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U.S. ARMY CORPS OF ENGINEERS  
NORTHWESTERN DIVISION

HEARING AND TESTIMONY ON THE  
MISSOURI RIVER REVISED DRAFT  
ENVIRONMENTAL IMPACT STATEMENT  
MASTER WATER CONTROL MANUAL

NOVEMBER 8, 2001

\* \* \* \* \*

HEARING BEFORE COMMANDER KURT F. UBBELOHDE,  
U.S. ARMY CORPS OF ENGINEERS,  
taken before me, Denise J. Lukasiewicz, Court  
Reporter and General Notary Public within and  
for the State of Nebraska, commencing at the  
hour of 7:05 p.m. on the 8th day of November,  
2001, at the LIED CONFERENCE CENTER, 2700 Sylvan  
Road, Nebraska City, Nebraska

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## 1 I N D E X

## 2 EXHIBITS:

3 Comments by David Burkholder, President,  
4 Consolidated Blenders, Inc.5 Comments by Clyde Anderson, Secretary, Nebraska  
6 Chapter of the Sierra Club7 Comments by Patty Judge, Iowa Secretary of  
8 Agriculture9 Comments by Mike Olson, U.S. Fish and Wildlife  
10 Service11 Comments by Roger K. Patterson, Director,  
12 Nebraska Department of Natural Resources13 Comments by Gene Zuerlein, Nebraska Game and  
14 Parks Commission

15 Comments by Nancy Newlon

16 Comments by Chad Smith

17 Comments by Ione Werthman, Audubon Society  
18 of Omaha

19 Comments by John James

20 Comments by Randy Asbury, Executive Director of  
21 the Coalition to Protect the Missouri River22 Comments by Joe Citta, NPPD Environmental  
23 Policy Maker24 Comments by Doug Beckman, District 9 Director,  
25 Iowa Farm Bureau FederationComments by Jamie Mierau, Outreach Specialist &  
Conservation Associate, American Rivers

1           After a brief introduction, a short video  
2 presentation and hearing instructions and guidelines  
3 were given, the testimony portion of the hearing  
4 commenced as follows:

5                   COMMANDER UBBELOHDE: We will begin  
6 the hearing beginning with elected officials.

7                   MR. MOORE: Patty Judge?

8                   MS. JUDGE: Good evening. I am  
9 Patty Judge. I am the elected Secretary of  
10 Agriculture for the State of Iowa. It's a  
11 pleasure to be here with you this evening. I  
12 appreciate the opportunity to provide you with  
13 what I consider input to be crucial to Iowa's  
14 agricultural community. I want to assure you  
15 that Governor Vilsack and I have been in close  
16 communication on this subject, which we both  
17 consider vitally important to western Iowa  
18 agriculture.

19                   The State of Iowa will submit  
20 additional, more comprehensive comments at a  
21 later date to you, but tonight I would like to  
22 take the opportunity to address a few concerns  
23 of the agricultural community.

24                   Iowa has participated actively  
25 in the Master Water Control Manual Study,

1 mainly through the Missouri River Basin  
2 Association since 1998. And that association,  
3 for the audience's knowledge, is made up of  
4 voting representatives that have been selected  
5 by the various governors, and the states  
6 participating are Iowa, Missouri, Kansas,  
7 Nebraska, South Dakota, North Dakota and  
8 Wyoming.

9                   In November of 1999, the  
10 Association submitted their recommendations  
11 for operations of the system to the Army Corps  
12 of Engineers. The Modified Conservation Plan  
13 developed by the association was supported by  
14 all of the states, with Missouri being the only  
15 exception. This is the plan that was referenced  
16 in the video. It does shorten the normal  
17 navigation season from eight (8) months to  
18 seven-point-one-two (7.12) months annually.  
19 Additionally, the modified plan serves to more  
20 quickly trigger conservation measures in times  
21 of drought. This will increase the frequency of  
22 years that require the navigation industry to  
23 work under minimum or reduced service levels.  
24 This plan does do a better job of sharing the  
25 pain during drought periods, though I want it to

1 be understood that the State of Iowa certainly  
2 does not benefit from that compromised plan.

3           The Iowa Department of Agriculture  
4 and Land Stewardship has an ongoing commitment  
5 to our farm community, while also recognizing  
6 that protection of our environment goes hand  
7 in hand with a healthy agricultural economy.  
8 We must strive to strike a balance between  
9 maintaining a healthy environment and a vibrant,  
10 robust agricultural economy.

11           After analyzing the possible  
12 effects of the six operating plans for the  
13 Missouri River, the Department of Agriculture  
14 continues its support of the Modified  
15 Conservation Plan. This plan is a compromise  
16 plan that does provide for more equitable  
17 distribution of water resources during periods  
18 of drought. In agreeing to this compromise, we  
19 maintain reasonable navigation and marketing  
20 opportunities and avoid potentially damaging  
21 drainage problems.

22           If the Gavins Point options  
23 are granted, however, there will be a direct  
24 negative impact on Iowa farmers and on the  
25 agricultural community. Possible field flooding

1 during the forced spring rise could cause  
2 serious economic consequences for producers  
3 along the Missouri, particularly those in  
4 Pottawattamie, Mills and Fremont counties.  
5 Slowing or stopping the navigation industry  
6 during deliberate low flows of the summer months  
7 greatly impacts our ability to move grain and  
8 agricultural products, causing more money to be  
9 spent on alternative modes of transportation and  
10 services.

11                   The Iowa Department of Agriculture  
12 and Land Stewardship Soil Conservation Division  
13 is working hard to protect our water and to  
14 promote a healthy wildlife habitat, while, at  
15 the same time, maintaining the food production  
16 system for the world. We're working hard to  
17 develop wetlands, to plant buffer strips and  
18 grass waterways, among other conservation  
19 measures. This work is providing habitat  
20 for wildlife and birds in Iowa.

