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PUBLIC HEARING  
ACCEPTING COMMENTS REGARDING  
MISSOURI RIVER REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT  
MASTER WATER CONTROL MANUAL

PROCEEDINGS HELD AT:

Golden Buffalo Convention Center  
Lower Brule, South Dakota 57548

Tuesday, October 30, 2001  
7:00 o'clock p.m.

Reported by Carla A. Bachand, RMR, Capital Reporting  
Services, P.O. Box 903, Pierre, South Dakota 57501 (605)  
224-7611.

1 TUESDAY, OCTOBER 30, 2001

2 (Colonel David Fastabend gave a short welcome and  
3 opening statement, followed by the showing of a video.)

4 MICHAEL JANDREAU: My name is Michael Jandreau. I am  
5 the chairman of the Lower Brule Sioux Tribe. Our address is  
6 Box 187, Lower Brule Sioux Tribe, Lower Brule, South Dakota  
7 57548. I come tonight to speak on behalf of the Lower Brule  
8 Tribe. Written comments will be submitted in a much more  
9 lengthy version at a later date.

10 First of all, let me say I appreciate your coming here  
11 to hold this hearing. I think it's an opportunity for us not  
12 only to speak to you directly but to indicate to you our  
13 interest in the Missouri River. Having lived all my life on  
14 the Lower Brule Reservation and having been born in this area,  
15 the river and what happens with it is very important to me.  
16 The Master Manual is a fine document and it's a document of  
17 expediency that the Corps of Engineers in their process has  
18 done a great deal to develop. There are many flaws in that  
19 document in as far as how it addresses native concerns. I  
20 will speak to very few of those.

21 The U.S. Fish and Wildlife portion is very troubling  
22 for a number of reasons. One of the reasons primarily is that  
23 as far as endangered species, Lake Sharpe, which the majority  
24 of our reservation is affected by, and Lake Francis Case,  
25 there is not a real concern about doing anything about that

1 particular situation. In fact we are all but excluded. That  
2 portion also seems to address the idea of quantification of  
3 our water rights, which is not appropriate, which is not  
4 acceptable to us as a tribe. The power generation portion,  
5 which we have finally been able to access through Western Area  
6 Power, has the potential under the variety of the plans of  
7 being adversely affected. That's very troubling to me as a  
8 tribal leader who is concerned about those benefits that need  
9 to accrue to our membership.

10 As far as the fluctuations of the lake, the siltation  
11 problem that we have, at least on our reservation, is not  
12 solely due to instream flows. Roughly 75 to 80 percent of the  
13 siltation that has occurred has occurred as a result of  
14 erosion of the shoreline. Big Bend Dam is one of the primary  
15 electrical generators for its size and has to be maintained at  
16 a more significant stable level than any of the other  
17 reservoirs simply because of the generation capacity of that  
18 facility. That is good for America but it's terrible for our  
19 tribe. We can take you and show you areas of our reservation  
20 where the shoreline is now tribal land and it's tribal land  
21 because everything that was acquired by the Corps is now in  
22 the bottom of the lake and it is encroaching upon our lands.

23 We are in a position now to do something. We can do  
24 it cooperatively or we can do it through mechanisms that we  
25 all hate, that only make a certain segment of our population

1 wealthy, and stay in the courthouse forever. It's not in our  
2 interests to do that and it's not in the government's  
3 interest. We need to address what is contained in that manual  
4 more significantly than receiving final comments and going  
5 through the finalization, even though we know politically that  
6 there are two laws that have been passed whose continued  
7 funding, which is beneficial to tribal people as well as to  
8 state people and to federal people, that will not receive the  
9 funding unless this plan is finalized, and it puts us in a  
10 very, very difficult position. We want to do something about  
11 trying to correct the errors that have been created. We lack  
12 the resources financially and we lack the resources physically  
13 to be able to stop or to change what is occurring.

