These are called "listed species." Under Section 7 of the ESA, consultation can be either informal or formal. Formal consultation is required if the proposed action *will* affect listed species. The result of formal consultation is a biological opinion issued by the Fish and Wildlife Service, which will state that the proposed plan either does or does not jeopardize listed species. If the Fish and Wildlife Service determines that the proposed plan will jeopardize listed species, it will issue what is called a "jeopardy opinion." In a jeopardy opinion, the Service will propose "reasonable and prudent alternatives" to the proposed action that must be incorporated before the implementing federal agency can proceed. Recently, the regional office of the Fish and Wildlife Service issued a draft biological opinion. The Service, in its opinion, informed the Corps that the proposed plan for operating the dams and reservoirs is "likely to jeopardize the continued existence of the least tern, piping plover, and pallid sturgeon."

Environmental groups threaten to sue

On March 30, 2000, two environmental interest groups filed separate 60-day notices of intent to sue both the Corps and the Fish and Wildlife Service. American Rivers and the Environmental Defense Fund (EDF) threatened to sue, asserting that the proposed water control plan violates the ESA.

The environmental groups specifically object to how the Corps operates the dams on the Missouri River. The groups assert that the "dam operations jeopardize the continued existence of

the least tern, the piping plover, and the pallid sturgeon. In addition, the [Corps] has failed to complete consultation with the U.S. Fish & Wildlife Service under Section 7 of the [Endangered Species] Act. . .”

The environmental groups want the Corps to adopt a plan that alters the present flow of water in the Missouri River. In its March 30, 2000 letter to the Corps and the Fish and Wildlife Service, EDF states it desired a return to the “more natural flow regime for the River.” Specifically, these groups would like to see “rising flows in the spring followed by declining flows in the summer.” This action, according to both groups, would improve nesting conditions for both the piping plover and the least tern, and improve spawning conditions for the pallid sturgeon.

On March 31, 2000, the day after the environmental groups threatened to sue, the Corps announced it was entering formal consultation with the Fish and Wildlife Service regarding the annual operations and related projects on the Missouri River.

Economic impacts

Changing the flow pattern of the river in the manner proposed by the two environmental groups will affect several interests other than endangered species. According to an industry spokesman, the change will “impose a huge economic cost on farmers, industry and consumers.”

The impact on the barge industry is the most central. The current water control plan offered by the Corps proposes one long continuous barge season. The two environmental groups have proposed that barges run a “split season”, operating only in the spring and the fall. According to industry representatives, a split barge season would increase costs too much for an industry that is already operating on slim profits. Ultimately, according to these representatives, a split barge season would mean the end of navigation on the Missouri River.

According to representatives of the State of Missouri, the demise of the barging industry has the potential to affect more than just those industries and farmers who use barges as a means of transportation. The impact may also be felt by those who use other methods of transportation along the river, such as truck and rail. The mere presence of the barge as an alternate mode of transportation may keep down the cost of other modes of transportation through a phenomenon known as “water compelled rates.” Once the barge is no longer available as competition, the cost of the other methods of transportation is more likely to rise, according to the state.

On July 11, 2000, EPA promulgated a final rule strengthening the TMDL program. Implementation of this rule, combined with changes in the water flow in the Missouri River, could result in increased economic costs to cities and industries along the river. Section 303(d) of the Clean Water Act requires states to submit to EPA a list of waters in the state not meeting water quality standards. The new TMDL rule gives the states a deadline to develop TMDLs, essentially a pollution budget, to clean up the listed waters. Current permit limits may be inadequate to meet these pollution budgets. As a result, states may impose more stringent NPDES permit limits on cities and industries in the Missouri River basin. Proposed changes in water flow in the river could add to the problem. If a discharger’s NPDES permit limits are concentration-based, a decrease in water flow could increase concentration levels and make

compliance more difficult. In order to stay in compliance, cities and industries along the Missouri River will be forced to either add technology or decrease their amount of wastewater discharge. Congress expressed its disapproval of the new rule by barring EPA from spending any fiscal year 2001 funds to implement the new rule.

Latest developments

The Corps and the Fish and Wildlife Service still are engaged in formal consultation concerning management of the Missouri River. On August 31, 2000, the Corps published for public review the Service's draft biological opinion on the management of the river. The 30-day comment period runs through September 29. In its draft opinion, the Service states that the Corps' proposed operation of the Missouri River is "likely to jeopardize the continued existence of the least tern, piping plover, and pallid sturgeon." To remedy the situation, the Service requires "higher spring flows and lower summer flows than currently exist" - a split barge season.

As noted above, the State of Missouri has filed a federal lawsuit against the Fish and Wildlife Service for its failure to conduct adequate surveys of endangered species critical habitat along the Missouri River. According to the State, had the Service taken this step, the drastic changes proposed for the management of the river to protect these species would be unnecessary.

Farmers and barge operators are angry at the proposed change, saying that the changes could ruin their livelihood, and that the agency is "overstepping its authority and threatening years of regional effort toward a compromise that would help wildlife without harming human uses on the 2,341-mile stream."

Two Missouri senators have responded angrily to the proposed change in water flow, asserting that the Service is "hijacking" the Corps' management role. Moreover, Senator Bond of Missouri proposed an amendment to the Energy and Water Appropriations Bill for fiscal year 2001 which states that "none of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual [if the revision] provides for an increase in the springtime water release . . . below the Gavins Point Dam." Skirmishes between the opposing interests are expected to continue in Congress and in the courts for the foreseeable future.

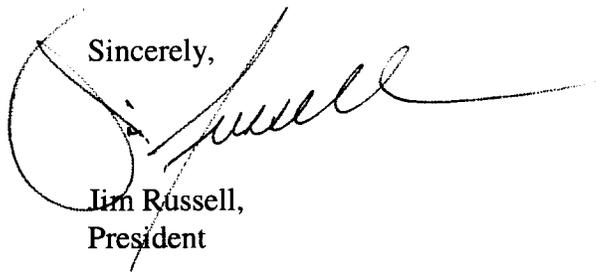
Note: Prior to joining Spencer Fane, Mr. Comodeca served as a senior environmental attorney with the U.S. Army. In that capacity, Mr. Comodeca interacted regularly with both the Corps of Engineers and the Fish and Wildlife Service on endangered species matters.

MO-AG

My name is Jim Russell. I am president of the Missouri Ag. Industries Council, Inc. (MO-AG), a 500 member-plus agribusiness trade association located at 410 Madison Street, Jefferson City, Missouri.

MO-AG firmly believes that the Corps' present day plan is far superior to any of the five alternate plans that have been put forth. We urge the Corps to use the current scientific-based plan into the future to better serve the total environment.

Sincerely,



Jim Russell,
President



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