21                   The Soil Conservation Division  
22 estimates that approximately 130,000 acres of  
23 southwest Iowa farm ground would be impacted by  
24 the Gavins Point 1528 option and the Corps' own  
25 research indicates that nearly one point four

1 (1.4) million acres would be impacted throughout  
2 the lower basin. This impact would come in the  
3 form of economic loss to an already financially  
4 stressed Iowa farmer.

5 In the climate of struggle for the  
6 survival of the family farm, the intentional  
7 flooding of a farmer's land by the United States  
8 government is almost impossible for us to  
9 comprehend.

10 In conclusion, we oppose both  
11 the spring rise concept and the subsequent  
12 low summer flows proposed. We support the  
13 compromise as was agreed upon by the Missouri  
14 River Basin Association where there's an  
15 equitable distribution of water resources, and  
16 we oppose all of the Gavins Point options.

17 Thank you, sir.

18 MR. MOORE: Mike Olson?

19 MR. OLSON: Good evening, Colonel  
20 Ubbelohde. My name is Mike Olson and I'm here  
21 this evening on behalf of the U.S. Fish and  
22 Wildlife Service to issue a brief statement on  
23 the Revised Draft EIS. I'm also here this  
24 evening, with other representatives from the  
25 service, to listen to comments, in person, from

1 the citizens from this portion of the Missouri  
2 River Basin on this important issue.

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

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

1 of these rare animals.

2                   This new approach was described  
3 in a document called the "Missouri River  
4 Biological Opinion" published November of 2000.  
5 This biological opinion looks at the river as a  
6 system and outlines the status of these rare  
7 species, the effects of the current operation  
8 on them and, most importantly, a reasonable  
9 and prudent alternative to the current operation  
10 that will not jeopardize their continued  
11 existence.

12                   Our biological opinion is based on  
13 the best available science and includes nearly  
14 500 scientific references. In addition, we've  
15 sought out six respected independent scientists,  
16 big river specialists, who confirmed the need to  
17 address flow management as well as habitat  
18 restoration. Also, the Missouri River Natural  
19 Resources Committee, a group comprised of state  
20 experts on Missouri River management, endorses  
21 the science used in this opinion.

22                   If you've read the RDEIS  
23 summary document, you understand that the  
24 GP alternatives encompass the range of flows  
25 identified by the service as necessary below

1 Gavins Point Dam to keep these listed species  
2 from being jeopardized. Our agency and the  
3 Corps also recognize the importance of some  
4 flexibility in management that would enable  
5 Missouri River managers to capitalize on  
6 existing water conditions to meet endangered  
7 species objectives without having to go through  
8 another 12-year arduous process.

9                   Other management changes identified  
10 in the biological opinion include a spring rise  
11 out of Fort Peck Dam, an improved hatchery  
12 operation to assist declining pallid sturgeon  
13 populations, restoration of approximately  
14 20 percent of the lost aquatic habitat in the  
15 lowest one-third of the river, intrasystem  
16 unbalancing of the largest three reservoirs  
17 and acceptance and implementation of an adaptive  
18 management framework that would include improved  
19 overall monitoring of the river.

20                   In closing, the Service supports  
21 the Corps' identified goal of the revised  
22 Master Manual, to manage the river to serve the  
23 contemporary needs of the Missouri River Basin  
24 and nation. These needs include taking steps to  
25 insure that threatened and endangered species

1 are protected while maintaining many other  
2 socioeconomic benefits being provided by the  
3 operation of the Missouri River dams.

4           We stand behind science used  
5 in the opinion, and we're confident that the  
6 operational changes identified in our opinion,  
7 and included in the RDEIS as the GP alternatives  
8 will ensure that these rare species continue to  
9 be a part of the Missouri River's living  
10 wildlife legacy.

11           As you have stated, the Missouri  
12 River is a tremendous river, with a significant  
13 and revered heritage. Our influence has altered  
14 that river greatly. Changes are needed to  
15 modernize and restore the health of the river  
16 for the benefit of these rare species and for  
17 the people of the basin as well. Thank you.

18           MR. MOORE: Roger Patterson?

19           MR. PATTERSON: Good evening. My  
20 name is Roger Patterson and I'm the director of  
21 the Nebraska Department of Natural Resources and  
22 I am speaking on behalf of the Department. I  
23 have also been appointed by Governor Johanns to  
24 represent Nebraska on the Missouri River Basin  
25 Association. Let me begin by thanking you for

1 holding this hearing in Kansas City (sic).

2                   We appreciate the Corps of  
3 Engineers' cooperation and help in understanding  
4 the impacts to Nebraska's interests during this  
5 long and difficult process. In particular, I  
6 would like to acknowledge the efforts of Rose  
7 Hargrave, Roy McAllister and Larry Cieslik.

8                   Please consider my comments today  
9 as preliminary. We are continuing to review the  
10 Revised Draft EIS and plan to provide additional  
11 written comments prior to the close of the  
12 comment period.

13                   Nebraska receives a large portion  
14 of the benefits from the operation of the  
15 Missouri River Mainstem Dams. All eight  
16 authorized project purposes benefit the citizens  
17 of our state. The Flood Control Act of  
18 1944 which authorized most of the dams on  
19 the mainstem Missouri, contains the following  
20 statement in its opening section, quote, "it is  
21 hereby declared to be the policy of the Congress  
22 to recognize the interests and rights of the  
23 States in determining the development of the  
24 watersheds within their borders and, likewise,  
25 their interests and rights in water utilization

1 and control."

2                   We appreciate your recognition of  
3 the State's role as you have worked to develop  
4 alternative operating scenarios. We would also  
5 note that authorizing legislation is clear that  
6 the Missouri Basin projects are to be operated  
7 to benefit the citizens of the Missouri River  
8 states. We would encourage you to resist any  
9 suggestion that the Missouri River be operated  
10 specifically to meet downstream needs to the  
11 Mississippi River.

12                   In 1994, the Missouri River Basin  
13 Association was approached by the Corps and  
14 asked to help develop an operation plan that  
15 would be acceptable to the States. After seven  
16 years of hard work, three basin-wide meetings  
17 and countless phone calls and meetings, seven of  
18 the eight basin states agreed to such a plan.  
19 Nebraska still supports that recommendation.  
20 Nebraska invested a tremendous amount of  
21 time and energy working as part of the  
22 Missouri River Basin Association to produce  
23 the November 1999 recommendation. We are  
24 pleased to see our recommendation reflected  
25 in all five of the RDEIS action alternatives.