14           As I stated earlier, the siltation is a major problem  
15 on our particular reservation. We need more significantly for  
16 it to be addressed in a fashion where there is a developed  
17 plan resulting from what is stated to adequately deal with  
18 this. In the brochure that was sent out, it talked about what  
19 has occurred in the years that have gone by since the  
20 development of the dams and where approximately the siltation  
21 is at. That approximation, by my own physical knowledge of  
22 what has happened in that lake here at Lower Brule and  
23 adjacent to our reservation, is vastly different. It's far --  
24 it has far accelerated what the projected ideals are.

25           The studies that have been done have been minimal to

1 meet base requirements and they have not really addressed the  
2 plan as to how to deal with this. The plans that are also  
3 being currently utilized follow and parrot what is being  
4 expressed in the potential of the film that you have. We  
5 watch this lake and we watch what happens with it. We watch  
6 when there are increased flows to move siltation, even though  
7 by verbiage, that is denied. At least in this document, it is  
8 being honestly expressed, but it's happening right now.

9           And those things create in our minds the ideal that do  
10 we really have a true relationship that we are all concerned  
11 with or do we have a relationship that a document that lays  
12 out guidelines for what is to happen for the next who knows  
13 how many years, because I don't think anybody wants to go  
14 through the effort again, and we just step back and accept  
15 it. We just can't do that.

16           And so although my remarks have kind of been all over  
17 the place, I hope that you understand my concerns, and we will  
18 have a document to you that more expressly and concisely  
19 identifies the total of our concerns. Thank you very much for  
20 this opportunity.

21           COLONEL DAVID FASTABEND: Well, Chairman, for someone  
22 who was reluctant to stand up, you certainly spoke eloquently  
23 and I thank you for your remarks. I have a question. You  
24 talked about concerns about the fish and wildlife portion of  
25 the document. By that do you mean the portions of the

1 document that address the Endangered Species Act?

2 MICHAEL JANDREAU: Yes.

3 COLONEL DAVID FASTABEND: I wanted to make sure I  
4 understood that. Thank you very much.

5 RICHARD MOORE: John Cooper.

6 JOHN COOPER: Good evening. I am John Cooper,  
7 Secretary for South Dakota Department of Game, Fish and  
8 Parks. Our address is the Foss Building, 523 East Capitol,  
9 Pierre, South Dakota 57501. I am here to read into the record  
10 the joint comments from the South Dakota Department of  
11 Environment and Natural Resources and the Department of Game,  
12 Fish and Parks on Revised Draft Environmental Impact Statement  
13 for the Missouri River Master Water Control Manual.

14 I want to thank you for this opportunity to provide  
15 comments on the Revised Draft Environmental Impact Statement  
16 for the Missouri River Master Water Control Manual. As you  
17 know, this subject is not new to the Corps, it's not new to  
18 the South Dakota Department of Environment and Natural  
19 Resources, nor is it new to the Department of Game, Fish and  
20 Parks. For the past 12 years, the Corps has been engaged in a  
21 process to change the management of the Missouri River.  
22 Publication of the Revised Draft Environmental Impact  
23 Statement by the Corps, which contains six different  
24 alternatives, is a huge step forward. But this is no time to  
25 rest. It is time to study the alternatives, make the final

1 decisions and move forward with implementing a new Master  
2 Manual that definitely works for the river.

3           Officials of the Corps have said that the final  
4 decision or alternative must meet all three of the following  
5 objectives. Number one, it must serve congressionally  
6 authorized project purposes. Number two, it must serve the  
7 contemporary needs of the basin. And number three, it must  
8 comply with all applicable laws to include the federal  
9 Threatened and Endangered Species Act.

10           The Department of Game, Fish and Parks and the  
11 Department of Environment and Natural Resources agree with  
12 using these three criteria to make the final alternative and  
13 decision. We believe that approach will result in the best  
14 plan for the entire Missouri River basin.

