

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 Tuesday, November 6,  
9 2001, the US Army Corps of Engineers met in a  
10 Public Hearing at 7:00 p.m., at the Hilton  
11 Hotel, 112th Street, Kansas 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  
JOHN LARANDEAU

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 I may have your attention.

6

Welcome to the this evening's comments on the

7

Revised Draft Missouri River Master Manual.

8

My name's Colonel Donald Curtis, I'm commander

9

of the Kansas City District, Corps of

10

Engineers.

11

With me tonight are members of the team

12

that prepared the Revised Draft Environmental

13

Impact Statement and I'll call your name if

14

you folks would please stand up and let

15

everyone see where you're sitting or

16

standing. Mr. Larry Ceislik. Larry, okay.

17

Rose Hargrave, she's at the desk outside. Roy

18

McAllister, Roy's in the back. Miss Patti

19

Lee, at the doorway. John Larandean. Mr.

20

Paul Johnson. Rick Moore, time keeper. Doug

21

Latka, in the back. And from the Western Area

22

Power Administration, Mr. Nick Staus.

23

This is the ninth of fourteen sessions

24

from Helena to New Orleans. This afternoon we

25

conducted an open house workshop, I hope many

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1 of you were able to stop by and study the  
2 displays, pick up handouts and talk with the  
3 staff. If you weren't, please take a few  
4 minutes this evening to visit the displays  
5 that are set up in the back of the room. Our  
6 agenda tonight will start with a short video.  
7 There's a welcome followed by a description of  
8 the projects, the features of the Revised  
9 Draft Environmental Impact Statement and the  
10 major impacts.

11 Now we want everyone to have a common  
12 understanding of the Revised Draft  
13 Environmental Impact Statement. Copies of the  
14 summary and handouts as well as the entire  
15 document are available at libraries and  
16 project offices through the bases. Also, you  
17 can get a copy by writing to us or off of our  
18 web sight. The addresses are available in the  
19 back of the room.

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

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1 (Videotape started at 7:05 p.m.,  
2 and concluded at 7:35 p.m.).

3  
4 HEARING OFFICER: Paul is not a  
5 dam operator.

6 MR. JOHNSON: We probably wore it  
7 out.

8 HEARING OFFICER: Okay. We'll  
9 proceed, Paul.

10 This hearing will come to order. Good  
11 evening ladies and gentlemen. Again I am  
12 Colonel Donald Curtis, the Kansas City  
13 District Commander and I will be your hearing  
14 officer for tonight's session.

15 Our purpose this evening is to conduct a  
16 public hearing on proposed changes to the  
17 guidelines for the Missouri River mainstem  
18 system's operation.

19 Before I proceed, I want to go over a few  
20 of the rules for the evening. This hearing is  
21 being recorded by Mr. Thomas Roberts of  
22 Roberts and Associates. He'll be taking a  
23 verbatim testimony that will be used as the  
24 basis for the official transcript and record  
25 of this hearing. This transcript with all

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1 written statements and other data will be made  
2 part of the administrative record for action.  
3 Persons who are interested in obtaining a copy  
4 of the transcript for this session or any  
5 other session may do so. Persons interested  
6 in receiving a copy, please indicate this on  
7 their cards available at the table at the  
8 entrance. Also, if you're not on our mailing  
9 list and desire to be, please indicate this on  
10 the card.

11 In order to conduct an orderly hearing,  
12 it is essential that I have a card from anyone  
13 desiring to speak giving your name and who you  
14 represent. If you desire to make a statement  
15 and have not filled out a card, please raise  
16 your hand and we will furnish a card to you.

17 I don't see any hands. The primary  
18 purpose of tonight's session is to help ensure  
19 that we have all the essential information  
20 that we will need to make our decision on  
21 establishing guidelines for future operations  
22 of the mainstem system and that this  
23 information is accurate. This is your  
24 opportunity to provide us with some of that  
25 information. We view this as a very important

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1 opportunity for you to have influence on the  
2 decision. Therefore, I'm glad to see that  
3 you're here tonight.

4 I want to you remember that tonight's  
5 forum is to discuss the proposed changes to  
6 the operation of the Missouri River mainstem  
7 system that are analyzed in the recently  
8 released Revised Draft Environmental Impact  
9 Statement. We should concentrate our efforts  
10 this evening on issues specific to that  
11 decision and should refrain from discussing  
12 the Corps of Engineers in general.

13 It is my intention to give all interested  
14 parties an opportunity to express their views  
15 on the proposed changes freely, fully and  
16 publicly. It is in the spirit of seeking full  
17 disclosure and providing an opportunity for  
18 you to be heard regarding the future decision  
19 that we have called this hearing. Anyone  
20 wishing to speak or make a statement will be  
21 given a opportunity to do so.

22 The Missouri River mainstem system  
23 consist of Corps of Engineers constructive and  
24 operated projects so officially that makes us  
25 the project proponent. However, it is our

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1 intention that the final decision on future  
2 operational guidelines for these projects  
3 reflect a plan that considers all views of all  
4 interests, focuses on contemporary and future  
5 needs, served by the mainstem system and meets  
6 requirements established by Congress.

7 As hearing officer, my role and  
8 responsibility is to conduct this hearing in  
9 such a manner as to ensure full disclosure of  
10 all relevant facts bearing on the information  
11 that we currently have before us.

12 If information is inaccurate or  
13 incomplete, we need to know that and you can  
14 help us make that determination.

15 Ultimately, the final selection of a plan  
16 that provides a framework for future  
17 operations of the mainstem system will be  
18 based on benefits that may be expected to  
19 accrue from a proposed plan as well as  
20 probable negative impacts including cumulative  
21 impacts. This includes significant social  
22 economic and environmental factors. Should  
23 you desire to submit a written statement and  
24 do not have it prepared, you may send it to  
25 the U.S. Army Corps of Engineers, Northwestern

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1 Division, 12565 West Center Road, Omaha,  
2 Nebraska, 68144-3869, Attention, Missouri  
3 River Master Manual. You may also fax your  
4 comments to area code 402-697-2504 or e-mail  
5 your comments to mastermanual@usace.army.mil.  
6 The official record for this hearing will be  
7 open until 28 February 2002. To be properly  
8 considered, your written statement must be  
9 postmarked by that date.

10 Before I begin taking testimony I would  
11 like to say a few words about the order and  
12 procedure that will be followed.

13 When we call your name, please come  
14 forward to the lectern, state your name and  
15 address and specify whether or not you're  
16 representing a group, agency or organization  
17 or if you're speaking as an individual. You  
18 will be given five minutes to complete your  
19 testimony. If you're going to read a  
20 statement, we would appreciate it if a copy  
21 will be provided to the court reporter prior  
22 to speaking so your remarks will not have to  
23 be taken down verbatim. After all statements  
24 have been made time will be allowed for any  
25 additional remarks. During the session, I may

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1 ask questions to clarify points for my own  
2 satisfaction. Since the purpose of this  
3 public hearing is to gather information which  
4 will be used in evaluating the proposed plan  
5 or alternatives to it and since open debate  
6 between members of audience will be  
7 counterproductive to this purpose, I must  
8 insist that all comments be directed to me,  
9 the hearing officer.

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

24 If we allow one speaker to stockpile all  
25 the unused time, the ultimate result may be

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1 the hearing record will be unfairly tainted  
2 and others waiting to speak may be discouraged  
3 from doing so. I will now call the names of  
4 those who have submitted cards beginning with  
5 elected officials.

6

7 MR. MOORE: Mr. Roney.

8 HEARING OFFICER: Mr. Matt  
9 Roney.

10

11 (Whereupon Mr. Roney read a prepared  
12 statement, which is attached to the  
13 transcript.)

14

15 HEARING OFFICER: Thank you, Mr.  
16 Roney.

17 MR. MOORE: Amy Jordan Wooden.

18

19 (Whereupon Ms. Wooden read a prepared  
20 statement, which is attached to the  
21 transcript.)

22

23 HEARING OFFICER: Thank you, Ms.  
24 Wooden.

25 MR. MOORE: Mark Coulter.

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1

2

(Whereupon Mr. Coulter read a prepared

3

statement, which is attached to the

4

transcript.)

5

6

HEARING OFFICER: Thank you, Mr.

7

Coulter.

8

MR. MOORE: Stephen Mahfood.

9

MR. MAHFOOD: Good evening,

10

Colonel, good to see you again.

11

I want to thank you for this opportunity,

12

and my name is Steve Mahfood, by the way,

13

Director of Missouri Department of Natural

14

Resources, and I'm here representing the State

15

of Missouri.

16

I want to thank you for this opportunity

17

to share our position with you this evening.

18

This issue is of supreme importance not only

19

to Missouri, but to the entire nation. I want

20

to thank you for holding the hearings in the

21

basin and I think this is the right thing to

22

do, allow people the time and opportunity to

23

share how they feel about the various

24

proposals.

25

As Missouri continues to evaluate the

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1       newest data from the Corps, we will be looking  
2       to ensure that the Missouri River remains a  
3       river of many uses including recreation,  
4       agriculture, fish and wildlife conservation,  
5       navigation, water supply hydropower.

6       Balancing these interests of both the upstream  
7       and the downstream reaches of the river is  
8       absolutely essential to what we think is  
9       achieving the goal.

10               Because of the vital importance of these  
11       issues, Missouri maintains that all decisions  
12       must be based on sound science. We strongly  
13       believe that if all sides of this discussion  
14       commit themselves to adherence to solutions  
15       founded on valid scientific evaluation, that  
16       it will enable us to make substantial progress  
17       on resolving all the issues that have been  
18       debated for so many years. Contrary to many  
19       representations, Missouri is firmly committed  
20       to improving the ecological health of the  
21       Missouri River. However, we strongly believe  
22       there are ways to achieve these benefits while  
23       still protecting and enhancing the lives and  
24       livelihoods of Missourians who live on or near  
25       the banks of the Missouri River.

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1           Significant concern to Missourians is  
2           that many of the proposals in the Revised  
3           Draft Environmental Impact Statement include  
4           plans to increase total system storage in the  
5           upper lakes. We have apprehensions that such  
6           changes would significantly reduce the ability  
7           of the Corps to ensure that the river is  
8           managed to the benefit of all residents of the  
9           basin.

10           We strongly feel that the Corps must  
11           maintain adequate flexibility to respond to a  
12           wide variety of situations both anticipated  
13           and unforeseen. We believe these proposed  
14           changes to storage levels in the upper lakes  
15           would limit the Corps' capacity to perform its  
16           statutorily mandated role.

17           Missouri is further concerned that these  
18           changes to total system storage could  
19           eventually restrict the use of water by  
20           downstream states and thus detrimental to the  
21           future welfare of Missourians. We strongly  
22           oppose any plan that would reduce the amount  
23           of water usable and released to downstream  
24           states.

25           Furthermore, and lacking the importance

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1 of the endangered species in this discussion,  
2 Missouri also suggests that the effects of  
3 increased storage of water in the upper lakes  
4 on endangered species be examined.  
5 Comprehensive data regarding the impact of  
6 high levels of the upper lakes on endangered  
7 species is not currently available. We  
8 believe this information should be included in  
9 the dialogue.

10 The second key component of many of the  
11 current proposals is for a variety of reduced  
12 flows from Gavins Point Dam in the summer.  
13 The flow levels and timing of the current  
14 proposals defer significantly from the  
15 historic hydrograph. Missouri recognizes that  
16 a properly timed and proportioned reduced  
17 summer flow will likely benefit some sections  
18 of the river's ecosystem. We support efforts  
19 to achieve a flow level that will help these  
20 species while also ensuring that the long-term  
21 viability of river commerce on the Missouri  
22 River is not degraded. Missouri believes that  
23 such a flow level exists.

24 Our state has advocated the reduce flow  
25 of 41,000 cubic feet a second from Kansas City

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1 from August 1st through September 15th. The  
2 goal of this proposal is to accomplish these  
3 flow conditions approximately three of every  
4 five years in order to balance the interest of  
5 the endangered species, recreation and the  
6 continued support of other uses of the river.

7 Proposals to depart from current  
8 operations must also consider the effect of  
9 any changes on Mississippi River navigation.  
10 The entire inland waterway system depends on  
11 supplemental flows from Missouri River into  
12 the Mississippi. We do not support proposals  
13 that are detrimental to the long-term  
14 viability of navigation on Mississippi and  
15 Missouri River system.

16 Finally, any reduced summer flow  
17 alterations must be water neutral. As I said  
18 before. Missouri will strenuously oppose  
19 proposals that reduce the amount of usable  
20 water released to downstream states.

21 A third key component of many of the  
22 current proposals is the periodic spring rise  
23 created by federal releases of additional  
24 water from Gavins Point Dam during May.  
25 Missouri opposes proposals for expanded spring

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1 releases.

2 We have serious concerns that current  
3 proposals would increase flooding, result in  
4 higher ground water levels and cause  
5 inadequate drainage throughout the lower  
6 basin. Additional spring releases could  
7 potentially compound the effects of large  
8 rainfall events downstream of Gavins Point  
9 thereby increasing the risk of unanticipated  
10 flow levels in downstream states.

11 The dangers of such a spring rise  
12 increase because waters from Gavins Point Dam  
13 takes approximately 10 days to reach St.  
14 Louis. Spring flooding has had a significant  
15 negative impact on Missouri agriculture, we  
16 all know that. Missouri's agricultural  
17 community must be a top priority in this  
18 discussion. We will strive to ensure that  
19 Missouri's agricultural community not just  
20 along the Missouri River, but all through  
21 Missouri remains viable and profitable.

22 Such concerns must be weighed against the  
23 fact that the lower stretches of the Missouri  
24 River including the entire 553 miles in  
25 Missouri already receive a natural spring rise

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1 from tributary inflow.

2 This spring rise that's proposed would  
3 have little or no impact on river species  
4 living in the stretch of river within our  
5 borders of the State of Missouri.

6 One additional issue that has  
7 occasionally been lost because of the more  
8 contentious nature of some of the other  
9 proposals is the importance of habitat  
10 improvement projects in restoring aquatic  
11 diversity lost to the creation of upstream  
12 lakes and channelization and bank  
13 stabilization over the last 50 years.

14 Missouri believes that an active program  
15 of habitat creation, restoration augmented by  
16 alterations to late summer flows would  
17 substantially assist the recovery of  
18 endangered species. Our state has undertaken  
19 a number of habitat improvement projects often  
20 in concert with the Corps and we believe that  
21 these cost effective and noncontroversial  
22 efforts deserve significant support by the  
23 federal government.

24 Finally, one issue of high importance to  
25 our state which is not currently in any

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1 proposals but has been raised at various times  
2 during this discussion is the possibility of  
3 water transfers out of the Missouri River  
4 basin. Missouri unequivocally opposes  
5 out-of-basin transfers. Such transfers  
6 constitute economic and ecological threats  
7 given existing demands for water within the  
8 basin and the need of species dependent on the  
9 river for their survival.

10 In conclusion, Missouri is firmly  
11 committed to restoring and protecting the  
12 Missouri River and ensuring that the river is  
13 managed for all citizens. I want to reiterate  
14 the importance of basing all decisions on  
15 sound scientific data and further urge that  
16 all potential impacts and opportunities to  
17 both the Missouri and Mississippi River  
18 systems for each and every proposal be  
19 considered.

20 There comes a time in all of this where  
21 you can do things right or you can do the  
22 right thing. We're asking you to do the right  
23 thing.

24 Thank you for the opportunity to express  
25 our position on these extremely important

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1 issues.

2 HEARING OFFICER: Thank you, Mr.

3 Mahfood.

4 MR. MOORE: Dale Frink.

5

6 (Whereupon Mr. Frink read a prepared

7 statement, which is attached to the

8 transcript.)

9

10 HEARING OFFICER: Thank you, Mr.

11 Frink.

12 MR. MOORE: Bill Bryan.

13 MR. BRYAN: My name is Bill

14 Bryan, I'm a deputy chief counsel for Missouri

15 Attorney General, Jay Nixon. Attorney General

16 Nixon asked me to be here tonight, he couldn't

17 be here, he had to sue somebody today. Nobody

18 in this room.

19 I'm glad to see we're all lightening up,

20 it looks like it's going to be a long

21 evening. And Attorney General Nixon would

22 want me to thank all of you for being here to

23 participate in this because this is democracy

24 in action so thanks for being here.

25 We have heard a lot over the years since

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1       this process has started about things like a  
2       permanent flood, broken promises, the  
3       contemporary needs of the Missouri River  
4       basin. These are all very catchy, but  
5       unfortunately somewhat misleading slogans that  
6       are used by the upstream states and interests  
7       to justify the profound change in water policy  
8       evident in the Master Manual alternatives.  
9       When we think of the big mainstem reservoirs  
10      we think of flood control, water supply and  
11      great walleye fishing. Meanwhile, the  
12      upstream states have chosen to characterize  
13      this valuable windfall as a permanent flood.  
14      The Corps, however, has valued the  
15      recreational benefits flowing from this  
16      permanent flood at more than \$84 million per  
17      year. That's not too shabby for a flood.  
18      When it floods around here, Missourians lose  
19      money, not make millions.

20             Starting with the stated value of \$84.7  
21      million per year, the Master Manual  
22      alternatives under consideration only increase  
23      the permanent flood's payoff for recreation by  
24      an average of about \$2.9 million per year.  
25      That's only about a three and a half percent

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1       increase and that is less gain on average to  
2       recreation than the \$3.6 million reduction in  
3       flood control benefits under the same  
4       alternatives that was described as  
5       insignificant in Corps' slide show only a few  
6       moments ago.