1 MRBA's recommendations addressed drought  
2 management, fish and wildlife needs, as well  
3 as tribal concerns. Many longstanding divisions  
4 between the states were overcome in addressing  
5 these issues.

6                   The one issue MRBA chose not to  
7 address in a specific way was Gavins releases.  
8 We recognize the controversial nature of this  
9 issue and recommended it be further investigated  
10 before any changes be made. MRBA specifically  
11 recommended a recovery committee of federal,  
12 state, tribal and stakeholder interests be  
13 established to assist in this effort. You have  
14 clearly discovered the controversy and lack of  
15 an obvious solution associated with Gavins  
16 changes and are suggesting different approaches  
17 as described in four of the six alternatives.  
18 Before you pick a solution and proceed to make  
19 flow changes, we believe it makes good sense to  
20 get a sound monitoring system in place as well  
21 as the other elements of a good adaptive  
22 management program. That's not to say we  
23 don't understand your need to comply with the  
24 Endangered Species Act, and we're not suggesting  
25 you ignore this responsibility. We're simply

1 suggesting that the Corps and the Fish and  
2 Wildlife worked with the states, tribes and  
3 stakeholders throughout the basin in a way that  
4 allows you to proceed in a methodical way to  
5 meet your ESA responsibilities without doing  
6 unintended harm to the project's authorized  
7 purposes or other uses along the river. Good  
8 monitoring and adaptive management will be  
9 critical components of any successful effort.

10                   Should you decide to proceed with  
11 Gavins, we would only ask that you choose an  
12 alternative that would have the smallest impact  
13 on other purposes. Of the alternatives in the  
14 RDEIS, alternative GP1528 seems to come the  
15 closest to meeting this requirement, although,  
16 at this point, we are not ready to endorse  
17 any alternative as we are continuing our  
18 evaluation.

19                   Regardless of the alternative  
20 chosen, the final EIS needs to fully analyze the  
21 impacts of each alternative, and the selection  
22 of the preferred alternative and the associated  
23 record of decision should be formulated to allow  
24 appropriate response through adaptive management  
25 without the need for a significant amount of new

1 NEPA work.

2 I'd like to address some of the  
3 major concerns that Nebraska has. Let me start  
4 with hydro and thermal power production.

5 Changes in the potential production of both  
6 hydroelectric and thermal power must be fully  
7 understood. Nebraska has over 50 municipalities  
8 that receive WAPA power from the Pick-Sloan  
9 projects as well as two of the five largest  
10 customers in Firm Energy Sales and Revenue.  
11 Nebraska also has four thermal plants with 2500  
12 megawatts of capacity. The RDEIS shows that  
13 under some of the Gavins plans significant  
14 increases in power rates and increased risks to  
15 thermal power may occur. The RDEIS, however,  
16 appears to significantly underestimate these  
17 impacts. Given the national energy picture,  
18 it's important these impacts are better  
19 understood before a decision is made.

20 We're well aware that there are  
21 three threatened and listed species on the  
22 Missouri River and that habitat improvements  
23 must be made so that these species and other  
24 species do not continue to decline in numbers.  
25 We only ask that the Corps balance any

1 operational changes such that other authorized  
2 purposes do not experience unnecessary harm. We  
3 believe that the Recovery Committee idea and the  
4 use of Adaptive Management are critical tools  
5 for species recovery.

6                   Recreation on the channel of the  
7 Missouri River has been increasing and any  
8 impacts to the portion of the river bordering  
9 Nebraska need to be fully understood. Low  
10 summer flows would have an impact on accessing  
11 the Missouri River to -- access to the Missouri  
12 River from existing marinas. This is due to  
13 shallow depths at the junction of the river and  
14 the marina entry. Under current conditions,  
15 flows below 28,000 CFS during the peak summer  
16 period of recreational use would drastically  
17 impact this multi-million dollar industry.

18                   We'd like to thank the Corps for  
19 their willingness to be flexible in the past  
20 during the winter operation out of Gavins.  
21 Flexibility in operating the system to avoid ice  
22 jams and protecting the City of Omaha's water  
23 supply is greatly appreciated. We would like to  
24 continue this type of working relationship under  
25 the new Master Manual.

1                   Flood Control is one of the  
2     cornerstone purposes of the Missouri River  
3     projects and must be fully maintained. There is  
4     an increase in potential problems the further  
5     downstream you are from the release point during  
6     spring rises. The problems may not -- may occur  
7     not only because of flooding from high river  
8     flows but also due to less efficient interior  
9     drainage or backwater in the tributaries.  
10    With a four- to five-day travel time from  
11    Gavins Point to Nebraska City where our greatest  
12    concerns for flooding are, we must be assured  
13    that our valuable farmland is not unduly  
14    impacted.

15                   It's important that navigation  
16    remain viable as a transportation alternative  
17    for grain, fertilizer and other goods between  
18    St. Louis and Sioux City. We believe it is  
19    possible to meet the needs of these listed  
20    species while continuing to provide some level  
21    of navigation support. The alternatives that  
22    essentially eliminate navigation during the  
23    summer months may unnecessarily cause this issue  
24    to be thrown into the lap of Congress. We  
25    believe that is avoidable if the final preferred

1 alternative is crafted wisely.

2 In conclusion, I would like to  
3 thank you for the opportunity to testify on the  
4 Revised Draft EIS. We look forward to  
5 continuing to work with the Corps of Engineers  
6 in the future. Thank you.

7 MR. MOORE: Gene Zuerlein?

8 MR. ZUERLEIN: My name is Gene  
9 Zuerlein, I'm with the Nebraska Game and Parks  
10 Commission, 2200 North 33rd Street, Lincoln,  
11 Nebraska, 68503.