15           The Corps included the current Water Control Plan as  
16 one of the six alternatives in the Revised Draft Environmental  
17 Impact Statement. However, using the three criteria above, it  
18 is clear that the current 40-year-old Master Manual cannot be  
19 the final alternative. When the mainstem dams were built, the  
20 vision for the river was one of flood control, hydropower,  
21 navigation, and irrigation. While flood control and  
22 hydropower followed the vision and have been very successful,  
23 irrigation and navigation have not. Less than 10 percent of  
24 the land authorized for irrigation under the Flood Control Act  
25 of 1944 is irrigated today. Only slightly more than 10

1 percent of the annual commercial navigation anticipated under  
2 the Flood Control Act of 1944 takes place today, and the Corps  
3 currently estimates that to be a \$7 million industry.

4           Clearly the contemporary uses of the Missouri River no  
5 longer reflect those 40-year-old visions. Instead of using  
6 the river for large scale irrigation and navigation projects,  
7 people have found other uses for the Missouri River. Fishing,  
8 boating, and recreation uses have increased tenfold and  
9 recreation is now estimated at an annual \$87 million industry  
10 in the basin. However, the current Master Manual drains the  
11 upper basin reservoirs during even moderately dry periods to  
12 maintain navigation flows downstream and therefore leaves  
13 recreational users high and dry. Therefore, the contemporary  
14 uses of the river demand that changes are made to the Master  
15 Manual and keeping the current Master Manual is simply not an  
16 acceptable option.

17           The remaining five alternatives in the Revised Draft  
18 Environmental Impact Statement share several of the following  
19 changes from the existing Master Manual, all of which we  
20 strongly support. Number one, adaptive management. In a  
21 river whose watershed encompasses one-sixth of the continental  
22 United States, there will never be what is termed normal  
23 conditions. There will be constant changes in the weather  
24 patterns, the runoff, and river uses. Consequently, giving  
25 the Corps the authority and flexibility to address constantly

1 changing conditions must be a component of the final  
2 decision. Having the Corps locked into the current inflexible  
3 Master Manual makes no sense at all. It breeds hostility  
4 between the users of the river and has driven certain species  
5 onto the federal threatened and endangered species List.

6           Number two, drought conservation measures. The  
7 current Master Manual does very little for water  
8 conservation. America has entered a new era. We are no  
9 longer a country with unlimited natural resources. Upper  
10 basin states know conservation measures are important because  
11 we have seen the consequences of river management with little  
12 or no conservation measures under the current Master Manual.  
13 Low water levels in upper basin reservoirs eliminate those  
14 recreational uses, devastate local economies, and increase the  
15 risk of having catastrophic drought impacts downstream. It is  
16 absolutely critical, then, that drought conservation measures  
17 be part of the final decision.

18           Number three, unbalancing of the upper three  
19 reservoirs. Unbalancing the reservoirs will improve habitat  
20 conditions for nesting terns and plovers and trigger spawning  
21 for the pallid sturgeon. At the same time, unbalancing of the  
22 reservoirs provides benefits to other fisheries in these three  
23 lakes. Game, Fish and Parks and the Department of Environment  
24 and Natural Resources support the concept of unbalancing and  
25 recommend that it be a component of the final decision.

1           Number four, flow modifications from Fort Peck  
2 reservoir. Construction of the mainstem reservoirs have had  
3 very negative effects on several of our native river species.  
4 Flow modification from Fort Peck is a logical and reasonable  
5 approach to help restore these species. If these species can  
6 be restored, the entire basin benefits by avoiding the  
7 potential court-ordered management of the river through the  
8 Endangered Species Act. Game, Fish and Parks and DENR  
9 strongly support the concept of flow modifications from Fort  
10 Peck whenever water availability makes those flows feasible.