7               The net loss of one and a half million  
8       dollars, the difference between the flood  
9       control losses and recreational gains on  
10       average, doesn't seem to meet the contemporary  
11       needs of the basin to me, a Missourian.

12              The current water control plan provides  
13       many additional benefits to downstream states  
14       that don't even figure into this simple  
15       calculation, but the point is not so much the  
16       dollars and cents. One and a half million  
17       dollars seems like a lot of money to me, but  
18       relative to this process, it's not very much.

19              This is about the fact that change purely  
20       for the sake of change doesn't make sense and  
21       isn't mandated under the National  
22       Environmental Policy Act or any other federal  
23       law. Just as we need to preserve the flood  
24       control benefits in Missouri, however, we need  
25       to protect the native fish and wildlife that

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1       rely on river the river, too.

2               Of course the river didn't evolve the way  
3       it has due solely to flow from Gavins Point  
4       Dam, other actions have contributed to the  
5       habitat problems we are now facing.  
6       Structural changes, for example, were made to  
7       change the train the river. These structural  
8       improvements are essential to bank  
9       stabilization and river commerce in accordance  
10      to do a better job of repairing and  
11      maintaining them. But we can also do more  
12      through smart engineering and other steps to  
13      improve the habitat along the river, and the  
14      Corps, the Fish and Wildlife Service and the  
15      State of Missouri need to take steps to  
16      improve the habitat along the river through  
17      smart engineering. By using common sense and  
18      smart engineering, we can improve the habitat  
19      and protect other uses as well and the Big  
20      Muddy can truly a river of many uses.

21             While the Corps has relied on the U.S.  
22      Fish and Wildlife Service to identify the  
23      specific habitat attributes required to avoid  
24      jeopardy to endangered species, the resulting  
25      alternatives call for a spring rise and a low

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1 summer flow. But the historical records  
2 reflect that the lower Missouri River here in  
3 Missouri experiences a spring rise without any  
4 increased release from Gavins Point.

5 The records also reveal that there is no  
6 factual basis for a summer low flow or a split  
7 navigation season based on the period of  
8 record, 100 year period of records that the  
9 Corps has analyzed. Moreover, the value of  
10 these particular changes is entirely  
11 speculative and unproven.

12 Under the circumstances, we support a  
13 41,000 cubic foot per second low summer flow  
14 at Kansas City from August 1st through  
15 September 15th approximately every three out  
16 of five years just as Mr. Mahfood pointed  
17 out.

18 We do not support a spring rise from  
19 Gavins Point because given the lengthy travel  
20 time from Gavins Point to St. Charles and  
21 weather forecasting uncertainties would make  
22 flooding more likely here in Missouri. But  
23 again, the point is not so much the Master  
24 Manual alternatives are good or bad, but that  
25 they are unproven, and change purely for the

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1       sake of change doesn't make sense.

2               We intend to submit comprehensive written  
3       comments before the close of the comment  
4       period and we are pleased that the Corps has  
5       decided to consider and hold additional  
6       hearings before the end of the comment period  
7       once the public has had an opportunity to more  
8       thoroughly review the data that has been  
9       provided, and we will continue to be engaged  
10       in this important process and would welcome  
11       any opportunity to discuss the various  
12       alternatives or further relate our comments  
13       with you, your staff or with Colonel  
14       Fastabend.

15               Thank you for this opportunity this  
16       evening.

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

19                       MR. MOORE: Tad Kardis.

20                       MR. KARDIS: Good evening,  
21       Colonel, thanks again for the opportunity to  
22       participate in this process.

23               My name is Tad Kardis, Missouri Attorney  
24       General Jay Nixon's office. I'd like to speak  
25       to you tonight about two important issues,

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1 electric power, future of public  
2 participation.

3 This process is, in part, an exchange of  
4 information. The Corps provides the public  
5 with information and the public has an  
6 opportunity to share its reaction to that  
7 information with the Corps. The value of  
8 public comment is dependent upon the quality  
9 of information that's given to digest.

10 In St. Joseph last week I stood before  
11 Colonel Fastabend and gave him an example of  
12 how the Corps failed to provide the public  
13 with understandable information about the  
14 alternative effects on power plants that  
15 depend on Missouri River water for cooling and  
16 discharging heated water.

17 Using nothing but the Corps' own numbers  
18 provided in the RDEIS summary, we translated  
19 the Corps' figures from the language of  
20 megawatt hours into the language of dollars.  
21 Now the Corps has provided us with more  
22 information, the full RDEIS, some five inches  
23 of printed material. With the permission of  
24 the northwest division staff, we took your  
25 display copy home with us from St. Joseph. It

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1 contains more detail than the summary, but the  
2 numbers just don't add up even when you  
3 account for the use of yet another language,  
4 ecowatt hours.

5 The summary and the Corps RDEIS give  
6 different answers. As lawyers we would say  
7 that the summary is a prior and inconsistent  
8 statement. As representatives of Missourians,  
9 we simply ask which document should we believe  
10 about the impact of the alternatives on  
11 thermal energy.

12 One methodology would suggest that this  
13 impact to be as high as \$15 billion. We had  
14 hoped for a more detailed analysis in the  
15 Corps RDEIS. However, the Corps' analysis  
16 assumes that these 25 power plants will simply  
17 decrease power production to avoid violating  
18 their permits. Would it not be logical to  
19 presume that they will try to retrofit their  
20 facilities? What will that cost? Will those  
21 costs be passed along to electric rate  
22 payers? Can the power plants finish the  
23 retrofit before the first summer low? What if  
24 they choose to violate their MPTS permits as a  
25 cost of doing business? We hope not.

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1           Well, what affect would that have on  
2           Missouri River fish and wildlife? The Corps  
3           has not provided answers to these questions or  
4           given us enough information to answer them for  
5           ourselves. Missourians need this information  
6           to participate in these process in a  
7           meaningful way.

8           Indeed the process itself is valuable and  
9           the people in this room are all here because  
10          they see this process as a valuable one. The  
11          National Environmental Policy Act or NEPA  
12          requires federal agencies to prepare an  
13          Environmental Impact Statement regarding major  
14          federal actions significantly affecting the  
15          quality of the environment. Truly a change in  
16          the management of the Missouri River is a  
17          major federal action.

18          Our nation's courts held that federal  
19          agencies should not make these decisions from  
20          behind a veil of secrecy, they must give the  
21          public notice of the proposed major federal  
22          action and give the public an opportunity to  
23          submit relevant information that might have a  
24          bearing upon the agency's decision.

25          The Corps has accepted this

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1 responsibility by preparing the Revised Draft  
2 Environmental Impact Statement for potential  
3 revisions to the Master Manual and engaging in  
4 this process that includes public hearings  
5 like the one tonight, yet the Corps seems to  
6 be growing weary of this process.

7 It describes its Master Manual revision  
8 as a journey that began in 1989. However, the  
9 Corps sees a way to end the journey. Its name  
10 is adaptive management and all the Master  
11 Manual alternatives included. In fact, for  
12 some reason, the Corps' publications leave the  
13 distinct impression that the Corps thinks it  
14 is employing adaptive management already.

15 One can try to define adaptive  
16 management, but it is difficult. It is  
17 impossible, however, to define with any  
18 certainty what will result from adaptive  
19 management. With adaptive management, the  
20 Corps will be able to test hypotheses and  
21 explore changes in the operation of the  
22 Missouri River system. Indeed its language is  
23 the language of uncertainty with jargon-like  
24 flexibility, adapt, operational changes, on  
25 average, and as conditions allow. In one

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1 word, vague.

2 The Corps envisions future management of  
3 the river under this new scheme with an agency  
4 coordination team made up of primarily federal  
5 biologists. In other words, the United States  
6 Fish and Wildlife Service. Will these  
7 decisions be subject to public participation,  
8 peer review and judicial review? If they will  
9 not, that course will surely violate NEPA.  
10 With all this flexibility, we wonder if any of  
11 us will ever have this opportunity to  
12 participate in this public process again.

13 The 2002 Master Manual may be the last  
14 Master Manual. In the future, if the Corps  
15 can simply make operational changes as new  
16 information becomes available, they may not  
17 want to embark on this journey once more.  
18 Instead of venturing forth on a new journey,  
19 they will river management decisions that  
20 affect us here in Missouri from behind closed  
21 doors.

22 The alternative to adaptive management is  
23 this important process we are currently  
24 participating in. What does it have to  
25 offer? Only certainty, openness, fairness,

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1       accountability and predictability. Thank you,  
2       Colonel.

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

5                       MR. MOORE: Nelson Heil.

6                       MR. HEIL: If I could, I'd like  
7       to read this and then give you the paper, this  
8       is the only copy I have tonight.

9               This is a copy of a letter that we have  
10       sent in on October 29th to the Corps, and I'm  
11       the southern commissioner of Carroll County  
12       and I represent David Martin, the eastern  
13       commissioner and Donald Batrim (phonetic), a  
14       western commissioner.

15               The Carroll County Commission does hereby  
16       go on record as being in opposition to the  
17       spring rise low summer and fall rise which is  
18       the split season for the following reasons.

19               Number one, the increased releases most  
20       surely will put water against levees  
21       regardless of normal runoff below Gavins  
22       Point. And number two, the seep water from  
23       this high river will prevent many fields from  
24       being planted.

25               Thank you for your time.

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

3 MR. MOORE: Tim Brinker.

4 MR. BRINKER: Good evening,  
5 Colonel, ladies and gentlemen, my name's Tim  
6 Brinker, I'm a lowly city councilman from a  
7 little town called Washington, Missouri. I  
8 have been a councilman for eight years,  
9 unfortunately, I don't have staff so that I  
10 can have somebody come up here and speak for  
11 me so I've got to do that myself.

12 I also happen to be chairman of the  
13 Washington, Missouri Riverfront Preservation  
14 and Improvement Committee. That's an advisory  
15 committee utilized to do just as our title  
16 indicates, preserve and improve our Missouri  
17 River frontage.

18 Washington, Missouri enjoys being the  
19 busiest port/access on the Missouri River  
20 between St. Louis, Missouri and Omaha,  
21 Nebraska. That relates to anywhere from 100  
22 to 300 boats per weekend in season. We're  
23 located at mile marker 65 to 70 if you want to  
24 come visit us.

25 Washington is primarily a recreational

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1 use community, but also has commercial uses as  
2 well on the river via a sand plant and  
3 concrete manufacturing facility in Franklin  
4 County concrete.

5 Washington has a riverfront park that  
6 we're extremely proud of consisting of many  
7 pavilions, acres of grass, large parking  
8 areas, a four-lane boat ramp and a new  
9 four-slip courtesy dock, many, many private  
10 docks as well as a brand new half  
11 million-dollar riverfront trail that stretches  
12 2.7 miles along the Mighty Muddy Mo.

13 We're also considering another very  
14 substantial investment in a full-service still  
15 water marina, perhaps one of the largest in  
16 the span I mentioned earlier.

17 Washington is concerned about water level  
18 consistency so as to protect and potentially  
19 enhance what we consider to be our community  
20 crown jewel.

21 I wish to make it known that our concerns  
22 are very real. Like a lot of other  
23 communities along the Missouri River,  
24 Washington has been adversely affected in the  
25 past by floods typically occurring in late

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1       spring or early summer, coincidentally, the  
2       similar time span that the plans indicate  
3       higher volume releases. We ask that the Corps  
4       please take into consideration this very  
5       strongly and take action to assure this  
6       consistency is achieved and maintained.

7               The City of Washington has always enjoyed  
8       a positive working relationship with all  
9       agencies represented here this evening and  
10       looks forward to continued positive  
11       relations.

12               Thank you and have a good one.

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

15                       MR. MOORE: John Reddy.

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

20  
21                       HEARING OFFICER: Thank you, Mr.  
22       Reddy.

23                       MR. MOORE: Charles Scott.

24  
25

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

4

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

7                   MR. MOORE: Rick Hayes.

8                   MR. HAYES: Good evening, my  
9                   name's Rick Hayes, I'm a representative from  
10                  the Brunswick/Dalton Drainage District. I  
11                  live and farm near the Missouri River and the  
12                  Grand and the Chariton. I farm land that my  
13                  dad has farmed for years and that's where our  
14                  living is. I'm representing our district and  
15                  also many farmers.

16                 Our livelihood is farming this land. If  
17                 the river that you're wanting the spring rise  
18                 on, that's our most critical time getting our  
19                 crops planted. We need a normal to below  
20                 normal river stage for our land to drain. We  
21                 cannot, we just cannot accept anything less  
22                 than that. You want this rise and you're  
23                 trying to save this fish, I mean, we're out  
24                 here trying to make a living. We just can't  
25                 uproot our families and move them a hundred

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1 miles away from the river, we just cannot do  
2 that, you know, in our type of farming.

3 We just wanted you to know that we  
4 understand all the pressures you have, wanting  
5 to you do something besides what you have  
6 always done. We think you've done a good job  
7 in the past, but we'd like more. I want to  
8 stress we cannot take any less than we have  
9 already have.

10 Thank you.

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

13 MR. MOORE: Ellen Duke.

14 MS. DUKE: Good evening, my name  
15 is Ellen Duke, I live in Lee's Summit,  
16 Missouri and I'm speaking tonight as a private  
17 citizen.

18 I grew up on a farm in Indiana so I know  
19 the importance of nature and I know the  
20 importance of watching what the river  
21 naturally does. So I am speaking in support  
22 of flexible flow. I think it's very important  
23 to pay attention to what nature provides, not  
24 just what human beings provide. So with this  
25 in mind, I've carefully read the U.S. Fish and

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1 Wildlife Service proposals for flexible flow  
2 and I believe it is totally worthy of our  
3 action, and I appreciate your consideration  
4 tonight.

5 HEARING OFFICER: Thank you, Miss  
6 Duke.

7 MR. MOORE: Roger Clark.

8 UNIDENTIFIED VOICE: He stepped  
9 to the restroom.

10 HEARING OFFICER: We'll catch him  
11 in a minute.

12 MR. MOORE: Michael Wilson.

13 MR. WILSON: Good evening. I'm  
14 Michael Wilson, I live in Raytown, Missouri  
15 I'm a member of the Sierra Club and I'm  
16 representing the Missouri River.

17 I've been around a long time, a lot  
18 longer than anybody sitting here tonight.  
19 I've been flowing down through this land that  
20 isn't -- wasn't called Missouri for a long  
21 time and so when we say we're representing  
22 Missouri, we're not really representing the  
23 land or me, this river called the Missouri  
24 now.

25 I'm going to keep on flowing and a long

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1 time after everybody in this room is gone.

2 And I would like to be healthy and I would  
3 like to be alive. I would like to bring a  
4 real future for the people who inhabit this  
5 land in the future.

6 I'm really thankful that the U.S. Army  
7 Corps of Engineers has come on the scene to  
8 take up my cause, because you're representing  
9 a much bigger picture than the State of  
10 Missouri, you're representing me, the Missouri  
11 River.

12 As I look at one of the fact sheets, one  
13 of the senators mentioned common sense. I'm  
14 not sure what that means in their context, but  
15 just from an economic point of view, national  
16 economic point of view, the proposal that is  
17 advocated by the State of Missouri and the  
18 senators that have testified has the lowest  
19 economic value. So from what I think is  
20 common sense, flexible flow which comes much  
21 more closer to what I've always done before  
22 and would like to do in the future works best  
23 for me. It works best for the future, it  
24 works best for your children. It's not about  
25 private property. I've been flowing long

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1 before there was any private property. It's  
2 too bad that it prevents people from adjusting  
3 to the flow, but I've always had flexible  
4 flow. That's natural and it's healthy.

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

7 MR. MOORE: Ronald McNeall.

8 MR. McNEALL: Good evening. My  
9 name is Ronald McNeall and I'm an agriculture  
10 producer from Chariton County near  
11 Keytesville, Missouri, I produce corn,  
12 soybeans and wheat.

13 These meetings are seeming to become a  
14 regular ritual as we were only a short time  
15 ago doing the same thing again. I'm here  
16 tonight representing the Missouri Corn Growers  
17 Association of which I am a member of the  
18 Board of Directors.

19 MCGA is a grass root organization  
20 representing corn growers across Missouri.  
21 MCGA will continue to support the current  
22 water control plan, because it is the only  
23 feasible alternative presented by the Corps of  
24 Engineers. All of the other alternatives that  
25 are being presented would be absolutely

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1       devastating to agriculture.

2               We are opposed to higher reservoir levels  
3       in the upper basin lakes. Increased reservoir  
4       levels reduce the water available and flood  
5       control available to the lower basins.

6               Managing the Missouri River flow based on  
7       the need of upstream recreational and other  
8       interests goes against the original intent of  
9       Congress to manage the river for multiple  
10       interests where flood control and navigation  
11       was the primary intent.

12              We're also adamantly opposed to what is  
13       referred to as the spring rise. First,  
14       increasing water releases would flood or  
15       decrease drainage on thousands of acres in the  
16       Missouri River bottoms. The Corps and the  
17       Fish and Wildlife Service claims they can  
18       curtail water releases from Gavins Point Dam  
19       if downstream flooding occurs. I would like  
20       to know how such a claim can be made when  
21       professional weather forecasters can't even  
22       accurately forecast rain one day at a time let  
23       alone the amount that will fall within a given  
24       area. On top of that, it takes from eight to  
25       eleven days for water to travel from Gavins

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1 Point to the mouth of the Missouri to St.  
2 Louis.