12 The Nebraska Game and Parks  
13 Commission has a public trust responsibility  
14 to manage, protect and care for fish and  
15 wildlife resources which belong to all  
16 citizens. This stewardship role is taken  
17 seriously. Our biologists have been working on  
18 the Missouri River for many years, conducting  
19 studies in order to obtain information to make  
20 good management decisions for the citizens of  
21 Nebraska. Our studies about fishery resources  
22 and the habitat needed to sustain them have  
23 helped us gain insight about the form and  
24 function of this large river.

25 In addition to fish and wildlife

1 management activities, the Nebraska Game and  
2 Parks has three state parks on the mighty  
3 Missouri which include the Niobrara, the  
4 Ponca and Indian Cave, and a number of  
5 wildlife management areas and state recreation  
6 areas, all of which provide thousands of hours  
7 of recreational opportunities to citizens of  
8 this state.

9                   Rivers do two fundamental things:  
10 They transport water to the ocean and they  
11 transport sediment to the ocean. Man-made  
12 changes to these processes and physical  
13 changes to a channel have served mankind  
14 greatly, but most of the changes were made  
15 before the different pieces of the ecosystem  
16 were understood and how they fit together for  
17 sustainability.

18                   In serving on the Missouri River  
19 Scientific Review panel for the U.S. Fish and  
20 Wildlife Service's Biological Opinion, Dr. David  
21 Galat stated that "overwhelming empirical and  
22 theoretical evidence supports the contention  
23 that flow is the master variable driving the  
24 ecology of rivers." And he cites 15 different  
25 scientific studies, multiple authors. In

1 essence, he is saying that the Missouri River  
2 needs a heartbeat to be biologically healthy.

3                   Appendix III of the Biological  
4 Opinion dated November 30th, 2000 summarizes the  
5 past physical, chemical, biological and social  
6 impacts, and attributes them to channelization  
7 activities, construction and operation of dams  
8 or a combination of both activities. Moreover,  
9 478 scientific references document these  
10 impacts, and another 36 scientific references  
11 are cited by three independent scientists  
12 evaluating the role of river hydrology to  
13 the conservation of Missouri River endangered  
14 species. This means a total of 514 scientific  
15 references have been utilized to document the  
16 past impacts to the Missouri River ecosystem.

17                   We now know that the biological  
18 health of this river is at stake and that  
19 changes are needed to sustain this great river  
20 for present and future generations. In general,  
21 about one-third of the entire river has been  
22 replaced with reservoirs, one-third has been  
23 shortened, channelized, the banks stabilized  
24 and levees placed along the channelized reach,  
25 and the remaining one-third is somewhat natural

1 but suffers from bed degradation and water  
2 temperature impacts to the flora and fauna.  
3 Essentially, the kitchen, dining room, living  
4 room, den, family room, bedroom and garage have  
5 been eliminated in terms of habitat to sustain  
6 the life cycle of the Missouri River fish  
7 species. What we have left is the hallway to  
8 provide needed habitats.

9                   In the channelized reach alone,  
10 over half a million acres of aquatic and  
11 terrestrial habitat will have been eliminated  
12 from the natural channel and meander belt by the  
13 year 2003.

14                   Because jeopardy to the least tern,  
15 piping plover and pallid sturgeon reflects  
16 degradation to the entire ecosystem, the  
17 reasonable and prudent alternatives identified  
18 by the U.S. Fish and Wildlife Service Biological  
19 Opinion to the Corps of Engineers contains key  
20 elements which are essential. They include an  
21 adaptive management approach to management, a  
22 restoration of shallow water habitat,  
23 unbalancing, monitoring and assessment,  
24 participation and propagation of the pallid  
25 sturgeon, and flow enhancement of Fort Peck and

1 Gavins Point Dam.

2                   Analysis of the different  
3 alternatives proposed in the August 2001  
4 Summary, Missouri River Revised Draft  
5 Environmental Impact Statement, indicated that  
6 Run of River would be extremely good for tern  
7 and plover habitat, a spawning cue for pallid  
8 sturgeon, floodplain connectivity and physical  
9 habitat for native fish.

10                   Of the alternatives displayed in  
11 the Revised Draft EIS, we believe alternative  
12 GP2021 comes closest to meeting the hydrologic  
13 needs of the river. We believe this alternative  
14 is also the closest to the Biological Opinion.

15                   Alternative GP2021 would also allow  
16 the Corps of Engineers to expose sandbar habitat  
17 for terns and plover nesting, and create shallow  
18 water habitat for young pallid sturgeon by  
19 lowering the stage, i.e. summer flows, every  
20 year as the conditions allow. The side boards  
21 of the GP2021 alternative allow flexibility  
22 for the Corps to try other alternatives such  
23 as 1521, 1528 and 2028, using the adaptive  
24 management approach.

25                   The spring rise spawning cue is

1 needed for more species than just pallid  
2 sturgeon. Other big river species such as  
3 paddlefish, sauger and catfish also need it,  
4 as do smaller minnow species, which constitute  
5 the prey base for other species such as  
6 channel and flathead catfish.

7                   This heartbeat is Mother Nature's  
8 way to reinvigorate the physical, chemical and  
9 biological systems for sustainability. The  
10 healthier we can make the system, the higher  
11 the probability of not having additional  
12 species listed in the future. The healthier  
13 the Missouri River, the more it will continue  
14 to serve citizens and the communities who are  
15 dependent upon it.

16                   In conclusion, I want to thank the  
17 Corps for diligently striving to meet the  
18 requirements of the Biological Opinion. The  
19 challenge we face is learning from the past and  
20 recognizing that although change may be  
21 difficult, life is a state of constant change.

22                   I'd just like to also note that in  
23 Volume 1 of the main report, most of the Fish  
24 and Game agencies in the entire basin are not  
25 listed in there. There's only one agency --

1 state agency and that's the Iowa DNR that have  
2 Fish and Game agencies within the DNR. All of  
3 the other six are separate agencies in and of  
4 themselves. Thank you.

5 MR. MOORE: Mike Wells?

6 (Not present.) Lee Klein?