11           Four of the alternatives in the Revised Draft  
12 Environmental Impact Statement share the following attribute,  
13 which Game, Fish and Parks and Department of Environment and  
14 Natural Resources also recommend. Flow modifications from  
15 Gavins Point Dam. As mentioned above, construction of the  
16 mainstem reservoirs has had very negative impacts on several  
17 of our native river species. Flow modifications from Fort  
18 Peck, when water availability makes it feasible, has been  
19 largely agreed upon as a way to help restore these species.  
20 However, proposed flow modifications from Gavins Point have  
21 been much more controversial. The Department of Game, Fish  
22 and Parks and the Department of Environment and Natural  
23 Resources support flow modifications from Gavins Point Dam for  
24 the same reasons as we support the flow modifications from  
25 Fort Peck reservoir.

1           Of the four alternatives in the Revised Draft  
2 Environmental Impact Statement that contain flow modifications  
3 from Gavins Point, Department of Game, Fish and Parks and the  
4 Department of Environment and Natural Resources strongly  
5 support the Corps having the ability to implement GP20/21  
6 alternative through adaptive management. The science behind  
7 this alternative has gained nearly universal support from the  
8 technical fish and wildlife community and it provides maximum  
9 recreational benefits to the state of South Dakota. Missouri  
10 River recreation is critical to South Dakota's economy and its  
11 quality of life.

12           This concludes our comments and recommendations for  
13 the Revised Draft Environmental Impact Statement. Using the  
14 criteria established by the Corps for selecting the final  
15 alternative, the Department of Game, Fish and Parks and the  
16 Department of Environment and Natural Resources are confident  
17 that our recommendations will become the Corps's final  
18 decision. We look forward to working with the Corps and the  
19 other basin states to implement the new Master Manual and to  
20 maximize those beneficial uses and quality of life throughout  
21 the entire Missouri River basin.

22           And these comments are signed jointly by John Cooper,  
23 Secretary of Game, Fish and Parks, and by Steve Pirner, who is  
24 the Secretary of Environment and Natural Resources  
25 Department.

1 COLONEL DAVID FASTABEND: Thank you, Mr. Cooper.

2 Appreciate your comments.

3 RICHARD MOORE: Nell McPhillips.

4 NELL McPHILLIPS: Good evening. My name is Nell  
5 McPhillips and I am here this evening on behalf of the U.S.  
6 Fish and Wildlife Service to issue a brief statement on the  
7 Revised Draft EIS for the Missouri River Master Water Control  
8 Manual. I am also here to listen to the comments in person  
9 from tribal people on this important issue.

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

20 Congress committed the federal government to  
21 preventing extinctions by requiring federal agencies to use  
22 their authorities to conserve endangered and threatened  
23 species. During the last 12 years our agency has been working  
24 with the Corps of Engineers to modernize the management of the  
25 Missouri River to help stabilize and hopefully begin to

1 increase and recover populations of these very rare animals.  
2 This new approach was recently described in a document called  
3 the Missouri River Biological Opinion, which was published in  
4 November of 2000.

5           The Biological Opinion looks at the river as a system  
6 and outlines the status of these rare species, the effects of  
7 the current operation on them, and a reasonable and prudent  
8 alternative to the current operation that will not jeopardize  
9 their continued existence.

10           Our biological opinion is based on the best available  
11 science and includes nearly 500 scientific references. In  
12 addition, we have sought out six respected scientists or big  
13 river specialists who confirm the need to address flow  
14 management as well as habitat restoration. Further, the  
15 Missouri River Natural Resources Committee, a group comprised  
16 of state experts on Missouri River management, endorses the  
17 science used in the opinion.

18           If you have read the Revised Draft EIS or summary  
19 document, you understand that the GP alternatives encompass  
20 the range of flows identified by the Service as necessary  
21 below Gavins Point Dam to keep the listed species from being  
22 jeopardized. Our agency and the Corps also recognize the  
23 importance of some flexibility in management that would enable  
24 Missouri River managers to capitalize on existing water  
25 conditions to meet endangered species objectives without

1 having to go through another 12-year process.