3 Once water is released from Gavins Point,  
4 it cannot be stopped or it cannot be  
5 recalled. Therefore, this proposed control  
6 flood would be devastating not only for  
7 potential flooding, but also to late planting  
8 due to internal drainage problems. Everyone  
9 knows the spring period is the normal time for  
10 excessive rainfall.

11 I farm on the Chariton River about six  
12 miles where it empties into the Missouri  
13 River. Our internal drainage is blocked not  
14 only when the river is bank full, but also  
15 when the Missouri level is raised four to six  
16 feet above normal. When we go through a long  
17 period of high water flow with several rain  
18 fronts moving through, it spells internal  
19 flooding problems. Two weeks of flood gates  
20 closed in April and May can be disastrous.

21 It is also proposed that these increased  
22 spring flows would be offset in the late  
23 summer by a split navigation season. During  
24 July through September water releases would  
25 fall below levels needed to maintain

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1 navigation. This would end navigation on the  
2 Missouri River. We hear reports of reduced  
3 navigation on the river now, but who is going  
4 to commit to long-term navigation when we keep  
5 navigation in doubt.

6 As you know, barges are a low cost  
7 transportation alternative for agriculture,  
8 commodities and inputs. As important, barge  
9 transportation places competitive pressure on  
10 reasonable rail rates. Railroads can only  
11 raise rates to the point where they start to  
12 push traffic onto alternative modes of  
13 transportation, for example, barges.

14 It has been demonstrated many times that  
15 in areas throughout the country that do not  
16 have access to barge transportation, rail  
17 rates are higher. In their analysis, the  
18 Corps estimates that barge competition reduces  
19 the rail rates in the Missouri basin by up to  
20 \$200 million annually. The importance of  
21 barge competition is further heightened as the  
22 rail industry continues to consolidate.

23 The Missouri River is also a major source  
24 of water for the Mississippi River. During  
25 the drought of 1988, the Missouri River

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1 discharge accounted for 63 percent of the  
2 water flowing past St. Louis from July through  
3 October. If planned flow reduction by the  
4 Corps would coincide with another drought,  
5 navigation on the upper Mississippi would be  
6 interrupted costing the nation's farmers and  
7 industries millions of dollars a day.

8 Thank you.

9 HEARING OFFICER: Thank you, Mr.  
10 McNeall.

11 MR. MOORE: Roger Clark.

12 MR. CLARK: Good evening, thank  
13 you for the opportunity to speak. I represent  
14 recreational interests and it seems to me the  
15 good Lord managed this river for million of  
16 years before the Corps of Engineers came  
17 along. What we have now does not even  
18 resemble what once was, and in 1993 it was  
19 proven beyond a doubt that current technology  
20 and the ability of the Corps to manage this  
21 river is simply is not there to the extent  
22 that you might like to have it.

23 What we have now is something that is  
24 really not very friendly to recreational  
25 users, and it's a tragedy. The reason it's a

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1       tragedy is because navigation interests, other  
2       economic interests have taken highest  
3       priority. It is not only three endangered  
4       species, it's million of water foul that use  
5       this river during their fall migration and  
6       their spring migration. They have no place to  
7       use on that river to any extent anymore. That  
8       is an American tragedy and it's happening  
9       right here on this river.

10               Thank you.

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

13                       MR. MOORE: Steve Kidwell.

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

18  
19                       HEARING OFFICER: Thank you, Mr.  
20       Kidwell.

21                       MR. MOORE: Lanny Meng.

22  
23               (Whereupon Mr. Meng read a prepared  
24               statement, which is attached to the  
25               transcript.)

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1

2

HEARING OFFICER: Thank you, Mr.

3

Meng.

4

MR. MOORE: Steve Ewert.

5

MR. EWERT: My name is Steve

6

Ewert and I'm a Missouri River bottom farmer,

7

and my brothers are here and a lot of my

8

friends are here, and I want to thank the

9

Corps of Engineers for what they've done for

10

the river over the last decades.

11

It's been said tonight that we can't

12

control the river, that we've diminished the

13

worth of the river by the fact that we have

14

controlled it. I don't think anything could

15

be further from the truth. If you read

16

accounts of the Missouri River by Mark Twain

17

or some of the people that wrote about it in

18

the early days, the Missouri River was a

19

worthless stream. It could not be depended on

20

for water, it could not be depended on for

21

navigation, it flooded, it went dry, and we've

22

had whole industries grow up around this

23

river.

24

Every 50 miles up and down the Missouri

25

there's a power plant, we heard from those

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1       guys tonight. They've got to have a stable  
2       river. I'm just a small piece of the  
3       industry. I farm on the Missouri River and I  
4       need a stable river, too, in the spring.

5               I take umbrage with some of your numbers  
6       in your study when you point out that there  
7       would be a few million dollars worth of damage  
8       to Missouri crops and the alternatives that  
9       raise the river level, and I just do that by  
10      common sense. I'm not a scientist and I'm not  
11     an accountant, but I know what it costs me  
12     when the river is three feet higher than my  
13     flood gates and I have to pump the water out  
14     or I lose a crop of soybeans and I have to  
15     replant it. And I think if you multiply that  
16     by thousands of times up and down the river by  
17     people that are in the same boat I am, that a  
18     few million dollars wouldn't come close to  
19     covering the economic damage of a three foot  
20     rise in the river at the wrong time.

21              The other thing I think, you've tried to  
22     apply common sense to some of these things and  
23     I really kind of think the pallid sturgeon is  
24     a red herring of some sort, because I've been  
25     on the river for 20 years now and I fail to

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1 understand what an artificially created three  
2 foot rise that the Corps would create, what  
3 benefit that would be to the pallid sturgeon  
4 that mother nature does not already provide.

5 Living on the river and being so  
6 concerned with river levels, when a thunder  
7 storm comes through upstream somewhere, I see  
8 rises and falls of five, ten, fifteen feet all  
9 the time. Now, this three foot rise, it's  
10 three feet of Kansas City, I think, is what  
11 the 15 to 20,000 cubic feet per second would  
12 make. I don't see what the difference is  
13 between that three foot artificial rise and  
14 the ten foot or five foot or three foot rise  
15 provided by a thunder storm, and that happens  
16 real regularly every spring. And I think it's  
17 kind of presumptuous of us to think that we  
18 can create a three foot rise that's going to  
19 be a benefit that mother nature is not already  
20 doing by letting it rain.

21 That's just kind of a common sense  
22 observation. Like I said, it's not from a  
23 scientist or anything, but it just seems to me  
24 that water is water and -- whether it came  
25 from Gavins Point, and I think most of the

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1 people here are concerned what happens at  
2 Gavins Point.

3 If there needs to be some unbalancing of  
4 the reservoirs above Gavins Point to create  
5 growth along the banks, that's understandable,  
6 possibly doable. But as far as most of the  
7 people in this room, we're concerned about  
8 what happens below Gavins Point, obviously,  
9 because that's what's going to make a  
10 difference to us. And I don't think that that  
11 three foot rise is going to make a bit of  
12 difference in the pallid sturgeon and I defy  
13 somebody to tell me why that that artificial  
14 rise is more beneficial than a good thunder  
15 shower that raises the river five feet and  
16 then drops it down five feet. I mean, that's  
17 basically doing the same thing, it happens  
18 every year.

19 Thank you.

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

22 MR. MOORE: Robert Vincze.

23

24 (Whereupon Mr. Vincze read a prepared  
25 statement, which is attached to the

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1 transcript.)

2

3 HEARING OFFICER: Thank you, Mr.

4 Vincze.

5 MR. MOORE: Dan Cassidy.

6

7 (Whereupon Mr. Cassidy read a prepared

8 statement, which is attached to the

9 transcript.)

10

11 HEARING OFFICER: Thank you, Mr.

12 Cassidy.

13 MR. MOORE: Bob Sherrick.

14

15 (Whereupon Mr. Sherrick read a prepared

16 statement, which is attached to the

17 transcript.)

18

19 HEARING OFFICER: Thank you, Mr.

20 Sherrick.

21 MR. MOORE: Jeffrey McFadden.

22 MR. McFADDEN: Colonel, guests,

23 thank you for this opportunity. My name's

24 Jeffrey McFadden, I'm a lifelong Missourian,

25 grew up in this basin. I'm an independent

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1       businessman in Missouri, but I speak tonight  
2       as what is commonly known as a river rat. The  
3       Missouri river is the place I love most of  
4       anyplace on earth.

5               What we have here is a river that's been  
6       taken from the many and given to the few at  
7       public expense, this is a problem. This  
8       evening we've talked about flood control.  
9       We've been threatened with the flood of 1993,  
10      but the flood of 1993 was a summer flood which  
11      occurred during a time when the Corps' current  
12      water control plan maintains the river at  
13      unnaturally high levels, possibly having  
14      exacerbated that flood.

15             The Missouri River flooded in 1903 and in  
16      1908. It flood in 1944 resulting in the  
17      passing of the Pick Sloan Plan. It flooded  
18      again in '51, and Colonel Pick said if this  
19      plan were in place, a flood like this could  
20      never happen again. It flooded in '93, right  
21      on time.

22             The current water control plan has been  
23      unable to even alter the cycle of major  
24      floods. It has, however, eliminated the cycle  
25      of small healthy floods.

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1           We've heard about the economy of the  
2           State of Missouri. I'm sure everyone in this  
3           room has been around the Lake of the Ozarks  
4           and seen the bustling economy, the high  
5           property values, the vast economic  
6           opportunities for small businessmen, bait  
7           stores, restaurants. Imagine for a moment if  
8           we had the Lake of the Ozarks at Kansas City  
9           and at Saint Louis, the Lake of the Ozarks at  
10          Jefferson City and at Columbia. The Lake of  
11          the Ozarks at St. Louis, we have it.

12          We have the Missouri River. The Missouri  
13          and Mississippi Rivers in combination are the  
14          State's largest water resource, larger than 15  
15          of the State's largest reservoirs combined,  
16          but we have taken this and we have made it  
17          small and we have made it fast and it  
18          frightens people and they're afraid to go use  
19          it.

20          So we don't have the economic  
21          opportunities of having the Lake of the Ozarks  
22          at every major state. The Missouri River is  
23          so vast that it could carry recreational users  
24          from every city in this state and never look  
25          crowded.

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1           We've heard that the recommendations are  
2           unproven and they are, because in 40 years  
3           there has been no change, there's been no  
4           attempt to prove them. In my business which I  
5           own, I maintain and repair telecommunications  
6           equipment and computer networks for Missouri  
7           businesses. I have never had one say to me I  
8           want you to prove your plan before you do  
9           something. I guarantee if Attorney General  
10          Nixon's telephone system were down and I was  
11          there to fix it, he wouldn't ask me for proof,  
12          he would ask me to do something and do it now  
13          and that's what I'm asking you.

14          Over 80 percent of Missouri households  
15          contain one or more fishermen. Over 90  
16          percent of Missouri citizens live along the  
17          Missouri River, but those people can't fish  
18          that river because they are afraid of it. If  
19          the river were maintained in good health, we  
20          would be once again able to catch the  
21          150-pound catfish that were normal here when  
22          the river was healthy last. We would have  
23          people coming to the Missouri basin from all  
24          over the country like they now go to the Gulf  
25          of Mexico to catch a fish that big. All these

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1       200 million dollar figures are pocket change  
2       compared to the potential recreational income  
3       a healthy Missouri River would give this  
4       basin.

5               Thank you.

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

8                       MR. MOORE: Frank Lies.

9  
10                      (Whereupon Mr. Lies read a prepared  
11                      statement, which is attached to the  
12                      transcript.)

13  
14                      HEARING OFFICER: Thank you, Mr.  
15       Lies.

16                      MR. MOORE: Mary Lappin.

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

21  
22                      HEARING OFFICER: Thank you, Miss  
23       Lappin.

24                      We've been taking testimony for two hours  
25       and thirty minutes so I think it's time for a

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1 ten-minute break. Please be back, for those  
2 of you who want to participate, at 9:40.  
3 Thank you.

4

5 (Off the record.)

6 (Back on the record.)

7 HEARING OFFICER: Ladies and  
8 gentlemen if you would make your way back into  
9 the seats, we'll resume.

10 MR. MOORE: Bill Griffith.

11 MR. GRIFFITH: Thank you,  
12 Colonel. Good evening, my name is Bill  
13 Griffith, I'm a resident of Leavenworth,  
14 Kansas, I'm a native of Kansas and moved to  
15 Leavenworth about eight years ago and began to  
16 learn about the Missouri River in great  
17 detail. I saw the end of the 1993 flood and  
18 have followed closely the Master Manual  
19 process.

20 As a father of three, I've cherished the  
21 few recreational opportunities we're afforded  
22 on the lower river such as an excursion out to  
23 a rare sand bar.

24 As a history buff, I'm enthralled by the  
25 voyage of discovery and other colorful tales

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1 of life along the Missouri and look forward to  
2 the excitement of the upcoming bicentennial of  
3 the Lewis and Clark expedition as do many  
4 others.

5 And as chairman of the Sierra Club's  
6 National River Committee, I thrill at the  
7 potential biological diversity the Missouri  
8 will give us if we make sound management  
9 decisions and change the decades old manual  
10 designed for a far different time.

11 That potential is shackled as of now has  
12 led to great peril for the pallid sturgeon,  
13 the least tern and the piping plover. Many  
14 other fish and wildlife have seen their  
15 numbers plummet as well, and the downward  
16 spiral will continue if we persist along the  
17 same path. I wonder how this reflects on us  
18 as caretakers of the Missouri River, let alone  
19 of our Earth in general. Will our hubris  
20 continue by ignoring science and flying ahead  
21 with business as usual.

22 The Sierra Club supports the  
23 recommendations of the U.S. Fish and Wildlife  
24 Service for a spring rise and lower summer  
25 flows on the Missouri River. Their

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1        recommendations are based on the best  
2        available science. To buttress that  
3        statement, I'm comforted to see the Missouri  
4        River's natural resource community members  
5        from Montana, Kansas, Iowa, Nebraska, South  
6        Dakota and North Dakota and Missouri has  
7        stated publicly that the U.S. Fish and  
8        Wildlife biological opinion is biologically  
9        sound and scientifically justified.

10                David Golat, a University of Missouri  
11        river ecologist was quoted in the Kansas City  
12        Star last Wednesday as saying the idea of just  
13        having a flood plain restoration and not  
14        altering flows is a very naive point of view  
15        from an ecological perspective.

16                He also mentions that there had been  
17        about 130 scientific studies detailing the  
18        negative impacts that can occur to fish and  
19        wildlife when the river's natural flows are  
20        altered. The good news that he mentions is  
21        about 30 studies have showed how restoring the  
22        flow and habitat can assist in the healing of  
23        damaged rivers which also benefits humans  
24        greatly.

25                The alternative FW 2021 in conjunction

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1 with adaptive management practices offers the  
2 best and in all probability the only chance  
3 for the pallid sturgeon, least tern and piping  
4 plover and other imperiled species to exist  
5 with us along the river.

6 The spring rise as described in FW 2021  
7 will be a conservative rise in many folks'  
8 view, and as the Corps' own document states,  
9 will not affect any new land, it will be done  
10 on an average only once every three years,  
11 will not be done when there's already higher  
12 water flows and will not be the cause of  
13 floods on the lower river. I believe I bring  
14 some sensitivity to this matter as my family  
15 owns river bottom land like some of the stake  
16 holders along the river.

17 The spring rise should help other  
18 threatened fish species rebound as well. The  
19 State of Missouri used to have a thriving  
20 commercial fishery and is now down to one  
21 part-time commercial fishery.

22 The increase in these species will be a  
23 boon for anglers, the boating industry,  
24 canoeists, hunters and other recreational  
25 enthusiasts. This will pump a substantial sum

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1 of money into the basin assisting local  
2 economies in garnering a sustainable growth.

3 I find it interesting that although the  
4 recreation is not emphasized by the Corps and  
5 navigation is, that recreation brings in much  
6 more money. Think about the economic boost if  
7 we do more to emphasize recreation.

8 The lower summer flows will have added  
9 benefits of assisting recreation as well as  
10 more folks getting out on river on the newly  
11 created sand bars. This again will bring  
12 boaters, canoeists and campers down to the  
13 river instead of having them avoided as they  
14 do now. I look forward to the day I can take  
15 my children out in a canoe on the Missouri  
16 River and not feel they are in danger.  
17 Stopping and exploring a sand bar and finding  
18 a camp site to pitch a tent on is something I  
19 would cherish as a memory that would last a  
20 lifetime.

21 I'm also heartened to see that 2021 will  
22 assist Mississippi River navigation where the  
23 vast flow of the barge transportation occurs.  
24 It will save \$7.3 million per year which is an  
25 improvement of 16 percent.

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1           I also note that it increases hydropower  
2           benefits by 2 percent overall and supports the  
3           Missouri River barge navigation in the  
4           critical spring and fall periods when most  
5           agricultural products are shipped.

6           Given the benefits to fish and wildlife,  
7           the recreation industry, the increase in  
8           tourism that will follow, the hydropower  
9           benefits, the benefits to the Mississippi  
10          River navigation and the high level flood  
11          protection, this brings added clarity to the  
12          selection of FW 2021 as the best alternative  
13          for the Corps to implement.

14          Thank you.

15                       HEARING OFFICER: Thank you, Mr.  
16          Griffith.

17                       MR. MOORE: Alex Harris.

18                       HEARING OFFICER: Alex Harris.

19                       (Mr. Alex Harris is not present.)