7 MR. KLEIN: Good evening. My name  
8 is Lee Klein, from Battle Creek, Nebraska. I'm  
9 the chairman of the board of the National Corn  
10 Growers Association. I'm secretary/treasurer of  
11 the Nebraska Corn Development Utilization and  
12 Marketing Board, and also the treasurer of the  
13 Lower Elkhorn Natural Resources District. I'll  
14 keep my comments short and to the point.

15 As I testified a couple of years  
16 ago on this issue, my comments remain quite the  
17 same. Agriculture is the life-blood of this  
18 state and country. It is imperative that we  
19 always consider the impacts of change on this  
20 industry and our ability to feed all U.S.  
21 citizens and billions around the world.

22 As an owner of a family sanctuary  
23 on the Missouri River, I can attest to the value  
24 of recreation, but I feel the highest priority  
25 must be placed on the economic use of the river,

1 which includes flood control for agricultural  
2 lands, navigation and irrigation. I believe  
3 there can be a balance to the various demands on  
4 the river and I pledge the National Corn Growers  
5 Association support in finding that balance, but  
6 we must not forget the impacts of the river on  
7 the agricultural community.

8                   We do oppose changes in the  
9 U.S. Army Corps of Engineers Missouri River  
10 Master Manual that have any negative impact on  
11 agriculture because it reduces navigation or  
12 potential for spring rise. I'm sure you can  
13 appreciate the economic conditions and fragility  
14 that farmers face today, let alone those that  
15 farm along this magnificent river. We must not  
16 create an additional hardship to those who  
17 derive their livelihood from this river. Here  
18 are our concerns: The environmental benefits of  
19 the spring rise theory are only theoretical and  
20 not scientific at this point. The Corps' own  
21 numbers show that the GP1528 alternative will  
22 only increase tern and plover habitat by one  
23 to two percent. This is habitat that can  
24 easily be created through non-flow-related  
25 means. Furthermore, there are thousands of

1 miles of river in the lower Missouri, the lower  
2 Mississippi, Atchafalaya and the Red Rivers  
3 that experience natural spring rise and they are  
4 home to the pallid sturgeon, but they're still  
5 endangered. Why do we think some untested  
6 theory will work on the Missouri?

7                   Next, the risk for downstream  
8 flooding is real. The water release from the  
9 Gavins Point Dam takes about 11 days to reach  
10 the mouth of the river. The spring rise  
11 coincides with the time that the Missouri and  
12 its tributaries are normally at their highest  
13 levels. The people in this part of the state  
14 can relate to that concern from personal  
15 experience. They know that interior drainage  
16 creates huge problems during high water levels.

17                   The higher spring flows would  
18 have a tremendous economic impact on the barge  
19 industry that would virtually shut down from  
20 July through September. Granted, barge traffic  
21 on the Missouri is not as significant as the  
22 Mississippi, but it is important to many of the  
23 communities and commodities that use the barge  
24 system. The real issue is the fact that  
25 navigation places competitive pressure on the

1 rail rates in the Missouri River Basin. The  
2 U.S. Army Corps of Engineers estimates this  
3 competitive pressure at 70- to \$200 million  
4 dollars annually. There's an equally dramatic  
5 impact on the ability to generate power via  
6 hydroelectric generators and the cost of that  
7 power, especially during a crucial time on power  
8 demand.

9                   Earlier I mentioned the differences  
10 in the Missouri and the Mississippi Rivers as  
11 far as traffic. There's also an interdependence  
12 between these two rivers. During droughts, the  
13 Missouri River provides more than 60 percent of  
14 the water than the Mississippi River from  
15 St. Louis to the mouth of the Ohio. Curtailed  
16 discharges from Missouri reservoirs during a  
17 drought would mean that navigation on the  
18 Mississippi would grind to a halt, stranding  
19 millions of tons of cargo.

20                   In closing, I'm here to suggest  
21 that the importance of maintaining this river's  
22 transportation and flood control are essential,  
23 and have far more economic and social benefits  
24 than the theoretical environmental and  
25 recreational benefits. Thank you for the

1 opportunity to testify.

2 MR. MOORE: Nancy Newlon?

3 MS. NEWLON: Good evening. My  
4 name is Nancy Newlon and I live in southwest  
5 Iowa. My family owns farm ground in the  
6 Missouri River Basin, with some of that ground  
7 directly affected by the Missouri River. I  
8 support the current water control plan and  
9 would like to make the following comments.

10 I oppose the spring rise, reduce  
11 summer flow. The spring rise can mean an  
12 increase of up to four feet of additional water  
13 in the Missouri River. Thousands of acres in  
14 Fremont County depend on interior drainage.  
15 The drainage system does not work when the river  
16 is too high. On the Iowa side of the river,  
17 just under Highway 2, there are four flumes that  
18 drain thousands of acres of rich Iowa bottom  
19 farm ground. When the river level is above 13  
20 feet at Nebraska City, those flumes are closed.  
21 At normal spring releases from Gavins Point Dam,  
22 the drainage gates at Nebraska City are usually  
23 very close to being closed, if not closed,  
24 each spring. Add to that spring rain anywhere  
25 between Gavins Point Dam and Nebraska City that

1 must flow past the flood gates at Nebraska City  
2 and you have stopped the interior drainage of  
3 thousands of acres of farm ground at one of the  
4 most critical times for a farmer.

5                   Our farm sells grain to the  
6 DeBruce Elevator in Nebraska City, who depends,  
7 to some extent, on barges to ship grain. A  
8 reduced summer flow could possibly mean an end  
9 to navigation on the Missouri River and loss of  
10 transportation for crops and farm products.

11                   The fish and wildlife have been  
12 very successful at developing land on the  
13 unprotected side of the levee. One of these  
14 is just down the river from here and it's  
15 called Hamburg Bend. I believe the Corps  
16 needs to offer these landowners a fair price  
17 for such land and let the Fish and Wildlife  
18 Service develop these areas into rich wildlife  
19 habitats. One reason this land has not been  
20 sold to the Corps over the years is the unfair  
21 price they offer the landowner.