2           Other management changes identified in the biological  
3 opinion include a spring rise out of Fort Peck Dam, an  
4 improved hatchery operation to assist declining pallid  
5 sturgeon populations, restoration of approximately 20 percent  
6 of the lost aquatic habitat in the lower third of the river,  
7 intrasystem unbalancing of the three largest reservoirs, and  
8 acceptance of an adaptive management framework that would  
9 include improved overall monitoring of the river.

10           In closing, the Service supports the identified goal  
11 of the revised Master Manual, to manage the river to serve the  
12 contemporary needs of the Missouri River basin and the  
13 nation. These needs include taking steps to insure that  
14 threatened and endangered species are protected while  
15 maintaining many other socioeconomic benefits being provided  
16 by the operation of the Missouri River dams. The Service  
17 stands behind the science used in the opinion and is confident  
18 that the operational changes identified in our opinion and  
19 included in the Revised Draft EIS as GP alternatives will  
20 insure these rare species continue to be part of the Missouri  
21 River's living wildlife legacy.

22           The Missouri River is a tremendous river with a  
23 significant and revered heritage. Our influence has altered  
24 the river greatly. Changes are needed to modernize and  
25 restore health to the river for the benefit of rare species

1 and for people, too. Thank you.

2 COLONEL DAVID FASTABEND: Thank you, Ms. McPhillips.

3 RICHARD MOORE: Patrick Spears.

4 PATRICK SPEARS: If you don't mind, I would like to  
5 stand here, too. I feel more comfortable speaking to you  
6 people than having you look at my back. My name is Patrick  
7 Spears. I am the president of Intertribal Council on Utility  
8 Policy, address is P.O. Box 224, Fort Pierre, South Dakota. I  
9 represent eight tribes in North Dakota, South Dakota and  
10 Nebraska, those being Spirit Lake Tribe, Three Affiliated  
11 Tribes, Standing Rock Sioux Tribe, Cheyenne River Sioux Tribe,  
12 the Lower Brule Sioux Tribe, Rosebud Sioux Tribe, Flandreau  
13 Sante Sioux Tribe, and the Omaha Tribe in Nebraska. I am a  
14 member of the Lower Brule Sioux Tribe and represent my tribe  
15 Intertribal Council on Utility Policy, our acronym is ICoup.

16 I am thankful that you have come here to Lower Brule  
17 to host this hearing. I thank you and my tribal leadership  
18 here for hosting this meeting and all of you for coming. I  
19 know that you have a myriad of problems that are impacts of  
20 the Missouri River because of the reservoir system. And we  
21 all have a particular interest in some of those, from the  
22 endangered species, cultural resources, shoreline protection,  
23 managing the upstream versus downstream interests of  
24 recreation, navigation, and flood control and power  
25 generation.

1           I have come to offer an alternative, which has not  
2 been addressed or enlisted in the Revised EIS for the Master  
3 Control Manual and that is the generation of wind energy,  
4 which I think could help, being blended into the power and  
5 become a significant part of the power that's generated by the  
6 reservoir system and that has to meet contracts with all of  
7 the customers that are all around this area, within the state  
8 and most of the majority of which are out of state.

9           We have a tremendous potential for wind energy here in  
10 the Great Plains. The Department of Energy estimates that 75  
11 percent of the energies of this country could be met through  
12 wind energy if it were all harnessed and the transmission  
13 would accommodate that. The reservoir system generates  
14 approximately 2500 megawatts annually. On the reservations  
15 alone it's been estimated by the National Energy Laboratory  
16 that 100 times that amount could be generated on the  
17 reservations alone. That's over 250,000 megawatts. We are  
18 asking that a portion of that power be developed in concert  
19 with the Corps of Engineers to help minimize this problem  
20 that's created by lower water levels created by less  
21 precipitation and runoff.