20                       MR. MOORE: Karen Uhlenhute.

21                       MS. UHLENHUTE: That was brave of  
22          you to try that last name, you actually did a  
23          pretty good job of it, it's Uhlenhute. And I  
24          guess I would say I'm here representing the  
25          pallid sturgeon, the least terns, the piping

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1 plovers, the people with binoculars, the  
2 people with canoes and kayaks. And, you know,  
3 I'm really distressed when I hear people get  
4 up from all those congressional offices and I  
5 realize that not one of them is speaking for  
6 me or a bunch of other people that I know out  
7 here.

8 You know, there are a lot of us who are  
9 just really, really unhappy with the river  
10 that runs through our town and through our  
11 state with the state that it has reached after  
12 60 years of management by the Corps of  
13 Engineers. I actually got up close and  
14 personal with the river several years ago, I  
15 went on a short canoe trip just east of town  
16 and it was kind of scary like Jeffrey McFadden  
17 said. You moved very, very quickly and  
18 there's no way to stop. I mean, there's  
19 nothing to stop on, you move very fast, and I  
20 remember vividly holding very tightly on to a  
21 tree root and that was the only place that I  
22 could slow down at all. There's no bound  
23 water, there's no side channels, there's no  
24 place where the water is going slower than, I  
25 don't know, five or six miles per hour or

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1       whatever it is. And I feel sorry for anything  
2       that's in that water trying to cut it, because  
3       I think it's a really tough -- it's a tough go  
4       down there.

5               But anyway, I think that we were really  
6       missing the boat on managing this river,  
7       because I think that this could be a much more  
8       friendly river to recreation and I think there  
9       are many people who really want to recreate on  
10      this river, but it is kind of difficult in a  
11      number of ways.

12             And I think that the reason we're missing  
13      the boat on these small boats is that we're  
14      too fixated on the really big boats, the  
15      barges which, frankly, you very seldom see on  
16      this river. I think most of us know that the  
17      barge industry is very close to a fantasy on  
18      this river, and I just continue to be amazed  
19      at why it is that we manage the river for a  
20      very inconsequential industry. And frankly, I  
21      have to guess that it's because they give a  
22      lot of money to Congress and people like me  
23      don't, and I really have a problem with the  
24      system working that way.

25             I know that the Corps, at least people

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1 keep telling that the Corps is required by  
2 congress to manage this river for a number of  
3 purposes which unfortunately seem to be at  
4 cross purposes. And it seems to me that for  
5 about 60 years this river has been managed  
6 largely for a barge industry that has only  
7 gotten smaller and smaller and smaller. And I  
8 think that it is time to give a higher  
9 priority to the other uses that apparently are  
10 also mandated by Congress, particularly  
11 recreation on the lower river and habitat for  
12 wildlife.

13 I think that if we really had a  
14 recreational resource going through this town  
15 and across this State, that we would make this  
16 city that prides itself on being very liveable  
17 even more liveable and ditto for the entire  
18 state.

19 I've heard people tonight talk about  
20 their concerns about flood control and I guess  
21 I would take that more seriously except for  
22 things like having read in the Star the other  
23 day that I think we're about to spend about  
24 \$50 million in federal tax money to build a  
25 levee around a piece of bottom land property

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1 in Riverside so that we can now build, I  
2 guess, some industrial facilities. And  
3 apparently, we're not learning the lesson  
4 here, that we have to back off from the river  
5 instead of invading it more with human  
6 activity of the wrong sort.

7 I've also heard people talk about  
8 unproven science here and I think the only way  
9 to prove the science is to give it a try, so  
10 let's do that in the form of GP 2021.

11 Thank you.

12 HEARING OFFICER: Thank you, Miss  
13 Uhlenhute.

14 MR. MOORE: Ron Gibson.

15  
16 (Whereupon Mr. Gibson read a prepared  
17 statement, which is attached to the  
18 transcript.)

19  
20 HEARING OFFICER: Thank you, Mr.  
21 Gibson.

22 MR. MOORE: Colleen Nunnelly.

23 MS. NUNNELLY: Good evening,  
24 gentlemen. I'm not here to talk about  
25 acronyms or flow rates, I want to talk about

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1 my dad for a few minutes.

2 My father grew up near the river, I grew  
3 up hearing him talk about being on the river  
4 in a boat. I heard him talk about the flocks  
5 of birds and I heard him talk about farming.  
6 And, in fact, watched him farm some bottom  
7 land on the river near Hermann. Sure,  
8 sometimes he didn't have a crop, but he farmed  
9 and he knew that that was one of the things  
10 that the river brought, with its bounty, it  
11 brought danger. I've been on that river in a  
12 canoe, but unlike my dad and his friends when  
13 he was a child, I had to be marshalled and  
14 guarded by power boats who went along to be  
15 sure that we weren't swept away by the river.

16 I want the opportunity for me and for  
17 others to be on that boat in a canoe, visiting  
18 on that river in a canoe or a kayak to be able  
19 to fish, to see the flocks of birds again. I  
20 want the opportunities that have been lost to  
21 my father's children and grand children  
22 through -- and it's been lost in one  
23 generation of damning and channeling the  
24 river.

25 My family went camping without my father,

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1       who is no longer living, last month, and we  
2       wanted to be on a river, we had to go to  
3       southern Missouri to do that to feel safe. I  
4       want to see wildlife endangered species come  
5       back and I want to return to the river here,  
6       to the Missouri River.

7               The flexible flow rate will accomplish  
8       this and it will bring enhanced benefits to  
9       many along the river.

10              Recreation brings significant income to  
11      property owners along the Missouri River as it  
12      has done to those along the Katy Trail.  
13      Cities that have turned their faces to the  
14      river prosper as they watch and use the  
15      river.

16              I would like the next generations to have  
17      returned to them those treasures that my dad  
18      had.

19              Thank you.

20                      HEARING OFFICER: Thank you, Miss  
21      Nunnelly.

22                      MR. MOORE: Richard Coleman.

23                      HEARING OFFICER: Mr. Richard  
24      Coleman.

25                      (Mr. Richard Coleman is not present.)

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1 MR. MOORE: Linda Hanley.

2 MS. HANLEY: Thank you. My  
3 name's Linda Hanley, I'm not a lawyer, a  
4 politician or a scientist, but I am a user of  
5 the river.

6 The lady who just spoke should come with  
7 us sometime, we use the river now in canoes  
8 and kayaks. However, I agree that the river  
9 has changed in the last 30 years that I've  
10 been on it. The sand bars are disappearing if  
11 not already totally gone.

12 The years in the early 70s, we canoed  
13 from Yankton, South Dakota at Gavins Point to  
14 Kansas City, from Kansas City on to St. Louis  
15 in canoes, camped on beautiful sand bars. We  
16 don't have that anymore.

17 It's unrealistic to think that we'll go  
18 back to the river that Lewis and Clark saw.  
19 None of us would want to, we wouldn't have our  
20 power our water our sewage disposal and we  
21 would have very reduced flow sometimes and  
22 floods. We still have reduced flow and  
23 floods. However, with the adaptive management  
24 as they call it, we can keep that to a  
25 minimum.

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1           With the attitude that we've got to do it  
2           the way it's been done because it's always  
3           been done that way is throwing new science out  
4           the window and I would like to see -- we need  
5           a change.

6           I'm not a scientist again, I can't say  
7           which program is the best, but I'm sure there  
8           are many minds here who are working on that  
9           and have much more knowledge than I do, but  
10          definitely we need to try something new.

11          The thing we have to realize is that  
12          there are extreme opposite opinions and  
13          extreme difference in interests amongst the  
14          people involved in this, but cooperation and  
15          comprehension of the impact that these choices  
16          are going to have on future generations of not  
17          only pallid sturgeon and plovers but of people  
18          as well. And we must realize there must be a  
19          compromise that will bring the best to as many  
20          people as possible.

21          None of us want to see a farmer lose his  
22          crop nor a business lost due to lack of  
23          transportation. But everyone is going to have  
24          to compromise for a better solution in the  
25          end.

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1 Thank you.

2

3 HEARING OFFICER: Thank you, Miss  
4 Hanley.

5 MR. MOORE: Jamie Mierau.

6

7 (Whereupon Ms. Mierau read a prepared  
8 statement, which is attached to the  
9 transcript.)

10

11 HEARING OFFICER: Thank you, Miss  
12 Mierau.

13 MR. MOORE: Charles Benjamin.

14

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

18

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

21 MR. MOORE: Joe Lamothe.

22

23

24 (Whereupon Mr. Lamothe read a prepared  
25 statement, which is attached to the

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1 transcript.)

2

3 HEARING OFFICER: Thank you, Mr.

4 Lamothe.

5 MR. MOORE: Chuck Osborn.

6 HEARING OFFICER: Mr. Chuck

7 Osborn.

8 (Mr. Chuck Osborn is not present.)

9

10 MR. MOORE: Ron Cook.

11 HEARING OFFICER: Mr. Cook.

12

13 (Mr. Ron Cook is not present.)

14

15 MR. MOORE: Tom Hanley.

16 MR. HANLEY: Hello, my name is

17 Tom Hanley and my primary interest is in  
18 recreation and access to the Missouri River in  
19 the stretches above and below Kansas City, but  
20 that's not what this meeting is about. It's  
21 about how the Corps of Engineers is going to  
22 control its six dams.

23 The current plan favors only the barge  
24 industry which is very minuscule on the  
25 Missouri River. Most of the barge industry is

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1 on the Mississippi River and the Ohio River.  
2 And to suggest that the fact that there is a  
3 barge industry in any way affects the rates on  
4 railroad traffic or trucking traffic, I think  
5 is not valid.

6 The five other plans presented in the  
7 Corps proposals here in the Environmental  
8 Impact Statement appear to benefit fishing,  
9 boating, wildlife, recreation, and even reduce  
10 potential flooding in the summer months. The  
11 modified plan for the upper basin region  
12 clearly benefits those states. They, in fact,  
13 are -- been negatively impacted by very low  
14 water levels in their recreational  
15 industries.

16 The key issue in this matter is the  
17 potential of downstream flooding in the  
18 Missouri or State of Missouri. And the crux  
19 of the issue is can the Corps handle the  
20 spring rise once every three years as proposed  
21 in these GP plans.

22 Are they able to raise the river for up  
23 to three feet during four weeks once every  
24 three years? They're not going to let this  
25 water all out at one time, they are going to

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1       let it out over a period of four weeks and  
2       even though you can't predict, as we have  
3       heard earlier speakers say it takes ten days  
4       for the water to get down to St. Louis, even  
5       though you can't predict the weather that far  
6       ahead, I truly believe that the Corps would be  
7       able to, through gauging downstream river  
8       levels, to be able to accurately assess  
9       whether or not they can release on a  
10      particular day the amount of water required  
11      for this rise.

12             Every one knows that the Missouri River  
13      goes up by more than three feet or down by  
14      more than three feet every year due to the  
15      local rain events. And the question that a  
16      lot of people ask is during the '93 flood, why  
17      didn't the Corps prevent it. And the simple  
18      fact is that the last dam is Yankton, South  
19      Dakota and there's an awful lot of streams and  
20      tributaries and water basin below Yankton,  
21      South Dakota. So there's no 100 percent  
22      guarantee that a flood will never occur no  
23      matter what plan you use.

24             Even the farmers who farm the flood  
25      plains know this. That's why all the dikes

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1 are built, that's why you see buildings on top  
2 of mounds and houses on the hillsides. No one  
3 can guarantee that there will never be a  
4 flood. But it's time for a change. I believe  
5 the Corps can pull off the spring rise once  
6 every three years. Politicians and farmers  
7 today we've heard say don't budge an inch,  
8 don't move the river from where it is.  
9 Scientific studies and speakers we've heard  
10 tonight say we need to make this change in  
11 order to benefit fish and wildlife. I believe  
12 the truth lies somewhere in the middle and I  
13 support the plan GP 1528 with a minimum spring  
14 rise and a maximum summer flow and let's  
15 experiment and see what happens.

16 Thank you.

17

18 HEARING OFFICER: Thank you, Mr.

19 Hanley.

20 MR. MOORE: William Gresham.

21 HEARING OFFICER: Mr. Gresham.

22

23 (Mr. William Gresham is not present.)

24

25 MR. MOORE: Franklin Pogge.

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

4

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

7 MR. MOORE: Tom Waters.

8

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

12

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

15 MR. MOORE: Dennis Ollick.

16 HEARING OFFICER: Mr. Dennis  
17 Ollick.

18 (Mr. Dennis Ollick is not present.)

19 MR. MOORE: M. A. Almai.

20

21 (Whereupon Mr. Almai read a prepared  
22 statement, which is attached to the  
23 transcript.)

24

25 HEARING OFFICER: Thank you, Mr.

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1 Almai.

2 MR. MOORE: Janet Mershon.

3 MS. MERSHON: Good evening, my  
4 name is Janet Mershon, my family and I own and  
5 operate a family farm in Jackson County. It's  
6 about 30 miles east of here. I also serve on  
7 the State Board of Directors for Missouri Farm  
8 Bureau, the State's largest general farm  
9 organization.

10 First I want to commend the Corps staff  
11 for their perseverance and hard work. They  
12 have always been willing to answer our  
13 questions and listen to our concerns. For the  
14 record, Farm Bureau strongly opposes the flow  
15 changes now being considered. While we remain  
16 hopeful that a balance can be achieved with  
17 the exception of the current plan, many of the  
18 options are acceptable. Many people in this  
19 room have been involved in this issue since  
20 its inception. In fact, Farm Bureau gave the  
21 following remarks at a public hearing on the  
22 Corps' preferred alternative in October of  
23 1994. To farmers, the detrimental impact of  
24 the plan appears obvious and very immediate  
25 while some of the State environmental goals

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1 and objectives appear far more vague and hard  
2 to verify. We fear that plans such as the  
3 Corps' prefer alternatives fail to adequately  
4 consider the inland population and only serve  
5 to further undermine public support for  
6 reasonable efforts to protect fish and  
7 wildlife.

8 Colonel, today, seven years later, we  
9 find ourselves facing the same alternatives,  
10 and farmers positions has not changed.  
11 Unfortunately, what started out as a debate  
12 about drought management has evolved into a  
13 referendum on the Endangered Species Act, an  
14 attempt to expand significantly the Missouri  
15 River mitigation program, an all out assault  
16 on river commerce. As a result, we find  
17 ourselves fighting in the halls of Congress  
18 and within the walls of courthouses across the  
19 country.

20 Colonel, we have members that farm in all  
21 25 counties along the Missouri River. They  
22 continue to struggle with extremely low  
23 commodity prices and rising input cost. In  
24 fact, the federal government has had to step  
25 in four consecutive years with emergency

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1 economic assistance.

2 The Bush administration has indicated  
3 that we must be more involved in global  
4 markets. In other words, we need to be more  
5 competitive. If that's the case, shouldn't we  
6 be doing everything possible to enhance river  
7 commerce not only on the Missouri, but other  
8 rivers such as the Mississippi. Losing river  
9 commerce not only eliminates an important mode  
10 of transportation, but also gives the green  
11 light railroads and trucking companies to  
12 raise their rates. Shouldn't we be making  
13 every effort to decrease the risk of flooding  
14 in the fertile bottoms. Our farmers already  
15 know the impact of higher flows in the  
16 spring. Ask anyone who was flooded in '93,  
17 '95 and as recently as this spring. The fact  
18 is we already have a spring rise and don't  
19 need to be a part of contemporary science  
20 experiment.

21 In closing, Colonel, we are opposed to  
22 any change. We believe there are alternatives  
23 that could enhance aquatic habitat without  
24 major system modifications, without massive  
25 new land acquisition programs, without

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1 significant increases in energy cost, without  
2 controlled flooding and without out-of-basin  
3 transfers. For this reason at this time, we  
4 have no choice but to oppose the alternatives  
5 currently under consideration.

6 Thank you.

7 HEARING OFFICER: Thank you, Miss  
8 Mershon.

9 MR. MOORE: Linda Waters.

10

11 (Whereupon Ms. Waters read a prepared  
12 statement, which is attached to the  
13 transcript.)

14

15 HEARING OFFICER: Thank you, Miss  
16 Waters.

17 MR. MOORE: Hal Swansy.

18 MR. SWANSY: Good evening, sir,  
19 my name is Hal Swansy. I and three people  
20 that are my landlords, we're the people that  
21 everyone wants to experiment against or on.

22 Sir, I farm on the Missouri River as well  
23 as the Platte River which is a tributary of  
24 the Missouri River. This is my first year on  
25 the Missouri River, but my family and I have

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1       farmed on the Platte River for some 50 years.  
2       Right now I farm more than 1,400 acres on the  
3       Platte River and, sir, I can tell you that we  
4       suffer much greater crop loss in any time  
5       there's a rise on the Missouri River any time  
6       we have local flooding. In your plan to  
7       increase the spring rise will no doubt  
8       decrease any family's income as well as for  
9       the widows I farm for. Sir, I'm asking to you  
10      develop a good plan.

11             Another point I would like to touch base  
12      on that was brought up, there's been several  
13      people that have been expressing concerns  
14      about loss of wildlife along the river. In  
15      Platte County the Missouri Department of  
16      Conservation owns several thousand acres along  
17      the Platte River and the wildlife there is  
18      well established and doing quite well and I'm  
19      feeding them a great amount, so they're doing  
20      quite well at my expense. Even on my own  
21      farm, we have established a wetland area for  
22      wildlife. We farmers are not all a bad lot.

23             Thank you for your time, sir.

24                     HEARING OFFICER: Thank you, Mr.  
25      Swansy.

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1 HEARING OFFICER: I'm going to go  
2 through these cards to make sure that folks  
3 who signed these have an opportunity to  
4 speak. I just want to make sure we didn't  
5 miss anybody. Again, Mr. Dennis Ollick. Mr.  
6 William Gresham. Mr. Ron Cook. Mr. Chuck  
7 Osborn. Mr. Richard Coleman. Mr. Alex  
8 Harris.