22                   I would remind the Corps that  
23 they're the ones that chose to narrow the river  
24 with wing dikes and dam structures in the river  
25 and, most importantly, they are the ones that

1 years ago chose to abandon dredging the river.  
2 Because of these management decisions, the  
3 overbanks of the river have become silted in  
4 over the high water years and, hence, the  
5 holding capacity of the river has diminished  
6 drastically. Consequently, the holding areas  
7 for the Missouri River have become the farm  
8 ground between the river and the levees. This  
9 farm ground has decreased in value over the  
10 years, not because of anything the landowner has  
11 done, but because of management decisions by the  
12 Corps.

13                   The Corps should offer the  
14 landowner a fair price for the ground, turn  
15 the management of the land over to Fish and  
16 Wildlife and you'd have a perfect habitat for  
17 wildlife. This is not a biological opinion  
18 and it's not a theory, it's a proven fact that  
19 the Fish and Wildlife Service have been very  
20 successful in creating wildlife habitat in these  
21 areas.

22                   I oppose the proposal of the use of  
23 adaptive management by establishing an agency  
24 coordination team. This team, as I understand,  
25 will be composed of federal biologists, probably

1 U.S. Fish and Wildlife Service and Corps of  
2 Engineers with input from the EPA and other  
3 groups with environmental interests. The input  
4 from the public would be reduced to the Annual  
5 Operating Plan process. I believe that my  
6 interest in the management of the Missouri River  
7 is just as important as the Fish and Wildlife  
8 Service and EPA and that all interest groups  
9 would be represented on the agency coordination  
10 team, if such a team is established.

11           If you agree with the management  
12 changes proposed by the Fish and Wildlife  
13 Service because of their biological opinion, I  
14 would remind you that it's just an opinion, an  
15 opinion based on theory and faulty science. It  
16 was in this room about a year ago that someone  
17 representing the Fish and Wildlife Service said  
18 they could not prove the changes in the Missouri  
19 River that they proposed would do what they  
20 hoped it would do. It was a theory that they  
21 had to test. I believe it is unfair for my  
22 family to -- family farm to be subjected to  
23 possible economic devastation so a theory can be  
24 tested. I urge you to continue using the  
25 current Water Control Plan as the guidance plan

1 for the Missouri River. Thank you.

2 MR. MOORE: Chad Smith?

3 MR. SMITH: Good evening, Colonel.

4 My name is Chad Smith. I live in Lincoln,  
5 Nebraska. I work for the river conservation  
6 organization American Rivers, however, tonight  
7 my comments are not on behalf of American  
8 Rivers, rather, they are on behalf of me, as a  
9 resident of the State of Nebraska.

10 I have lived in this state for  
11 29 of my 31 years. I was born and raised in  
12 Lexington, got my undergraduate degree in  
13 Fisheries and Wildlife from UNL and am happy  
14 that Nebraska is now again home to me and my  
15 family. I am not a farmer. I do not raise  
16 corn, soybeans or livestock. Unfortunately, in  
17 this state, that often makes me feel like a  
18 second-class citizen; however, despite that  
19 fact, I love Nebraska and intend to continue to  
20 make it my home. I am who I am and I do what I  
21 do because my dad and my grandfathers took me  
22 hunting and fishing. Many of my best memories  
23 are being in a duck blind on the Platte River in  
24 central Nebraska on cold December mornings.  
25 From these experiences I learned about rivers,

1 about conservation and the link between quality  
2 of life and a healthy environment. I still  
3 spend a vast majority of my time in the fall and  
4 winter on the Platte. However, I would like to  
5 have these experiences on the Missouri River as  
6 well, and I have had them, but I had to travel  
7 to North Dakota, to the Garrison Reach and to  
8 the 59-mile recreational river stretch below  
9 Gavins Point Dam. Why? Because that's about  
10 all of the natural Missouri River that's left.

11           It is clear that over the past  
12 50 or more years the interests and concerns  
13 of people like me have received little to no  
14 attention in how the Missouri River is managed.  
15 Water for barges, land for corn, rock for  
16 levees, but no river for me. Lots of people  
17 talk about the Missouri being everybody's river,  
18 but, in current practice, that is a myth.

19           Frankly, I'm tired of being  
20 ignored. I want to experience the Missouri  
21 River, hunt ducks along it, fish it and spend  
22 time on it. When I have children and  
23 grandchildren someday, I want to pass on the  
24 lessons of my dad and grandfathers to them, and  
25 I want the Missouri River to be a part of that.

1                   As much as I enjoy the Garrison  
2 Reach and the short stretch of river below  
3 Gavins Point, I don't want to have to travel to  
4 those places only to enjoy the Missouri. The  
5 river is a ditch below Sioux City, it does not  
6 compel me to travel to local communities to  
7 spend money on hunting and fishing trips. I  
8 take my money to South Dakota, North Dakota and  
9 Montana, as do hundreds of other people, because  
10 the river in this area is largely lifeless and  
11 dangerous.

12                   Farming is important, hydropower is  
13 important, flood control is important, but my  
14 interests are interests as well, and I believe  
15 it's time they received due consideration.  
16 Conservation advocates like myself are often  
17 derided as being nostalgic for the days of  
18 Lewis and Clark. But the only nostalgia I  
19 really have been hearing lately is for the year  
20 1960. For those who try to wax eloquent about  
21 the status quo, what they're really saying is  
22 life was perfect in 1960 when the Master Manual  
23 was written, that the Corps had all of the  
24 information it needed at that time and that the  
25 Corps got it exactly right.

1                   Colonel, unfortunately, I am here  
2 to tell you that you didn't get it right and  
3 that a lot has changed since 1960. I'm not  
4 asking for the river of 1804, but the river of  
5 1960 is not right either. This is the year  
6 2001. Recreation is important. Our natural  
7 heritage is important. Truly, managing the  
8 Missouri River for everyone is important.  
9 Corps may be king out here, but I don't accept  
10 that monarchy; non-farming people count, too.