22           We have seen over the past decade the lowest water  
23 levels in the reservoir in history and I guess it's quoted  
24 even this coming year may be the lowest level yet and the  
25 lowest year for power production, yet the greatest need for

1 the need to buy supplemental power to meet contractual  
2 obligations of the 20-year contracts. What we are proposing  
3 is that the Corps consider the merging of wind and hydropower  
4 and blending that into the power that's generated throughout  
5 the year, and we think that is possible because of your peak  
6 seasons being winter, and in summertime in particular, there  
7 are higher demands. It would complement the strong wind  
8 seasons we have here, beginning October through March.

9           That power could be generated into the system and fed  
10 into it all along the river and into the WAPA power lines by  
11 intertribal wind farm operations. That could be happening all  
12 along the year and it could be balancing. We realize that  
13 needs some study and we would encourage you to support that,  
14 as we are encouraging our congressional delegation to do so  
15 also.

16           We work with a number of other intertribal  
17 organizations across the country on policy and legislative  
18 recommendations affecting energy use and the generation of  
19 this country. We think tribes can significantly contribute to  
20 the energy economy and our own restoration of our economy,  
21 which have been greatly impacted by the construction of the  
22 reservoir system, and contribute to the energy security of the  
23 United States. And we think that this can be done in  
24 partnership with the Corps, that is probably unprecedented in  
25 that we have been at odds with the Corps, as well as many

1 states have and a number of groups have been over all of these  
2 issues that are impacted there.

3           We think it's a time of cooperation that is needed  
4 right now. There has never been a stronger need for it. If  
5 you look at the flow of the river and the climate change  
6 scenarios that are projected, the climate variability models,  
7 it looks to be that one of less precipitation. In the last 12  
8 years it has probably shown that. If so, you need to be ready  
9 with a plan and an alternative to address that, because with  
10 the need to buy supplemental power on the market, the cost of  
11 power is going to be going up and that's going to drive up  
12 that cost of power for all of the customers, and we as tribal  
13 governments, who have gotten some of that power for the  
14 first -- other than irrigation use for the first time in  
15 history in January 2001 and now, that has taken some 30 years,  
16 and actually it's more than that, since the '44 Flood Control  
17 Act, but it's been a long time.

18           Now if that power that has been paid for we feel over  
19 and over again by the taking of our land and the economic  
20 recovery that we are still in, if that's going to be going up,  
21 that negates all of that effort that's went into that to date  
22 and we think that is wrong and we should do something about  
23 it.

24           To give you an idea of the economic sense of this for  
25 all of us that are here, we have seen over the past four years

1 the amount of supplemental power that WAPA has had to purchase  
2 on the spot market go from 30 to 40, 50 million to 140 million  
3 in June of this year, since October 1 of 2000. The Corps of  
4 Engineers has projected that's going to be at that same rate  
5 240 million in 2002, so we are offering to partner with you in  
6 generation so that we can stabilize the limited and decreasing  
7 water level of the Missouri River, and hopefully help the  
8 economies of everybody that's affected by the flow of the  
9 river and impact all those areas that you are dealing with and  
10 that often have ended up in court and may do so again.

11 As our chairman on Lower Brule just indicated, nobody  
12 wants to go there again. It's been our time in court, we have  
13 better things to do and it's time to take a look at a new way  
14 of looking at management of the river and of the energy that's  
15 produced from there. So we have put this together in a  
16 written document also, which I am leaving with you, and I  
17 would just encourage you to give it some serious thought,  
18 discuss it with the other tribes. I do commend you for  
19 consulting with each of the tribes at these hearings. I  
20 understand there may be more to come, some of our relatives up  
21 the river, and I think that is the best thing that you can  
22 do. So I thank you for that and this time to talk to you.