9 Okay. Then I will ask this  
10 question, is there anyone else who wishes to  
11 testify this evening?

12

13 (No response.)

14

15 HEARING OFFICER: Let the record  
16 reflect the negative response.

17 Thank you ladies and gentlemen for  
18 participating in this process. Good evening.

19

20 (Hearing concluded at 10:40 p.m.)

21

22

23

24

25

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 8th  
15 day of December, 2001.

16

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\_\_\_\_\_

19

THOMAS ROBERTS

20

COSTS: DUE FROM: Corps of Engineers

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STATEMENT BY SENATOR KIT BOND  
ON MISSOURI RIVER  
MASTER WATER CONTROL MANUAL  
PUBLIC REVIEW

- ST. JOE November 1<sup>st</sup>
- KANSAS CITY November 6<sup>th</sup>
- JEFF CITY November 7<sup>th</sup>
- ST. LOUIS November 13<sup>th</sup>

To be presented on behalf of Senator Kit Bond by his representative:

"Col. Fastabend (or principal), 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.

On that point, 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. As I noted previously, it has taken the Corps many years to compile the data and public comment would be much more meaningful if the public had more than a few weeks to review it.

My sincere thanks to the many people who have taken the time to appear here tonight to discuss this important matter. Leaving your office, your home, your family or your field to come stand in line to testify - in many cases to testify again - demonstrates your commitment to public involvement and proves your confidence that the government will actually listen. In the end, it will be up to the Government to prove if your confidence in them was well-placed. They should listen to you because you are the ones who will have to live every day with the consequences of the decisions that are proposed to be made.

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 you 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 may be a fascinating experiment but only for those who propose it from a safe distance. It should be rejected on behalf of those who have live with the consequences - those who have to pump water out of their basements, rebuild their levees, watch their fields go unplanted, wait to see if and when railroad cars are available to pick up grain or who struggle to pay their utility bills.

This experiment is too dangerous and defies common sense. People downstream rely on the river for their livelihood and they know the risk and have felt the economic and human loss when the river behaves outside its average tendencies. At the edge of these tender averages, people have died. In Missouri, on average, it is neither cold nor hot. The Corps says 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 and this plan will give us more years that homes and farms flood. The Fish and Wildlife Service responds that people already face risk so why wouldn't they be willing to face even greater risk. Again, that is something that only someone outside the floodplain could possibly and absurdly suggest.

The science of a river this size is extremely complex and the understanding of how everything interacts is understandably minimal. That is why you are not likely to field a group of scientists willing to bet their own jobs that the Fish and Wildlife Service alternative would restore the palid sturgeon population. They are clearly willing to bet your jobs. The Fish and Wildlife Service, like the rest of us, want there to be more 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. The proposed summer low would occur when the historic natural high peak occurred following the upstream snow-melt period. This proposal inverts the natural hydrograph that is so often used to justify the pain of the Fish and Wildlife proposal.

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 your heads.

What the Fish and Wildlife Service is really hanging their hat on is called adaptive management which was revealed in recent Fish and Wildlife Service testimony for what it really is: -- the desire to go much further than specifically prescribed without the hassle of complying with the law or consulting the public.

In Sioux City, Iowa, on October 11, the Fish and Wildlife Agency testified as follows: '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.'

Besides showing contempt for a process that involves the public, it shows that they know that their plan is full of holes otherwise they wouldn't be asking for the flexibility to change their plan without consulting the people who pay their salaries.

In the end of this process, I believe that part of what will happen is the same thing that happened seven years ago. This Administration, like the Clinton Administration, will hear from the people on the Missouri and Mississippi Rivers and determine that the risk to people and property is too great and reject the nonsense.

For those who are new or young, the Corps was in Kansas City, seven years ago with roughly the same "spring flood" proposal and the same notion that the river transportation season should be shortened but then, it was a more natural hydrograph than what it is currently being proposing.

Seven years ago, the 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.

Back in March 1995 Acting Secretary of Agriculture Richard E. Rominger notified the Corps in a detailed letter that the U.S. Department of Agriculture "opposes the [preferred alternative] because of the potentially damaging effects that this plan poses for lower Missouri River basin

farmers, agricultural shippers, and the navigation industry."

Back in April of 1995 Secretary of Transportation Federico Pena outlined in written detail his department's opposition to the plan to shorten the transportation season. He concluded, "I am concerned that operations under the proposed alternative would severely impact navigation on the Missouri River, and may restrict navigation on the Mississippi River during periods of drought."

Now that was when the Departments were free to speak and before the Fish and Wildlife Service became authorized to speak for all other departments. Those were the honest views from experts from Cabinet-level positions who are appointed by someone who was elected and confirmed by the U.S. Senate.

Each Secretary asked the Army to coordinate with the Department of Agriculture and the Department of Transportation which the Army has not done but I predict will be forced to do before this process is over.

Governor Holden and the Mississippi River Governors of Kentucky, Tennessee, Louisiana, Mississippi, Illinois, Arkansas, Wisconsin and Minnesota have written 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.

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 want the people here in Kansas City to know that you are not alone and that your voice is being heard and that your team is growing and will grow louder and more forceful in the months ahead.

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, and not just Missouri, should have a role in devoting their own state resources to improve the river rather than just demand that the benefits be imported and the burdens exported. They want more water during periods of prolonged drought and so do we, but

we are not hiding behind the Endangered Species Act to argue our case.

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 6, 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.

# Testimony for Congressman Sam Graves

I am sorry I cannot be with you. As you know, Congress is in session today. I want to begin, however, by thanking the Corps of Engineers for hosting these public hearings. I believe that it is very important for people who live and work along the river to have an opportunity to voice their opinion on this very important issue. As the Congressman representing the Kansas City, North area of Missouri, I will not support any Missouri River flow plan that includes an artificial spring rise.

The Missouri River brings great benefits to the people and economy of Northwest Missouri. Nearly 300 miles of the Missouri River runs through Missouri's 6th Congressional District, and I have joined the fight to preserve navigation and flood control on the River. Nonetheless, I am confident that the Corps of Engineers can work with other interested parties to develop a management plan that enhances wildlife habitat, promotes sound flood control, maintains river commerce, and preserves the diverse uses of the Missouri River. The River plays a vital role in providing water for farming and communities as well as transportation for a variety of industries in Missouri. It is a critical part of our State's economy.

As we all know, last year, the National Fish and Wildlife Service issued a final biological opinion regarding the Missouri River that proposed returning to the "natural flow" of the river causing higher water levels in the spring and lower levels in the fall. The artificial spring rise would place thousands of families and hundreds of farms, businesses, and communities at risk in an effort to protect three endangered species: the least tern, piping plover, and the pallid sturgeon. I for one am not willing to risk the lives and property of hundreds of farmers and business owners in order to implement an unproven, unscientific, and risky scheme that may or may not improve the habitat of these three species.

The spring rise would devastate communities in my District that are located along the Missouri River. When pulses are released from upstream dams in the Dakotas and Montana, it takes as long as 12 days to reach St. Louis where the Missouri meets the Mississippi. Once water is released, it cannot be retrieved. Any rains during that 12-day period would make it impossible to control the amount of flooding that might occur. As a farmer, I know all too well that the Missouri River floods enough naturally; we do not need any additional, government-imposed floods.

Furthermore, the low water levels in the fall could eliminate river transportation on the Missouri River. River commerce is very important to the agricultural community of our State. Missouri's agriculture producers depend heavily on river navigation to export grain to the world market. In fact, of the billions of dollars in commerce that travel the River annually, more than one-third of the commercial shipments are grain valuing more than \$966 million. Additionally, barge transportation is an environmentally friendly and cost-effective option for farmers and shippers moving goods down the River and into the global marketplace.

Since I was elected, I have fought along side other members of the Missouri delegation to prevent these government-imposed floods from becoming a reality. I will continue to work with my colleagues to stop the spring rise and split navigation season. I am committed to this issue, and I am confident that the people of Missouri, Congress, and the Corp of Engineers can work together to find a balanced approach that is not at the expense of landowners and farmers working and living along the banks of the Missouri River.

Thank you for your time and your attention

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**U.S. ARMY CORPS OF ENGINEERS  
MISSOURI RIVER MASTER MANUAL REVIEW  
AND UPDATE REVISED DRAFT  
ENVIRONMENTAL IMPACT STATEMENT (RDEIS)**

**Kansas City, Missouri**

**November 6, 2001**

**Presented by  
Dale L. Frink  
North Dakota State Engineer**

Thank you for the opportunity to testify on this very important issue. Governor Hoeven provided testimony on the Revised Draft EIS on October 23, 2001 in Bismarck, North Dakota. Governor Hoeven's testimony and the detailed written comments that North Dakota state agencies will be submitting describe the state's position on this draft EIS. I am here this evening to listen to the concerns of our downstream neighbors, and to provide a brief description of North Dakota's position. My message tonight is the same strong and clear message that North Dakota and most of the Missouri River basin states have been voicing for years. The Missouri River Master Manual must be changed to meet the contemporary needs of the basin, and the time for this change is far past due.

Any of the five alternatives described in the draft EIS are an improvement over the current water control plan. The drought conservation measures, included in the five new alternatives, are essentially those agreed to by seven of the eight Missouri

River Basin Association (MRBA) member states. These drought conservation measures proposed by MRBA are a vast improvement over the 40-year-old Master Manual and should be implemented as soon as possible. Strictly from North Dakota's standpoint, they do not go far enough. However, we recognize that progress often requires compromise and, as a result, we voted for a plan that could be supported by seven of the eight Missouri River basin states. This MRBA plan includes the conservation measures that the upper basin states need but does not include a spring rise below Gavins Point due to many concerns expressed by our downstream neighbors.

The draft EIS shows that these drought conservation measures increase the total NED benefits of the system as well as the benefits of most authorized uses. Unfortunately, navigation benefits are slightly reduced under any of these alternatives. However, navigation is only one of the authorized purposes of the reservoir system. The benefits of all uses must be considered equally when operation decisions are made.

Although the Missouri River and operation of the dams are critical to North Dakota's future, we realize all of the states in the basin depend on the river. North Dakota does not consider the Missouri River to be only our water, and we do want to equitably share the water, but this includes both pain and gain. About 75 percent of the runoff into the mainstem reservoirs comes from Montana and Wyoming.

Essentially all of the storage of the water is in North Dakota, South Dakota and Montana - over 1.6 million acres of land was acquired by the Corps for the reservoirs in these three states. Promises were made when the dams were authorized by Congress in regard to water development and water use. For example, the O'Mahoney-Milliken Amendment, which is part of the 1944 Flood Control Act, states that the use of water from the reservoirs for navigation shall not conflict with any beneficial consumptive use, present or future, in states lying wholly or partly west of the ninety-eighth meridian. Given these facts, perhaps you can understand why we become slightly annoyed when we hear officials from the state of Missouri claim it is all "their" water.

Comments have been made about the impacts of the Dakota Water Resources Act on the Missouri River. The Dakota Water Resource Act is a vastly scaled down version of the original Garrison Diversion project and does not provide anywhere near the irrigation promised to North Dakota in compensation for the land lost to the reservoirs. The exact water needs for North Dakota included in the Dakota Water Resource Act have not yet been determined and, in fact, are only in the study phase. However, the amount is likely to be only a few hundred cubic feet per second compared to an average annual flow of the Missouri River at Kansas City of over 50,000 cfs. To state it another way, the Dakota Water Resources Act will put to beneficial use less than 1 percent of the annual flow at Kansas City. I doubt that the USGS gage at Kansas City can accurately measure such a small amount.

Lastly, I thank you and our downstream neighbors for this opportunity to describe North Dakota's position. I ask that everyone take away from this meeting that the benefits of the Missouri River and the pain of shortages in times of drought should be shared equitably throughout the basin.

John Reddy  
City of Kansas City - Water Supply Division

The Corps is being forced into a plan to operate the Missouri River System closer to a more natural river pattern similar to the days of no dams with high run off levels in the spring and fall and low summer flows. The original construction of the dams was primarily for flood control and followed by navigation and power generation. By going to this new operations of the Missouri River Basin System is going against the original design of the dams. Why? What is to be gained by this? The saving of some endangered species, specifically the pallid sturgeon, the lest turn, and the sandpiper. *water supply*  
*pipimg plover*

Having lower river levels in the summer is accomplished <sup>by</sup> lower water releases from Gavins Point, which means lower releases from all the dams up river from Gavins Point. Lower water releases from the Dams will result in higher water temperatures in the Missouri River and a greater mix of turbid run off water in the river with higher organic nutriments. With the higher temperatures the algae growth with be stimulated. This will increase treatment costs to remove the adverse taste and odor generated by the algae. Two other adverse biological measures will be increased in the river, which are turbidity and total organic carbons. EPA has lowered the maximum contaminate level of these components in our delivered potable water. With increases in these contaminants by this proposed new operation of Missouri River System our water treatment is made more costly and difficult. Another direct adverse effect, the increased temperatures of the river during the summer in the higher temperature gradient in our cast iron water mains. The normal ground temperature is 55 degrees F and when the temperature of increases above 80 degrees to 90 degrees the cast iron water main failures more than double.

During the flood of 1993 when the waters of the Missouri River were lapping within the top two feet of our concrete and earth levee here in Kansas City for nearly two weeks near our water treatment plant, I was very thankful for the Corps and their dams and levee systems. I believe that the 650,000 people that Kansas City, Missouri provides water for were also grateful. With the proposed plan to operate the Missouri River System closer to a 'natural river' we are increasing the risk of flooding in our city. The summer flows for navigation are also for ridding the reservoir of floodwaters. The summer of 1993 was close <sup>call</sup> for us and for others it was too much. Why are we doing this based on an unproven science for the sake of endangered species? *It is my concern that the proposed lower summer river flows are an unnecessary gamble that we should not bare. This is because of the confidence we have placed in the levees and dams in that we have built in the flood planes behind the levees.*



## CARROLL COUNTY COMMISSION

*David Martin, Eastern Dist.      Nelson Heil, Presiding      Donald Vantrump, Western Dist.*

*8 S. Main, Suite 6, Carrollton, MO 64633 \* Phone: (660) 542-0615 \* Fax: (660) 542-0621*

October 29, 2001

U.S. Army Corps of Engineers Northwestern Division  
Attn: Missouri River Master Manual RDEIS  
12565 W. Center Rd.  
Omaha, NE 68144-3869

To Whom It May Concern:

The Carroll County Commission does hereby go on record as being in opposition to the spring rise - low summer and fall rise (split season) for the following reasons:

1. The increase releases most surely would put water against the levees regardless of normal run-off below Gavins Point.
2. The seep-water from this high river would prevent many fields from being planted.

Sincerely,

  
\_\_\_\_\_  
Nelson Heil, Presiding Commissioner

  
\_\_\_\_\_  
David Martin, Eastern District Commissioner

  
\_\_\_\_\_  
Donald Vantrump, Western District Commissioner

CCC/hab

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**U.S. Fish and Wildlife Service  
Public Comments  
Missouri River Master Manual Hearing  
November 6, 2001 - Kansas 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.**



**Revised EIS for the Missouri River Master Water Control Manual  
November 6, 2001 Public Meeting  
Kansas 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 <sup>my plant</sup> Lafarge 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.

**Lafarge North America Inc.**

2200 Courtney Road; Sugar Creek, MO 64050  
Office: (816) 257-3600 Fax: (816) 257-2116

Lanny Meng

29248 Hwy 59

Oregon, MO 64473

Duroc@southholt net

Hello, I am a fourth generation Missouri River Bottom farmer. I have farmed in the Missouri River Bottom for all of my life.

Holt County, Missouri is a representative county typical of a Missouri River Bottom county. The county has about 60,000 acres of cropland. The two primary crops farmed in Holt County are Corn and Soybeans.

Much of the Missouri River Bottom Crop land is among the best cropland in the world. The Missouri River Bottom farmers produce one of Society's most important products. FOOD. Without food no life can survive. Also the Missouri River bottom farmers produce ethanol an environmental friendly, renewable fuel source.

Why we are here today is about making a balance between the needs of society and the obligation of society as a whole to protect wildlife. Any change from the current management of the Missouri River will negatively impact Agriculture.

I hope society will be able to satisfy the needs of wildlife while maintaining support for all stakeholders.

To return the Missouri River to its state at the time of Lewis and Clark would have a drastic impact on life in the Midwest. The consequences of the changes are so great that it would be hard to comprehend. Really life as we know it would end.

The management changes of the Missouri River cannot be a return to the past but a move forward to the future. New Science researched and engineering invented will be need to move the Missouri River to the future where all the Stakeholders can be satisfied.

Farming in Holt County as well as the rest of the Missouri River Basin needs to protected. The flood control and drainage in my area is designed for a river flow without a spring rise.

A spring rise will cause crop damage. The only question is the magnitude. Today in the short term we in the United States have a plentiful supply of food. But forecasts of exponential population growth, and linear food production growth show the surplus will not continue. The production of food is too vital to disrupt. With the loss of farmland to development and potential loss to river flow modification will only hasten the coming shortages of food.

So as we approach the changes in management of the Missouri River we cannot be happy with simple Solutions that do not satisfy the needs of wildlife and stakeholders. Both sides of this issue must work hard to generate new ideas to protect all parties.

The concerns of farming with a spring rise deals with reduced flood control and reduced drainage.