11                   It's time to update the Master  
12 Manual. The Missouri's heartbeat is gone; bring  
13 it back. Duck and geese largely stay away from  
14 this river corridor; bring them back. Catfish  
15 used to be the real kings of the Missouri River;  
16 bring them back. As you finalize a plan for  
17 the new Master Manual, please take me into  
18 consideration. Be aware that there are a lot  
19 of people like me who feel slighted by how the  
20 river is managed now and are made to feel as  
21 though we don't count. Prove us wrong. Thank  
22 you.

23                   MR. MOORE: Ione Werthman?

24                   MS. WERTHMAN: Colonel, I am Ione  
25 Werthman. I live at 11649 Burt Street, Omaha,

1 Nebraska, and I speak for the 2,000 members of  
2 the Audubon Society of Omaha, but also I speak  
3 for myself, a fourth generation Nebraskan who  
4 grew up along the Missouri River in the Gavins  
5 Point Dam area. I watched and even photographed  
6 the Corps of Engineers building Gavins Point  
7 Dam. During my lifetime, I've hiked, fished,  
8 canoed, went birding and even did a lot of  
9 midnight boating on the Missouri River.

10 I come here tonight to urge you to  
11 change the operation of the six dams on the  
12 mainstem of the Missouri to more satisfy the  
13 needs of our 21st century citizenry, that of  
14 recreation in the form of more boating,  
15 canoeing, fishing, hunting, camping and so  
16 forth, and the creation of wetlands and spawning  
17 areas for strong and healthy fish and wildlife  
18 populations.

19 The Missouri River is everyone's  
20 river and needs to be managed as such. The  
21 status quo is not sufficient. As Senator Kerrey  
22 used to say, many times, we need to come back to  
23 the river.

24 As an Audubon member, and as an  
25 advocate of a strong Endangered Species Act,

1 we applaud the final Biological Opinion of the  
2 U.S. Fish and Wildlife Service that concludes  
3 that if changes are not made to include higher  
4 flows out of Gavins Point Dam in spring and  
5 lower flows in the summer, that the Corps will  
6 jeopardize the continued existence of not only  
7 the threatened and endangered species, but also  
8 species that could become endangered in the  
9 future because of conflicts in the operation of  
10 the dams.

11                   Of the six alternatives, we believe  
12 that GP2021 meets the necessary environmental  
13 requirements and should be the preferred  
14 alternative for the Corps. We feel that this  
15 flexible flow alternative will give the Corps a  
16 maximum amount of flexibility in responding to  
17 water conditions and the biological needs of the  
18 fish and wildlife. We are not advocating that  
19 the Corps return to the river -- to the river  
20 that Lewis and Clark encountered in 1804, but we  
21 do believe that the final plan should be a  
22 compromise between the needs of all of the  
23 states in the Missouri River Basin. We believe  
24 that GP2021 has the potential to do just that.  
25 Thank you.

1                   MR. MOORE: Gary Mierau?

2                   MR. MIERAU: My name is Gary Mierau  
3 and I'm speaking as an individual. I now live  
4 at 1766 Holly Street in Denver, Colorado, but I  
5 grew up here in Nebraska, and its people and its  
6 land and its river still remain very dear to me,  
7 dear enough to make me very willing to drive  
8 500 miles to speak with you for just five  
9 minutes.

10                   My situation is perhaps a little  
11 different from that of most people who are  
12 speaking here tonight, for I represent no  
13 organization, harbor no grievance and advocate  
14 for no particular cause. I'm just an ordinary  
15 citizen. One whom, like so many others, happens  
16 also to care very much about this entire country  
17 and its people. It is quite a special place,  
18 America, where we do, indeed, have a government  
19 that is of the people, by the people and for  
20 the people. And, accordingly, we do have  
21 governmental agencies such as the Army Corps of  
22 Engineers that do, indeed, seek to accurately  
23 reflect the will of the people in formulating  
24 their policies. I thank the Corps for inviting  
25 us all here tonight in its attempt to determine

1 just what the will of the people really is these  
2 days with regard to managing flow rates on the  
3 Missouri River. Fifty (50) years have passed  
4 since, in this regard, the will of the people  
5 was first assessed and some things have  
6 changed.

7                   Twice in my life I've seen a  
8 whooping crane. It was about the time of my  
9 first whooping crane observation that the Corps  
10 of Engineers developed its existing plan for  
11 managing flow rates on the Missouri. I think  
12 that it did a good job. People back then didn't  
13 place such value on such things as whooping  
14 cranes and piping plovers and pallid sturgeons,  
15 and this whole attitude is accurately reflected  
16 in the old plan.

17                   When I saw that first whooping  
18 crane, I stood alone. Last year, when I saw  
19 my second, I stood in a crowd. One of the  
20 things that certainly has changed over the past  
21 50 years is that, across the nation and around  
22 the world, a new conservation ethic has taken  
23 hold. The time has come to develop a new plan  
24 and this revised plan must and will take into  
25 account this new conservation ethic.

1                   I have every confidence that  
2 the Corps will, once again, do its job properly  
3 and come up with a management plan that does  
4 accurately reflect the prevailing attitude of  
5 the general public. Really, it cannot do  
6 otherwise. For, in this great country,  
7 the government is us. If we, the people, are  
8 not satisfied with the work of a governmental  
9 agency, it is not the people that will  
10 disappear, it is the governmental agency that  
11 will disappear. The Corps won't need to be  
12 reminded of this simple fact, but some of the  
13 special interest groups may.

14                   Does it sound like I'm an advocate  
15 for wildlife conservation? I am. When I  
16 said earlier that I am not here to advocate  
17 for any particular cause, what I meant is that  
18 I'm actually here to advocate for many causes.

19                   Members of my family are  
20 Nebraska corn growers; I thus have an  
21 interest also in agriculture. I hold  
22 investments in the stock market; I thus have  
23 an interest also in manufacturing and in the  
24 efficient transportation of these products.  
25 I am a consumer of electricity; I thus have an

1 interest also in low-cost energy production. I  
2 am an avid fisherman; I thus have an interest  
3 also in the water-based recreational business.  
4 Like most Americans, I have a special interest  
5 in very many things and I want a management plan  
6 that will accommodate them all. It is my  
7 opinion that alternative GP2021 will accomplish  
8 this best. Thank you.