23 COLONEL DAVID FASTABEND: Thank you, Mr. Spears. Is  
24 there anyone else that would like to make a statement  
25 tonight? Well, in closing I would like to remind you that the

1 hearing administrative record is going to be open through 28  
2 February 2002 for anyone wishing to submit written facts or  
3 electronic comments. Also if you would like to be on our  
4 mailing list or receive a copy of the transcript, you need to  
5 fill out one of the cards available at the table at the back.  
6 If there are no further comments, I want to once more thank  
7 Chairman Jandreau and the Lower Brule Sioux Tribe for  
8 requesting and participating in this hearing on their tribal  
9 homelands. This session is closed. Thank you.

10 (Whereupon, the proceedings were concluded at 8:20  
11 p.m.)

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STATE OF SOUTH DAKOTA     )  
  )  ss.  
COUNTY OF HUGHES         )

I, Carla A. Bachand, RPR, CM, Freelance Court Reporter for the State of South Dakota, residing in Pierre, South Dakota, do hereby certify:

That I was duly authorized to and did report the testimony and evidence in the above-entitled cause;

I further certify that the foregoing pages of this transcript represents a true and accurate transcription of my stenotype notes.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 5th day of November, 2001.

  
\_\_\_\_\_  
Carla A. Bachand, RPR, CM  
Freelance Court Reporter  
Notary Public, State of South Dakota  
Residing in Pierre, South Dakota.

My commission expires: June 10, 2006.



October 29, 2001

U.S. Army Corps of Engineers  
Attn: Project Manager, Master Manual Review and Update  
12565 West Center Road  
Omaha, NE 68144

Re: Comments from South Dakota Department of Environment & Natural Resources and Game, Fish & Parks on Revised Draft Environmental Impact Statement for the Missouri River Master Water Control Manual

Dear Project Manager:

Thank you for the opportunity to provide comments on the Revised Draft Environmental Impact Statement for the Missouri River Master Water Control Manual. This subject is not new to the Corps, South Dakota Department of Environment & Natural Resources (DENR) or Game, Fish & Parks (GF&P). For the past twelve years, the Corps has been engaged in a process to change the management of the Missouri River. Publication of the Revised Draft Environmental Impact Statement by the Corps which contains six different alternatives is a huge step forward. But this is no time to rest. It is time to study the alternatives, make the final decisions, and move forward with implementing a new Master Manual that works for the river.

Officials of the Corps have said the final decision or alternative must meet all three of the following objectives:

1. it must serve congressionally authorized project purposes;
2. it must serve the contemporary needs of the basin; and
3. it must comply with all applicable laws to include the federal Threatened and Endangered Species Act.

GF&P and DENR agree with using these three criteria to make the final alternative and decision. We believe that approach will result in the best plan for the entire Missouri River basin.

The Corps included the current Water Control Plan as one of the six alternatives in the Revised Draft Environmental Impact Statement. Using the three criteria above, it is clear the current 40-year old Master Manual cannot be the final alternative. When the mainstem dams were built, the vision for the river was one of flood control, hydropower, navigation, and irrigation. While flood control and hydropower followed the vision and have been very successful, irrigation and navigation have not. Less than 10 percent of the land authorized for irrigation under the Flood

Control Act of 1944 is irrigated today. Only slightly more than 10 percent of the annual commercial navigation anticipated under the Flood Control Act of 1944 takes place today, and the Corps estimates it to be \$7 million industry.

Clearly, the contemporary uses of the Missouri River no longer reflect those 40-year old visions. Instead of using the river for large-scale irrigation and navigation projects, people have found other uses for the river. Fishing, boating, and recreation uses have increased ten-fold, and recreation is now an annual \$87 million industry in the basin. However, the current Master Manual drains the upper basin reservoirs during even moderately dry periods to maintain navigation flows downstream and leaves recreational users high and dry. Therefore, the contemporary uses of the river demand that changes are made to the Master Manual and keeping the current Master Manual is simply not an acceptable option.