Connectivity of a river with the flood plain to a farmer is a disaster. Increased flow in the spring coupled with a rainfall event can raise the river to a level where a flood will occur. Even if there are no rainfall events the higher levels will disrupt interior drainage (drainage of excess water away levee protected ground).

In the spring farm crops are sensitive to flooding and saturated soil profiles. Planting times are critical to profitability of a farm. A delayed planting due to spring rise may make a profitable farm unprofitable. If the crops are planted; a flood or a saturated soil profile will negatively impact the profitability of a farm.

My great-great grandfather at one point slept with a plank leaned up against the side of the house. The reason for the plank was to warn him if the meanders of the Missouri River were to get too close the house, he would have time to exit. Today we have a stable river. My farm needs a stable river as my county and my state. Farmers have historically used farmland for security for a loan. With a meandering river collateral for a

loan or tax base for the county would be uncertain. Changes in the Missouri River could have drastic impact on the rural economies.

Most of the farmers in the lower Missouri River basin are family farmers. Family farmers have traditionally been the best stewards of the land. The economic costs of river management changes need to spread Society wide. The rural counties and farmers cannot afford to take all the cost of environmental change.

In Holt County we currently have about 18% of the land owned by public entities: US Fish and Wildlife (Squaw Creek National Wildlife Refuge), Missouri Department of Conservations, and the US Army Corps of Engineers. The tax and economic base of the county is negatively impacted by this public ownership. Very strong sentiment exists in this county against more public ownership. So new management plans must take into account this sentiment.

The US Army Corps of Engineers pays no local tax in Holt County. The Holt County Tax Collector told this fact to me. The fragile rural way of life cannot stand a lack of local support by the river system.

Holt County residents feel that they should have a voice in River Management. People who do not live in the area cannot make changes in Missouri River Management.

I am a sportsman and appreciated the benefits that recreation brings to community, but we cannot live in a swamp 12 months out a year while City people visit us 2 days a year wanting to control our resources.

The Missouri River Basin Stakeholders all need to have a voice in the development of a new Master Manual. The procedure started by the Missouri River Basin Association had all the stakeholders at the table. Progress and understanding was accomplished.

Different users learned to appreciate and understand others needs. Now the process has taken a drastic turn in the wrong direction. Heavy-handed negotiations on both sides of the issue are disrupting the orderly process of Stakeholders being heard.

My challenge to this group of scientists is not take the easy way out but to be inventive and innovative where all groups can have a win-win situation. Money is the common denominator in the plan. All players in the Basin need to cooperate for a better end. If all the interests in the Basin would use our political power for a common goal miracles can happen.

**U.S. Army Corps of Engineers,  
Northwestern Division  
Attention: Missouri River  
Master Manual RDEIS  
12565 West Center Road  
Omaha, NE 68144-3869**

I respectfully submit these comments on behalf of the MO-ARK Association for the record on the RDEIS, Master Manual Review, Missouri River.

The Missouri Main Stem River System is a system of dams created primarily for flood control and navigation. Some maintain that eliminating navigation is necessary to benefit the Missouri River environment. Respectfully, these caring people do not realize that navigation is more than a commercial enterprise, it is an environmentally sound mode of transportation and represents a flow regime that benefits the environment in many ways. These comments set forth some of the environmental benefits of navigation and the flow regime necessary to support it.

#### **I. Navigation Reduces Air Pollution**

"Missouri River Navigation Benefits: Incorporating the Effects of Air Quality Improvements," prepared for the U.S. Army Corps of Engineers, Missouri River Division, by the Tennessee Valley Authority (TVA), dated May 1997, states that air pollution impacts of Missouri River navigation are "profound" (page 23) and quantifies these impacts: "[A]vailable Missouri River navigation reduces the volume of emitted pollutants by nearly a million pounds a year." Page 18.

In sum, reduced pollutant emissions attributable to Missouri River navigation allowed for \$2.7 million reduction in the expenditures necessary to preserve the same level of air quality based on 1994 traffic

levels. Therefore, National Economic Development benefits owing to the provision of navigation on the Missouri are currently understated by more than \$1.48 per ton.

*Id.*

As shown in the TVA report, there is an inverse relationship between air pollution and tonnage shipped by barge. “[T]o the extent that waterborne commerce reduces the consumption of fossil fuels, it simultaneously lowers the expenditures necessary to preserve air quality, thereby conferring benefits to the nation as a whole.” (Page 1) This observation is supported by analysis of empirical data in the report.

The TVA report continues:

There are three important conclusions that should be noted. First, any NED analysis that ignores the relationship between modal choice and pollution abatement expenditures significantly understates the value of commercial navigation. Even on the Missouri River, where traffic levels are modest and where diverted traffic would often re-enter the navigation system at St. Louis, the magnitude of savings attributable to greater fuel efficiency and lower per-gallon emission levels is remarkable.

Page 26. Further:

[A]ny policy changes that lead to reduced barge loadings or tow sizes could very easily eliminate the fuel and emissions advantage currently exhibited by navigation. For example, the operating conditions typically associated with minimum service-six barge tows and 1,200 ton

loadings would increase the number of necessary [sic] boat trips by more than sixty percent.

page 27.

The Kansas City Metropolitan Area (including counties in Kansas and Missouri) violated the Clean Air Act standards for ozone in 1997. The exceedance recorded August 28, 1997, was a violation because the state had recorded three previous exceedances of the standards for ozone within the past three years in the Kansas City Metropolitan Area. The City of St. Louis, Missouri is currently designated a non-attainment area for the ozone standard pursuant to the provisions of the federal Clean Air Law, 42 U.S.C § 7401, *et seq.*” Non-attainment status will require restrictions on emission sources. The data collected on August 28, 1997, was analyzed and verified by the State of Missouri.

St. Louis is the principal alternative loading/unloading point for Missouri River basin commodities. Barges on the Mississippi River at St. Louis accommodate approximately 8 million tons of cargo per month.

In years when Missouri River Flows would restrict Mississippi River traffic, potentially one year in three with the change in the trigger point, the St. Louis metropolitan area would receive several hundred tons more of air pollutants than it would if there was no change in the trigger point.

The Kansas City metropolitan area will be adversely impacted by the change in the trigger point that has and will cause reduced tonnage to be shipped by barge. Since Kansas City is a major rail hub, trucks and trains carrying tonnage that would otherwise be transported by barge will pass through Kansas City. The adverse impacts due to the

modal shifts described above are supported by tables 3.1 and 3.2 and the calculations of fuel consumption in the above-referenced TVA report.

In another report the U.S. Department of Transportation, Maritime Administration, concluded that the distance one-gallon of fuel can move one ton is 59 miles by truck, 202 miles by train, and **514 miles by water**. “Environmental Advantages of Inland Barge Transportation, August 1994, Figure 2, page 10. In terms of capacity, a 1,500-ton barge carries as much as fifteen 100-ton jumbo hopper rail cars or sixty 25-ton trailer trucks. *Id.* at Figure 1, page 9. *See also*, “Environmental Impacts of a Modal Shift,” Minnesota Department of Transportation; Eastman, Samuel Ewer, “Fuel Efficiencies in Freight Transportation, June 1980.

## **II. Navigation Reduces Chemical Leaching**

The Missouri River floodplain is intensively cropped in South Dakota, Iowa, Nebraska, Kansas and Missouri. In these areas, agricultural chemicals and fertilizers are applied to such cropland. When the River is controlled to foster navigation leaching of these chemicals into the water table is minimized. On the other hand, above normal flows, especially in the spring increase chemical leaching into the River.

In addition, higher releases than necessary to support navigation cause drainage outlet pipes to backup. In turn, surface runoff with topical chemicals is increased to the River.

## **III. Navigation Reduces the Use of Chemicals**

Bottomland farms along the Missouri River in South Dakota, Iowa, Nebraska, Kansas and Missouri are among the finest farmland in the Nation. Most of this land is

considered “Prime Farmland” as defined by the U.S. Department of Agriculture. When flows on the Missouri River are regulated to support navigation, bottomland farms drain properly and are productive. If higher than normal flows prevent drainage, especially in the spring, the bottomland will be converted to other uses. If such highly productive land is converted to other uses, more chemicals and fertilizers will be applied to less productive replacement land causing more pollution of inland waterways.

Congress does not approve of the conversion of Prime Farmland. The purpose of the Farmland Protection Policy Act “is to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to assure that federal programs are administered in a manner that, to the extent practicable, will be compatible with state, unit of local government, and private programs and policies to protect farmland.” 7 U.S.C. § 4201 (b).

#### **IV. Navigation Improves Human Health**

When the River is regulated to support navigation, extremes are eliminated that damage or render useless Prime Farmland. With a growing population and a growing demand for food, the loss of Prime Farmland would have an adverse impact on human health.

#### **V. Navigation Improves Water Quality**

When the flow of the Missouri River is regulated to support navigation, the water used for municipal water supplies, a beneficial consumptive use, is easy to treat resulting in higher quality drinking water supplies. If the flow of the Missouri does not follow a navigation curve, drinking water quality suffers.

For example, in the spring of 1996 at Kansas City, Missouri, the Missouri River had moderately higher flows than normal during the spring runoff. According to Frank Pogge, Director of the Water Services Department of the City of Kansas City, Missouri, these higher flows resulted in dramatic changes in the River water quality. The Total Organic Carbon (TOC) average for April through June was 57% higher than the previous year. In addition, there were 27 days in the spring of 1996 when the pesticide Atrazine was above 3 ppb versus 15 days in 1995, plus the level stayed higher, longer in 1996. The high levels of TOC decreased the efficiency of the Powdered Activated Carbon used for pesticide removal. Normally, the City expects greater than 50% removal but in the spring of 1996 only 25% removal was achieved. With non-navigation flows, these results would be replicated in many metropolitan areas along the River.

#### **VI. Navigation Helps Industry Maintain Compliance with the Clean Water Act**

Low summer and late fall flows reduce the ability of industry and power plants located along the River to maintain compliance with National Pollutant Discharge Elimination System (NPDES) permits under the Clean Water Act. 33 U.S.C § 1362; 40 C.F.R. Part 122. With respect to power plants, thermal mixing can become a problem when the River is low as demonstrated this winter. With flows necessary to support navigation, water is available for mixing and damage to the river environment is minimized.

#### **VII. A Partial Spring Rise is Not Environmentally Sound**

The flow regimes called for in the RDEIS under the alternatives cited except for those under the CWCP and the MLDDA will not benefit the riverine environment:

[I]n many rivers, year-to-year differences in the timing and quantity of flow result in substantial variability around any average flow condition. Accordingly, managing for the “average” condition can be misguided. For example, in human-altered rivers that are managed for incremental improvements, restoring a flow pattern that is simply proportional to the natural hydrograph in years with little runoff may provide few if any ecological benefits, because many geomorphic and ecological processes show nonlinear responses to flow. Clearly, half of the peak discharge will not move half of the sediment, half of a migration-motivational flow will not motivate half of the fish, and half of an overbank flow will not inundate half of the floodplain. . . .

Poff NL. *et al.*, 1997. The Natural Flow Regime, A paradigm for river conservation and management, *BioScience* Vol. 47, No. 11: 769-784, at 781.

What is more, the low flows in the summer in such alternatives will destroy the navigation channel. The scouring effect of the river under the CWCP will be lost and the channel will be filled with sediment. As a result, navigation, an authorized project purpose, will be eliminated from the Missouri River.

  
Robert J. Vinze  
Hall & Evans, LLC  
1200 17<sup>th</sup> Street, Suite 1700  
Denver, Colorado 80202

Attorney for the MO-ARK Association

Dated: November 6, 2001

November 6, 2001

**Oral Testimony:**  
**Kansas 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 <sup>DAN CASIDY</sup> ~~Randy Asbury~~ and I'm <sup>on the Board</sup> ~~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.

The original mission of the Corps of Engineers, in relation to the Missouri River, was to support and promote navigation. Marian E. Ridgeway stated in The Missouri Basin's Pick-Sloan Plan that, "transportation was vital to the country's growth and the streams were the easiest and most dependable means for transporting large quantities of goods and services over great distances." Today, this statement still rings true.

The Flood Control Act of 1944 provides that the reservoirs function for greatest benefit to fish, wildlife and recreation, only to such degree that flood control, irrigation, water supply, power and navigation aren't seriously affected. I find it ironic that the original mission of the Corps is the least protected in the current RDEIS and that recreation and wildlife have trumped navigation. Navigation is the key river resource that bears the distinction of "most significantly impacted" by the five alternatives proposed in lieu of the CWCP.

CPR

In previous testimony, I stated that because of the broad flexibility in river management created by adaptive management, we must assume the worst-case scenario will occur for both the spring rise and summer flow alternatives...the GP2021 option. The RDEIS Executive Summary states that flows “would be adjusted...if monitoring and data analysis indicate this measure is necessary for the species.” The summary goes on to state, “The GP1528 and GP2021 options represent the full range of NEPA coverage for the Gavins Point Dam release changes.” This statement indicates we’re not approving a specific flow option but a range of flow options. To approve any Gavins Point flows is equivalent to approving all the flows. Under this scenario the GP2021 can occur just as easily as the GP1528. From an economic perspective, this is impossible for navigation to accept.

The GP1528 flow is not feasible for navigation because channel changes resulting from the 93’ flood have altered them to the detriment of navigation effectiveness. What were once minimum service level flows before 93’ are no longer minimum service levels today. Approximately 100 dikes destroyed by the 93’ flood have never been repaired. This eliminates GP1528 as a viable flow option since flows at or below minimum navigation levels are not economically justifiable.

Summer flows below minimum navigation will cause navigation to cease altogether on the Missouri River. It must be understood that navigators can’t withstand a reduction of 72 days or 30% of their operating season year after year and be expected to remain economically viable. No one would expect any business to reduce their season by 30% and continue operations in a practical way. This would be like asking Wal-Mart to shut down from September 14 to December 31. It is unjustified and unfair to place the weight of species recovery on the shoulders of the river commerce industry. This also contradicts congressional language that requires navigation to be maintained as a congressionally authorized purpose of the river.

Summer flows reduced to below minimum navigation levels on the Missouri River will also negatively impact river commerce on the Mississippi River. Approximately 2/3 of

the flow in the bottleneck reach of the Mississippi between Cairo, IL and St. Louis is provided by Missouri River flows in dry years. Summer flows between 21,000-25,000 cubic feet per second between June 21 and September 1 will not be sufficient to meet navigation needs in the bottleneck reach. The outcome of adverse consequences to both Missouri and Mississippi River commerce will dramatically impact transportation for agricultural and industrial uses. An economic ripple affect reaching far beyond navigation interests will occur if competition in the transportation industry is reduced. Farmers alone could realize a reduction of \$.20 per bushel on their commodities due to transportation costs increases if navigation ceases to exist. With this in mind, I urge the Corps to continue with the CWCP.

**PUBLIC HEARING COMMENT  
MISSOURI RIVER MASTER MANUAL RDEIS  
NOVEMBER 6, 2001**

Contact Information:

Name: Bob Sherrick

Address: 10807 E. 205<sup>th</sup> St., Peculiar, Missouri 64078

e-mail address: [bjsherrick@aol.com](mailto:bjsherrick@aol.com)

My name is Bob Sherrick. I live at Peculiar, Missouri. I am speaking this evening as a private citizen with a deep interest in the Missouri River. Thank you for presenting this opportunity for me to do so.

The bountiful and diverse resources that Lewis and Clark found along the Missouri River in 1804-1806 have been severely diminished during the past two centuries. The process of degradation has greatly accelerated in the last few decades. The diversity of species and the abundance within the species have all sharply declined, with three species on the endangered list and others threatened with that status. **This is unacceptable.** Clearly, the CWCP has been very detrimental to the habitat of our native fish and wildlife.

The CWCP manages the river, **at taxpayer expense**, for the benefit of a few special interests, the most prominent being the barge industry and agribusiness. People and institutions may use the river to their benefit, but such use **must not** impair in any significant way the use and enjoyment by others. Thus, the CWCP should not be considered as a viable option.

This national treasure does not belong to these special interests—it **belongs to all Americans** and the time has come for the management of the river to reflect this fact. The greatest benefit will be derived when the goal of river management is to restore many of the attributes of a more dynamic, free flowing river. Such a management plan, combined with restored natural areas along the river will:

- ◆ Promote a recovery process of native wildlife populations;
- ◆ Reduce severe flooding such as the '93 flood because a more natural river would have room to spread out without flooding developed areas;

- ◆ Create a more interesting and accessible river;
- ◆ Expand recreational opportunities and their attendant economic benefits as Americans rediscover the wonderful attributes of a healthy river.

As a retired statistician, I am well acquainted with the use of mathematical models to aid in making business decisions under uncertainty. It is obvious from looking at the Corps' analysis of potential impacts that the GP alternatives **minimally**, or **at most** have limited impact on current business users while significantly benefiting natural communities and recreational users. I also am aware that it is prudent to proceed cautiously until a good measure of the uncertainties involved is attained. Sound science and plain old common sense tell us that management that more closely mimics natural flows will improve native fish and wildlife habitat. Scientists already possess data from studies to confirm this, and they need to be able to gather and evaluate more data based on different flows to determine the most beneficial flow regimen. **Alternative GP 2021** is the one that allows the greatest range of flows and therefore more variables to research and evaluate.

To those politicians who have spoken earlier, I say:

**“All of your constituents will benefit if you will drop your opposition to these reforms in the management of the river. If you still believe these changes will pose unacceptable risks for agribusiness, you should concentrate your efforts on mitigation of the possible damages that might occur in the one year out of three that the spring flow would be increased.”**

I fully understand and appreciate the difficult task the Army Corps of Engineers faces in determining what changes to make in the Master Manual. But, it is my sincere hope that you will make the changes that will offer a vision to the American people of what a river can be if **allowed** to behave more like a dynamic, natural system.