The remaining five alternatives in the Revised Draft Environmental Impact Statement share several of the following changes from the existing Master Manual, all of which we strongly support:

- **Adaptive management** - In a river whose watershed encompasses one-sixth of the continental United States, there will never be "normal" conditions. There will be constant changes in the weather patterns, runoff, and river uses. Consequently, giving the Corps the authority and flexibility to address constantly changing conditions must be a component of the final decision. Having the Corps locked into the current inflexible Master Manual makes no sense, breeds hostility between the users of the river, and has driven certain species onto the federal threatened and endangered species list.
- **Drought conservation measures** - The current Master Manual does very little for water conservation. America has entered a new era. We are no longer a country with unlimited natural resources. Upper basin states know conservation measures are important because we have seen the consequences of river management with little or no conservation measures under the current Master Manual. Low water levels in upper basin reservoirs eliminate recreational uses, devastate local economies, and increase the risk of having catastrophic drought impacts downstream. It is absolutely critical that drought conservation measures be part of the final decision.
- **Unbalancing of the upper three reservoirs** - Unbalancing the reservoirs will improve habitat conditions for nesting terns and plovers and trigger spawning for the pallid sturgeon. At the same time, unbalancing of the reservoirs provides benefits to other fisheries in these three lakes. GF&P and DENR support the concept of unbalancing and recommend it be a component of the final decision.
- **Flow modifications from Fort Peck reservoir** - Construction of the mainstem reservoirs has had very negative impacts to several of the native river species. Flow modification from Fort Peck is a logical and reasonable approach to help restore these species. If these species can be restored, the entire basin benefits by avoiding the potential court-ordered management of the river through the Endangered Species Act. GF&P and DENR strongly support the concept of flow modifications from Fort Peck when water availability makes it feasible.

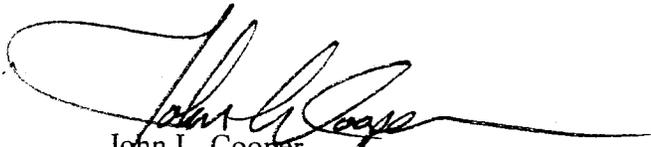
Four of the alternatives in the Revised Draft Environmental Impact Statement share the following attribute, which GF&P and DENR also support:

- **Flow modifications from Gavins Point dam** - As mentioned above, construction of the mainstem reservoirs has had very negative impacts on several native river species. Flow modification from Fort Peck when water availability makes it feasible has been largely agreed upon as a way to help restore these species. However, proposed flow modifications from Gavins Point have been much more controversial. GF&P and DENR support flow modifications from Gavins Point dam for the same reasons as we support flow modifications from Fort Peck.

Of the four alternatives in the Revised Draft Environmental Impact Statement that contain flow modifications from Gavins Point, GF&P and DENR strongly support the Corps having the ability to implement the GP20/21 alternative through adaptive management. The science behind this alternative has gained nearly universal support from the technical fish and wildlife community and provides maximum recreational benefits for South Dakota. Missouri River recreation is critical to South Dakota's economy and quality of life.

This concludes our comments and recommendations for the Revised Draft Environmental Impact Statement. Using the criteria established by the Corps for selecting the final alternative, GF&P and DENR are confident our recommendations will become the Corps' final decision. We look forward to working with the Corps and the other basin states to implement the new Master Manual and maximize the beneficial uses and quality of life throughout the entire Missouri River basin.

Sincerely,



John L. Cooper  
Secretary  
Game, Fish & Parks



Steven M. Pirner  
Secretary  
Environment & Natural Resources

cc: Governor William J. Janklow  
U.S. Senator Tom Daschle  
U.S. Senator Tim Johnson  
U.S. Congressman John Thune

U.S. Fish and Wildlife Service  
Public Comments  
Missouri River Master Manual Hearing  
Lower Brule, South Dakota, October 30, 2001

**Good evening, my name is Nell McPhillips 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.**