Thank you.

Comments

By

Frank Lies, Director of Transportation

Farmland Industries, Inc.

Kansas City, Missouri

November 6, 2001

Good evening. I'm Frank Lies, Director of Transportation for the Farmland Cooperative System. Thank you for the opportunity to express our position this evening.

Farmland is a diversified farmer-owned cooperative focused on meeting the needs of its local cooperative- and farmer-owners. Farmland is owned by more than 1,700 locally owned and controlled cooperatives in 28 states and by 8,000 livestock producers. Nearly 600,000 farm families own the 1,700 local cooperatives that own Farmland.

Farmland and its joint venture partners supply local cooperatives with agricultural inputs, such as crop nutrients, crop protectorants, energy products and animal feeds. As part of its farm-to-table mission, Farmland adds value to its farmer-owners' grain and livestock by processing and marketing high-quality grain, pork, beef and catfish products throughout the United States and in more than 60 countries.

Farmland was organized in 1929 with the intent to help agricultural producers solve the perennial cost-price squeeze. In the effort to reduce the input costs to farm operations and to improve marketing conditions, this cooperative provided an opportunity for its agricultural producers to gain control of the processes of production and distribution of agricultural inputs and the marketing and further processing of their agricultural outputs.

During the last several years, Farmland has increased its movement of agricultural products via the Missouri River. We move fertilizer upstream to supply local cooperatives and their producer-owners – some product moves as far north as North Dakota. A portion of our producer-owners' grain is also shipped downstream for use in domestic milling or to feed the export market.

The tonnage we have moved on the river increased considerably once the navigation season returned to its original eight-month duration. Currently, Farmland alone will move sufficient dry fertilizer up the Missouri River to fertilize nearly 4.25 million acres of wheat -- that's more than 300,000 tons. Farmland moves in excess of 1.0 million tons of fertilizer annually on the Missouri/Mississippi River system.

#### General Commercial Navigation

During the early 1990's, commercial navigation on the Missouri River decreased because of two major reasons: 1) a shortened navigation season and 2) the flood of 1993. However, in recent years we have seen commercial navigation continue to increase, especially in those times when there is sufficient flow in the river.

### Impact on Mississippi

One important fact we must remember is that the Mississippi River cannot be viable for commercial navigation river system without the flow of the Missouri. The Missouri River provides more than half of the water that makes up the flow of the Mississippi River. Currently a total of more than **85-90 million tons** of product is transported on the Mississippi River annually.

### Impact on Agriculture

Agricultural producers from South Dakota and Minnesota to Louisiana and Mississippi depend on the Missouri/Mississippi River system to transport agricultural products at reasonable costs. The river system serves as a vital transportation link, efficiently moving agricultural input products deep into the heart of the Midwest and at the same time taking grain and other products to points where they can be processed or distributed around the globe.

Without the river system as a mode for transportation, transportation experts predict that overall average transportation costs will increase by at least \$10 per ton when using alternative transportation means such as rail or truck. From experience, we can support this prediction. Whenever there has been a barrier to shipping product on the river system, rail and/or truck costs for our farmer-owners' products have increased at least \$10 per ton. For the 1.0 million tons of product Farmland transports on the river system, this additional

\$10 freight per ton equates to \$10 million of cost that must be absorbed by our producer-owners. This point alone causes great concern among our producer-owners and throughout the cooperative system.

The existence of viable barge, rail, and truck alternatives creates an important checks and balances system.

#### In Conclusion

It is for these reasons that the entire cooperative system supports the current water control plan on the Missouri River System. Allowance for a spring rise and changes in navigation seasons have proven to impede the growth of the river transportation system. Any change from the current plan will adversely impact the economic well being of thousands of agricultural producers and the rural communities they support.

Thank you.

CITY OF FOUNTAINS  
HEART OF THE NATION



KANSAS CITY  
MISSOURI

# Water Services Department

## Office of the Director

5th Floor, City Hall  
414 East 12th Street  
Kansas City, Missouri 64106-2776

(816) 513-2171  
Fax: (816) 513-2085

U. S. Army Corps of Engineers  
Northwestern Division  
Attention: Missouri River  
Master Manual RDEIS  
12565 West Center Road  
Omaha, NE 68144-3869

November 6, 2001

Gentlemen:

I am Mary Lappin, P.E., Assistant Director for Facilities Operation for the Kansas City, Missouri Water Services Department. I am here tonight to present comments on the Revised Draft Environmental Impact Statement (RDEIS) which addresses the Master Water Control Manual for the Operation of the Missouri River System (CWCP) and proposed alternatives.

The Kansas City, Missouri Water Services Department operates eight municipal wastewater treatment plants in the Missouri River drainage basin. Our three largest wastewater treatment facilities are located on and discharge directly to the Missouri River in accordance with NPDES permits issued by the Missouri Department of Natural Resources as authorized by the federal Environmental Protection Agency.

The RDEIS notes that "low-flow conditions are critical in the development of water quality-based NPDES permit limits." The RDEIS further states that the assimilative capacity of the receiving water is largely driven by the available "dilution" in the receiving water under the critical low flow conditions. While this is true, there are other factors which also impact the assimilative capacity of a receiving water. These include temperature and sediment load. We note that the thrust of many of the considered alternatives is to reduce upstream releases, and thereby reduce flows in the Lower River, during the summer months. While this would obviously reduce the "available dilution", the effect would be compounded by a corresponding increase in water temperature which could have a direct impact on certain NPDES permit limits (notably ammonia and biochemical oxygen demand (BOD)). Additional sediment loadings, with associated increases in BOD, during the contemplated "spring rise" could also have a negative effect on the assimilative capacity of the river.

Our major wastewater treatment facilities currently have NPDES permits based on technology standards. The RDEIS correctly notes that technology based standards are generally easier to maintain than water quality based standards, and in fact, technology based standards are what our facilities were designed to meet. We are concerned that implementation of the contemplated alternatives in the RDEIS may prompt revision to these permits and additional capital costs to meet revised permit requirements.

The federal EPA is considering a directive which would require development of Total Maximum Daily Loadings (TMDLs) for most water bodies. The Missouri and Mississippi Rivers have been prominently mentioned in this effort due to the hypoxic zone in the Gulf of Mexico. Even minor flooding of agricultural land in the Lower River zone due to a spring rise coupled with reasonably expected precipitation, will only aggravate this problem. Currently the Clean Water Act and NPDES permits are enforced only against "point sources" such as wastewater treatment plants, which represent only eleven percent (11%) of nutrient loadings for the entire Mississippi River basin. Thus, the impact of any additional "non-point" runoff caused by the spring rise will fall disproportionately on NPDES permit holders, including Kansas City, Missouri.

On behalf of the Water Services Department, I thank you for this opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Lappin".

Mary Lappin, P.E.  
Assistant Director  
Facilities Operation

November 6, 2001

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

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Good evening. Thank you for the opportunity to speak with you and thank you to the Corps of Engineers for holding these public hearings.

My name is Ron Gibson. I am a soybean and corn farmer from Norborne. I farm more than 4500 acres with my son. I am a board member of the Missouri Soybean Association and a national director for the American Soybean Association. The Missouri Soybean Association is a membership organization made up of nearly 1,500 soybean farmers from across the state.

We are opposed to the higher reservoir levels in the Upper Basin. Increased reservoir levels only reduce the water commitment to all Lower Basin states, including Missouri. More water in the reservoirs would leave less space for flood control storage and increase the risk of flooding in Missouri.

I farm in the flood plain and inland drainage is a problem for me. I raise 4,000 acres of corn and soybeans on the river bottom, so I have a lot to lose with the revised water control plan. We continuously battle drainage issues with the Missouri River without additional flow management.

There was a point in time during the last four years that the Missouri River lacked less than one foot from running over my levee. This rise was caused by local rains in the Kansas City area. With a spring rise added to this, I know I would have been in trouble. I do not have the time or money to rebuild levees because of man-made floods.

I farm land that borders approximately 5 ½ miles of the Missouri River. With all the rain we had this spring, we had to keep the Levee District pumps running non-stop for over a

week to keep water out of the fields. Individual farmers can not afford pumps to remove the rainwater and seepwater from their fields.

It takes 10-11 days to see the difference in water levels in St. Louis and probably around 7 to 8 days where I live. Precise weather conditions cannot be forecasted 8-10 days in advance. Once the water is released it cannot be retracted.

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

Missouri agriculture already experienced nature at its worst with the floods of 1993. We do not need to put our agricultural bounty in danger again. It is impossible for us to support any alternative that proposes a 3 – 4 foot spring rise that suggests further risk to our crops. There is no need for government enforced floods.

I have serious concerns that the current proposals for expanded spring releases could have adverse effects on my bottomland acres, including increased flood risk, higher groundwater levels and inadequate drainage throughout the lower basin.

Besides flooding, the proposed management plans would have a negative impact on navigation. Reduced summer flows would substantially hinder barge traffic on the Missouri River. We export nearly 50 percent of Missouri soybeans, therefore benefiting producers and the overall Missouri economy. And, now the Corps is threatening this valuable economic resource.

The Missouri Soybean Association does not support a spring rise or reduced summer flow. We are forced to support the current water control plan as the only viable alternative proposed. The potential consequences of increased flooding is 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.

A spring rise is unwarranted and unscientific. It threatens farms and towns with increased risks of flooding and financial losses through reduced internal drainage as well. The reduced summer flows would end navigation on the Missouri, and threaten barge traffic on the Mississippi River as well.

Please make Missouri's agricultural community a top priority as you determine the best plan of action for the Missouri River. Don't let Missouri farmers become an endangered species

Thank you.

## TALKING POINTS

- ~~My wife and I are from this area, and for the past 2-1/2 years, we have gone to English Landing Park in Parkville every day, almost without fail.~~
- <sup>I</sup>~~We~~ urge the Corps to adopt the Flexible Flow Alternative (GP2021).
- Flooding is not and will not be caused by a spring rise as proposed by the Flexible Flow Alternative; catastrophic flooding is caused by increased runoff due to a larger proportion of impervious surfaces and more development in the floodplain, including filling and isolation of wetlands which can absorb floodwaters. All of the GP alternatives provide 99 percent of the flood control benefits provided by the current operation plan, according to USACE analysis.
- Management of the Missouri River as a barge navigation channel is inefficient. ~~Anecdotally, the greatest number of tugs we have ever seen in one day is two, and the greatest number in a week is not likely higher than four.~~ According to USACE and USDA, Missouri River barges only move about 0.3 percent of all the grain harvested each year in NE, IA, KS, and MO. Furthermore, according to USACE, 80 percent or more of what barge traffic there is moves before July and after August, so a split navigation season as envisioned by USACE is logical and appropriate. On the other hand, recreation already generates more economic benefit than navigation, and this phenomenon would be more pronounced with any of the GP alternatives.
- The Missouri River Natural Resources Committee summarizes the science of the historical seasonal flow level and volume of the river (the hydrograph) by noting that “elements of the historical hydrograph mimicked by [the recommended flow changes] include higher flows through mid-June and lower flows from mid-July through August.”
- The GP2021 option results in a 74 percent increase in tern and plover habitat over the current plan. Furthermore, state wildlife agencies, FWS biologists, and the USACE have concurred that increased spring flows are needed to provide a reproductive cue for sturgeon.
- On a personal level, management of river flow to enhance recreation is esthetically preferable. On an ethical level, management of flow to prevent the extinction of these <sup>Threatened &</sup> endangered species is critical. Extinction is FOREVER. We must not forget this point; we must remember to be advocates for those interests which are powerless. We must not adopt a flow management plan which is manifestly fatal to <sup>Threatened &</sup> endangered species. We urge USACE to adopt the Flexible Flow alternative.

William Gresham  
William Gresham  
8513 N. Crawford Ave.  
Kansas City, MO 64153  
wgresham@kctera.net

BRINGING RIVERS TO LIFE



*American Rivers*

FOUNDED 1973

**Official Testimony of Jamie Mierau, Outreach Specialist & Conservation Associate  
American Rivers  
Army Corps of Engineers Missouri River Public Hearing  
Kansas City, Missouri  
November 6<sup>th</sup>, 2001**

Good evening. My name is Jamie Mierau. I am here as a representative of the organization American Rivers. American Rivers is a national non-profit river conservation organization, founded over 25 years ago, for the purpose of protecting and restoring our nation's rivers. Watchers of C-SPAN may have gained some familiarity with our efforts through the viewing of our annual presentation to the United States Congress. Each year, American Rivers identifies and attempts to focus the attention – and action – of our nation upon a dozen or so of its most critically important endangered rivers. This year, the Missouri River is at the very top of that list.

Though a Colorado native, I am fortunate to still have family members in Nebraska. I learned about the Missouri River and its importance through them, and am glad to be back in the basin working on an issue of vital importance to everyone in the seven states that the Big Muddy runs through, as well as everyone across the nation.

My job as an Outreach Specialist enables me to “keep my finger on the pulse” of our organization's more than 30,000 supporting members. I can thus assure you that they – as well as all of the professional staff at American Rivers – want firstly to thank you the Corps of Engineers for its careful appraisal of the changing circumstances and public attitudes with regard to the Missouri River – and secondly, to make it known that they throw their full support behind the Corps' proposed Flexible Flow alternative (GP2021). It does not give us conservationists everything that we might wish for – but it is a reasonable compromise – and strikes a fair balance between and among all the conflicting needs and the varied interests of the great country.

My colleague, Missouri River specialist Chad Smith, will provide you with more detailed comments during the public comment period, so I will limit myself to emphasizing a few general points in support of the Flexible Flow alternative.

The Flexible Flow alternative provides a modest way to help fish and wildlife without disrupting “traditional” uses of the river. It is the only alternative proposed by the Corps that fully captures the recommendations of the United States Fish and Wildlife Service. The Flexible Flow alternative will afford the Corps the authority and flexibility to prevent the extinction of three species – the piping plover, the interior least tern, and the pallid sturgeon – while boosting populations of other species like the sauger, smallmouth bass, and other game species. It will

support recreation and tourism without overly burdening other uses of the river. In simple terms, better flows equal better fishing, more tourism, and stronger local economies.

The barge industry and certain agricultural interests have raised concerns about skyrocketing shipping rates and catastrophic flood events. Sound scientific evidence proves that these concerns are not supported by facts. The Corps of Engineers' **OWN** analysis shows that the Flexible Flow alternative will provide flood control – increase overall hydropower benefits – support Missouri River navigation at key times – increase support for Mississippi River navigation – **AND** protect floodplain farmers.

I thank you for the opportunity to speak on behalf of American Rivers and for our 30,000 members from the Missouri River basin and nationwide. They realize, just as you do, that the Master Manual, a document written in the 1960s, no longer fills the needs of the 21<sup>st</sup> century. The time has come to begin managing the Missouri River to meet the basin's current economic **AND** environmental needs.

Thank you.

Charles M. Benjamin, Ph.D., J.D.

Attorney at Law  
P.O. Box 1642  
Lawrence, Kansas 66044-8642  
(785) 841-5902  
(785) 841-5922 fax  
cmbenjamin@msn.com

Statement on behalf of the Kansas Chapter of the Sierra Club at the public hearing, held by the U.S. Army Corps of Engineers, on the Revised Draft Environmental Impact Statement (RDEIS) on the Missouri River

Hilton Kansas City Airport

November 6, 2001

My name is Charles Benjamin and I am an attorney based in Lawrence, Kansas. I am appearing before you this evening on behalf of one of my clients - the Kansas Chapter of the Sierra Club. The Executive Committee of the Kansas Sierra Club contracts with me to perform a variety of tasks for the 3,700 members of the Kansas Sierra Club including lobbying the Kansas legislature, participating in rulemaking by state and federal administrative agencies, education on environmental issues in Kansas, community organizing and litigation. I am appearing at this public hearing to make just a few brief comments, on behalf of the Kansas Chapter of the Sierra Club, about the Revised Draft Environmental Impact Statement (RDEIS) on the Missouri River published by the U.S. Army Corps of Engineers on August 31, 2001.

\* The current status quo management of the Missouri River is bad for people, and for fish and wildlife. It has given us endangered species, declining populations of many other native species, and reduced recreation and tourism opportunities.

\* The recommendations of the Fish and Wildlife Service are a modest way to help fish and wildlife without disrupting "traditional" uses of the river. The Corps' own analysis shows we can still provide flood control, hydropower, support for Missouri River navigation, increased support for Mississippi River navigation, and protect floodplain farmers.

\* The "Flexible Flow" alternative (GP2021) is the only option now on the table that fully captures the recommendations of the Fish and Wildlife Service. It would give the Corps the authority and flexibility to prevent species extinction and support recreation and tourism without unduly burdening other uses of the river.

\* The "Flexible Flow" alternative will give the Corps the ability to respond to biological monitoring, water conditions, and other factors in an adaptive management approach to Missouri River dam operations.

\* Under the current system, the interests of Montana and other upper basin states receive last priority. It's time to strike a better balance between the needs of all the states in the Missouri River basin.

\* Without flow changes on the river, at least three species will go extinct, and more will likely be listed as threatened or endangered. The overwhelming body of scientific evidence points to the need for both habitat restoration AND flow changes to help fish and wildlife survive.

\* The Missouri is everyone's river, and it needs to be managed with this in mind. For too long, the management of the Missouri River has been for the benefit a single industry - navigation. The evidence is clear that managing the Missouri River for navigation purposes provides little to no economic benefit for the basin.

\* It's time to manage the Missouri River to meet the basin's modern environmental and economic needs. The Master Manual, written in the 1960s, simply does not fill the needs of society in the 21st century.

\* People need to be able to get out and enjoy doing the kinds of things you should be able to do on a river like the Missouri - hunting, fishing, camping, hiking, boating, etc. Those interests, and the economic benefits they produce, are just as important (if not more so) as barge navigation.

\* The bicentennial of Lewis and Clark's Voyage of Discovery is approaching. We need to show the rest of the nation, and especially our children, that we are good stewards of the river that carried them on their historic journey.

**Testimony to Corps of Engineers' Hearings on Revised Draft  
Environmental Impact Statement  
Missouri River Basin**

**Kansas City, MO □ November 6, 2001**

**Good evening. My name is Joe LaMothe and I am Executive Vice President of Mid-West Terminal Warehouse Company located here in Kansas City. Our Company operates one of the largest Public River Terminals serving the Missouri River Basin.**

**The Port of Kansas City, consisting of both public and private terminals, provides the entire region with access to cost effective, efficient and environmentally friendly barge transportation. Bulk agricultural product, structural steel, coiled steel, industrial and road salt, cement related product, landscaping material among other commodities are just a few examples of the types of product we have handled at our terminal in the past year.**

**Mid-West Terminal is strongly in favor of maintaining the Current Water Control Plan for the Missouri River. As has been documented in previous discussions on this issue the spring rise and split season components of the Modified Conversion Plan and the four Gavins Point**

**Plans would end commercial navigation on the Missouri River. As a result, with the exception of the Current Water Control Plan, all the proposed river operation alternatives would most likely put Mid-West Terminal's River Terminal and all other forms over river commerce out of business.**

**The loss of navigation as a transportation alternative to our region would result in job loss, both direct and indirect, and result in higher overall transportation costs to businesses and individuals all throughout the basin.**

**In addition, the increased chance for flooding, which we unfortunately saw the devastating affects of in 1993, that accompanies the spring rise scenario, will put what is left of our businesses and our economy at further risk.**

**In preparation for tonight's hearing I have been in contact with the Greater Kansas City Chamber of Commerce, and although their representative could not be here tonight due to a scheduling conflict, Doug Luciani and Sean Hennessee of the Chamber asked me voice the**

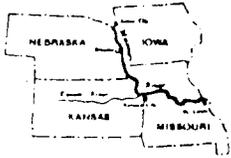
**Chamber's opposition to any changes to the Current Water Control Plan on the grounds I have just outlined. They will be submitting written comments on this subject later this week.**

**Before I close I would like to voice my opposition to changing the Current Water Control Plan on another level, that of a Kansas Citian and a citizen of the Missouri River basin. The affects of changes to the current water control plan include increased flooding for lower basin states, drinking water supply issues, basic water quality issues, energy production issues to name a few. As a lifelong resident to this area and as a father raising two young children in our community, for my children's sake and my own, I am supportive of species habitat restoration. However, I am supportive of species restoration as long as it does not interfere with the quality of life, safety and economic vitality and opportunity of our future generations.**

**With these points in mind I urge the Corps to continue the Current Water Control Plan for the Missouri River basin!**

**Thank you for your time this evening.**

**Charles J LaMothe (Joe)**  
**Mid-West Terminal Warehouse Company, Inc.**  
**1700 N Universal Ave**  
**Kansas City, MO 64120**  
**(816) 231-8811**  
**[jlamothe@ipr-mwt.com](mailto:jlamothe@ipr-mwt.com)**



# MO-ARK

THE MISSOURI-ARKANSAS RIVER BASINS ASSOCIATION  
SERVING THE MISSOURI RIVER VALLEY FOR  
WATER SUPPLY, FLOOD CONTROL, SHIPPERS AND OPERATORS

U.S. Army Corps of Engineers  
Northwestern Division  
Attention: Missouri River  
Master Manual RDEIS  
12565 West Center Road  
Omaha, NE 68144-3869

November 6, 2001

Gentlemen:

I am Franklyn W. Pogge, P.E., and current President of MO-ARK (1). I am here to present brief comments on the Revised Draft Environmental Impact Statement (RDEIS) which addresses the Master Water Control Manual for the Operation of the Missouri River System (CWCP) and proposed alternatives. My comments tonight will be in summary form as MO-ARK will be submitting extensive written comments on all the alternatives contained in the RDEIS.

MO-ARK has requested the President to direct the U.S. Army Corps of Engineers to reinitiate Consultation with the U.S. Fish and Wildlife Services under the Endangered Species Act for operation of the Missouri River Main Storm System. This request was made as MO-ARK feels the "reasonable and prudent alternatives" identified in the Biological opinion of FWS would eliminate a project purpose and thus would be illegal. (2)

The Corp plan calls for a Spring Rise in the river once every three years between May 1 and June 15. This could result in an increase of up to 4 feet in the River during farm planting seasons. Once water is released from Gavins Point it could not be recalled. It takes the water approximately 10-11 days to travel from Gavins Point to St. Louis. Weather cannot be forecasted 10 days in advance. This is a proposal for a "Controlled Flood" on the Lower River which would impact flooding risk, internal drainage, farming, and water quality.

Included in the Corp plan is a reduction of Summer River flows. The potential starting point would include reduction of flows from June 1 to September 1 which would equal the minimum service for navigation and adjusted lower to 25,000cfs from June 21 to July 15, and 21,000cfs to August 15, followed by 25,000cfs to September 1. These releases would not be adequate to provide for navigation on the River during key periods. In addition, as summer releases are lowered, spring or fall releases would have to be increased to evacuate water from the reservoirs. This would bode the end of navigation on the Missouri River. The industry has advised they cannot afford to operate under a split-season scenario. This alternative also has severe water quality impacts to be addressed later in this presentation.

Included in the Corp plan is an increase in reservoir levels in the upper basin. This would reduce the commitment of water to all the lower basin states including Missouri. There would be less water for irrigation, navigation, drinking water supply and utility operations. More water in the reservoirs would leave less room for flood control storage.

The Corps defines adaptive management as “an overall strategy for dealing with change and scientific uncertainty.” They go on to state that this “strategy could be incorporated in any water control plan for the Mainstream Reservoir System.” This strategy grants far-reaching authority for agencies to adjust management plans with relatively little citizen input. At a recent legal conference the general consensus was that it would violate NEPA. We do not see any way to reconcile adaptive management with NEPA’s guarantee that the public have a meaningful opportunity to comment on all major federal actions significantly affecting the quality of the human environment. The AOP process is very informal and it all happens too fast for any real public input.

Species restoration should be accomplished by modifying existing public lands to improve more habitats for fish and wildlife as long as it does not do harm to human lives and livelihoods. Threatened and endangered species will benefit more from off-channel habitat than the flow changes found in the corps proposals. The Corps has our most recent comments from noted experts on the efficacy of river pulses vs. off-channel habitat. (3)

Water quality is an extremely important issue when reviewing the RDEIS alternatives. The RDEIS in 7.4.2 and 7.4.3 states that water quality decreases under some of the options. We find it ironic that the RDEIS in Table 7.4.2 resorts to 7Q10 flows of 9 kcfs to assert that no change for any alternatives relative to the CWCP. We are in the throes of a national debate over Total Maximum Daily Loads (TMDL) and the recalculation of TMDLS for all rivers.

The biological opinion itself alludes to the Spring Rise and how it will introduce and transport organic matter from floodplains and introduce turbidity including debris and nutrients. Debris and nutrients present water treatment consideration in the production of potable water.

From the water supply and wastewater perspective, warmer river water from low summer flows poses other unique problems those in the business must consider. Low flows in late summer at higher temperatures encourage growth of algae creating treatment problems for the potable water suppliers.

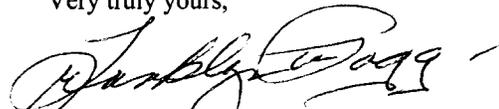
Wastewater utilities may be affected through their NPDES permits. Higher temperature waters have less dissolved oxygen, which would affect the allowance under the TMDL calculations. This was previously recognized in a DEIS summary which stated “there are no data to verify whether there could be problems in summer months in the reach downstream from Sioux City...”

Further Table 7.4.2 recognizes the effects of low flows on thermal water quality standards stating “powerplants may need to consider cooling ponds or towers to reduce thermal discharges into the river”.

Not only power plant discharges may be effected. Municipal and industrial intakes are at fixed elevation. Low flows may require extensive modifications.

Gentlemen, MO-ARK provides these comments in a spirit of providing information from decades of experience of its members. We thank the Corps for allowing us to present them.

Very truly yours,



Franklyn W. Rogge  
President, MO-ARK

1 The MO-ARK Association is a voluntary, non-profit association which promotes flood control, navigation, irrigation, recreation, fish & wildlife, environment, conservation and beneficial use of land and water resources within the Missouri River Basin and the portion of the Arkansas River Basin that runs through Kansas and Missouri. Its membership consists of organizations, associations, companies, governmental units and individuals.

2 50 C.F.R. & 402.02.

3 MO-ARK Communications to the Northwest Division October 9, 10, 2000

# Waters Farms, Inc.



Highway Z  
64077  
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November 6, 2001

**TESTIMONY:  
KANSAS 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 South of Orrick, Missouri in the Missouri River bottoms. Colonel Fastabend, I wear many hats related to the Missouri River. I am a founding Board Member, and currently serve as Chairman of the Missouri Levee & Drainage District Association, the Vice-President of the Missouri-Arkansas River Basins Association (MO-ARK), a founding Board Member and serve on the Executive Board of the Coalition to Protect the Missouri River, the President of the Tri-County Drainage District of Ray, Clay and Jackson Counties in Missouri, the President of the Ray-Clay Drainage District in Ray County, Missouri, and I serve as a Board member of the Missouri Valley Drainage and Levee District in Ray County, Missouri. In addition, I am a member of the Missouri Farm Bureau, Missouri Soybean Association, Missouri Corn Growers Association and Missouri Cattlemen's Association. I farm 3500 acres of Missouri River bottomland and I have some involvement with the Missouri River on an almost daily basis.

I have attended Corps meetings, hearings, and workshops. I have participated in the Missouri River Basin Association (MRBA) stakeholders meetings and attended many MRBA Board meetings. I have spoken to and participated in numerous meetings and forums relating to the Missouri River.

Colonel, needless to say, I have learned a lot about the Missouri River over the past ten plus years. I have learned about the reservoir system and even visited four of the six mainstem dams. I have learned about the Endangered Species Act and how it can influence this process. I have learned about the political process

and the politics that play a huge role in the decisions involving the river. In short, I have been a student of the river for a long time and continue to seek a better understanding of the issues surrounding one of our nation's vital resources. Yet, I still fail to understand why the U.S. Army Corps of Engineers would consider placing human lives and property at risk with an unnecessary Spring Rise.

Tonight, instead of listing all ways the Spring Rise and Split Navigation Season harm our economy and put my personal business at risk, I want to offer suggestions for protecting the endangered species in and along the river without doing harm to the people and communities along the river.

Colonel, the Endangered Species Act allows for mitigation measures to be taken to help protect and recover an endangered species. Our Federal and State governments own Hundreds of Thousands of acres of land along the Missouri River. These public acres should be put to use to help save the Pallid Sturgeon, Interior Least Tern and Piping Plover.

Instead of purchasing the land and letting it set to grow up in trees and brush, the Corps of Engineers, U.S. Fish and Wildlife Service or State agency owning the land should develop the land into areas for the endangered species. Places should be created for fish to get away from the river channel and into backwater areas to spawn. Structural measures need to be taken to create these places of Pallid Sturgeon friendly habitat. Quiet spawning areas for Missouri River fish can be created without additional flows from the Gavins Point dam.

We can create manmade habitat with the lands owned by the state and federal governments without doing harm to adjacent landowners. Land purchased by the federal government should be purchased for the purpose of saving endangered species. If the Least Tern and Piping Plover need sandbars for habitat, let's build them sandbars. So what if they are manmade sandbars. If the goal is to save these species, a manmade sandbar can provide the same or better habitat for these birds. Again, this can be accomplished without altering the flow of the river.

I believe the Corps of Engineers needs to better identify the options available to them to protect and help recover the endangered species found in and along the Missouri River. In its biological opinion, the U.S. Fish and Wildlife Service mandated many prescribed actions for the Corps to follow.

Colonel, I say, the biological opinion is an opinion and should be treated as such. During these public hearings you have heard and

will hear many other opinions. I hope you will give the opinions of those whose lives will be the most affected by your decisions as much consideration as you have the U.S. Fish and Wildlife Service's opinion. By listening to the people and communities represented here tonight, you must realize there are other options available to saving the endangered species.

Open up public lands for the endangered species. You are the Army. Build new oxbows on public lands. Create areas of shallow warm or deep cold water habitats where needed. Build areas of sandbars for birds to nest. These things can be accomplished with manpower, machinery and the designs of the best engineers in the world. Colonel you have all three at your disposal. Most importantly, these things can be done without flooding farmers with a spring rise or ending navigation on the Missouri River with reduced summer flows.

Colonel, I made a vow and commitment to do whatever I could to protect my family, my farm and my community from the Missouri River. I have taken this vow seriously and tried to be a full participant in the master manual review process. I hope you and the federal government will make the same vow to protect the farm families, land, businesses, cities and communities along the Missouri River. Stay with the Current Water Control Plan and use mitigation measures on public lands to protect our endangered species. Thank you.



November 6, 2001

## Water Services Department

*"The Regional Water Authority"*

### Engineering Services

324 East 11th Street  
Suite 900 Oak Tower  
Kansas City, Missouri 64106-2417

Area Code-816	
Administration	513-2178
Storm Water Mgmt.	513-2275
Safety	513-2178
FAX	513-2266
Facilities Eng.	513-2296
FAX	513-2243
Technical Support	513-2298
GIS Mapping	513-2298
FAX	513-2212
Systems Eng.	513-2297
FAX	513-2188

US Army Corps of Engineers  
NW Division  
Attn: Missouri River Master Manual RDEIS  
12565 W Center Road  
Omaha, NE 68144-3869

Gentlemen:

### **COMMENTS ON CORPS OF ENGINEERS PROPOSED PLANS TO MODIFY THE MASTER WATER CONTROL MANUAL (i.e. Flow Management Plan for the Missouri River)**

**KCMO Facts:** Kansas City is split by the Missouri River and all stormwater runoff eventually flows into this river. We have approximately 160 square miles on the north side of the river and 160 square miles on the south side. We have 35 watersheds in the City with a large number of streams, creeks, ditches, levee, pipes, conduits, and flood control structures.

**Our Concern:** The Kansas City Missouri Stormwater Utility Division is opposed to the proposed Gavins Point Dam Release Changes that would cause a Spring Rise in the Missouri River at Kansas City of four feet above normal. The potential negative impacts to our city are as follows:

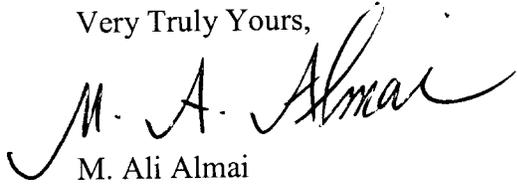
#### **1. Increased Risk of Flooding :**

- The weather is very unpredictable during the springtime in Kansas City. We have had more than one 100-year floods and even 500-year floods, lately. We can receive as much as 8 in/hr of rain intensity during the spring of the year.
- Recent history of high-water events, such as the Flood of 1993  
(Note: this concern has resulted in a COE project to study the adequacy of the elevation of the 7 levee in Kansas City and determine if they should be raised. The levees/floodwalls in Kansas City were within a foot or two of overflowing in 1993.)

#### **Possible Impacts of Flooding include:**

- Property damage
- Economic impacts due to loss of jobs
- Loss of life

Very Truly Yours,

A handwritten signature in black ink that reads "M. Ali Almai". The signature is written in a cursive style with a large, sweeping initial "M" and a long, horizontal flourish at the end.

M. Ali Almai  
Manager, Stormwater Utility Division

Hello, my name is Linda Waters and I live about a mile from the River at Orrick, MO. I am a mother, grandmother, retired teacher, and a 6th generation farmer and land owner on the River; that is the order in which I think of myself.

I have a story to tell it won't take long so please bear w/ me. If my farmer grandfather were alive today he would say to our family, "You have been good stewards of the land God gave us and I'm proud of that. Continue to keep your eye on the River. By the way what was that crop which was harvested last week across the road from your house?" That crop was soybeans. This grandfather died before I was born.

My other grandfather (I knew him well) was a farmer among other things. He would say to me today, " You have taken good care of the land. The new 210 Hwy. is wonderful. Of course, it took some land, and that's all right because things change and we needed that highway, but \_\_\_\_\_it you can't see the River from the road." You see he loved the River and before he was ever a farmer, he was what I call a River Man . He met and married my grandmother in Glasgow while working on the River and years later owned and operated a ferry boat between Orrick and Independence.

Today the grandfather I knew, would rant and rave (because that was his style) about a spring rise saying we have enough trouble in the spring w/o an artificial spring rise in the River. Let it stay the same. Keep the Water Control Plan like it is now. He would be opposed to reduced summer river flow because he believed the River was for navigation and to produce electrical power and drinking water. River traffic is the cheapest way to move those soybeans which my farmer grandfather never heard of. As for supporting habitats for endangered species, surely, he would say we can support those animals AFTER taking care of people and the land which feeds them. There are people here this evening much wiser than I who can decide ways to protect both people and animals.

*I would agree w/ my grandfather,*