9 MR. MOORE: Nancy Hoch?

10 MS. HOCH: My name is Nancy Hoch,  
11 I am from Nebraska City. I'm president of the  
12 River Country Economic Development Corporation.  
13 I'm here tonight with a number of people from  
14 Nebraska City because this river is very  
15 important to us in so many ways. I'd like  
16 to ask those that are here tonight to stand,  
17 please. (Audience complied.)

18 We have an active municipal dock  
19 in Nebraska City and we're very concerned, of  
20 course, about the base of agriculture which is  
21 our base and how it is related to flood control  
22 and the navigation on the river. Agriculture,  
23 as I said, is our base, and we are anxious to  
24 say to you that this is an important  
25 consideration.

1                   Our main message probably is that  
2 the river doesn't belong to anyone. We are  
3 convinced that -- we have lived by it for a few  
4 years, but it does not belong either to a  
5 particular fish or a particular barge line or  
6 even to agriculture. But, arguably, you could  
7 say we are, perhaps, the most environmentally  
8 centered community in Nebraska with the National  
9 Arbor Day Foundation and all of the efforts and  
10 the facility in which you are having this  
11 meeting. And we care a great deal, we're very  
12 proud of Congressman Doug Bereuter's efforts in  
13 the fish and wildlife area, and his concern for  
14 the river, and his support of the mitigation  
15 efforts. And while we would, at this point,  
16 probably say that the current water control plan  
17 would be -- if we were to have to support one, I  
18 think we, like many, would like you to come up  
19 with some additional alternatives, perhaps learn  
20 from these sessions as you go along. But we are  
21 convinced that mitigation works.

22                   I've heard very little about  
23 the discussion of putting an emphasis on  
24 mitigation. We have Hamburg Bend in Nebraska  
25 City. It's working. You know, Chad Smith can

1 perhaps come down, I don't know if you're  
2 allowed to fish there, but there is a great deal  
3 of highland fishing along the river. But the  
4 mitigation is important, we're very concerned  
5 about the fish and wildlife and having the  
6 environmental base, but we believe that can  
7 happen with mitigation. We would ask that you  
8 have strong support for mitigation as an  
9 answer.

10                   When I went to your presentation  
11 recently here before the Sierra Club, it was a  
12 little surprising to me, and I understand that  
13 they say making legislation is like making  
14 sausage, you don't want to see it, but it  
15 was appalling to me that under economic uses,  
16 there was nowhere written anything about  
17 agriculture, and I would think that if I  
18 ask all of the people who are here for  
19 agriculture tonight to stand up -- everybody  
20 for agriculture -- there are a few of us.  
21 (Audience complied.) And, you know, I  
22 understand that when this was written, they  
23 came about economic uses in a little different  
24 approach, and that's not always your choice in  
25 the way these things are written. However, it

1 is critical that agriculture is the basis for  
2 this area.

3                   Our state senator, Roger Wehrbein,  
4 is on his way, he hopes to be here to testify.  
5 It's critical to our financial base. The things  
6 that have been said earlier about the influence  
7 on the transportation system, of the barge  
8 system, is certainly correct. We did a lot  
9 of -- the University of Nebraska did research  
10 when we were studying for the corn web milling  
11 plant in Blair and how the corn flows and how  
12 the prices are and how the barge traffic affects  
13 it, and the indication was that it's at least  
14 10 cents a bushel on a bushel of corn. Well,  
15 that's a very big item.

16                   And we would like to encourage you  
17 to -- we'd also like to speak to recreation. We  
18 think that the current -- much can be done under  
19 the current plan. We are working now on a Lewis  
20 and Clark interpretive center that we intend to  
21 tie to the river. We are going to try to become  
22 a part of Back to the River. Those things need  
23 to happen on the river as well.

24                   It isn't -- as I said, the river  
25 doesn't belong to anyone. But, please, make an

1 effort to put more emphasis on mitigation, and  
2 so as long as it's working as well as Hamburg  
3 Bend, we can -- all of these interests can be  
4 served. Thank you.

5 MR. MOORE: David Messing?

6 MR. MESSING: I'm David Messing of  
7 Nebraska City and I represent the Nebraska City  
8 Dock Board. And, basically, I'd like to say  
9 that I am concerned about the effect of  
10 agriculture and the economy. River navigation  
11 allows a couple of things here that we need to  
12 really talk about. Nancy alluded to the fact  
13 that it does make a difference of about 10 or  
14 15 cents a bushel of corn, and that has to  
15 do with the fact that there's competition in  
16 transportation, particularly rail rates. As you  
17 get further from river terminals, you'll see  
18 rail rates begin to increase.

19 It also allows -- there's something  
20 else that hasn't been mentioned tonight. The  
21 barge business is two-way, it also means  
22 fertilizer coming up the river. It means  
23 minerals coming up the river, it means salt  
24 coming up that's used on our streets in the  
25 wintertime, so it's not just commodities going

1 down the river. So it's going to be very  
2 important that whatever you decide on these  
3 releases that we get this fertilizer to this  
4 region in a timely manner, that if somehow the  
5 navigation would be impeded, that the fertilizer  
6 wouldn't be here on a timely basis. And then,  
7 of course, at a time when commodities need to go  
8 down the river in a very economical manner.

9 I think it all comes down to the  
10 fact that it relates to food prices and I think  
11 in this nation we even enjoy cheap food, when  
12 you look at what people around the world pay for  
13 food. And, of course, we enjoy cheap energy,  
14 too, when you look at the rest of the world.  
15 But I think if you have a better lifestyle and  
16 you are able to have that better lifestyle  
17 because you are able to enjoy a good meal for a  
18 reasonable price, then you can enjoy recreation  
19 and our environment. And I'm as much for the  
20 environment as anybody, I'm usually out on the  
21 bicycle trails on the weekends, enjoying our  
22 environment and wildlife as much as anybody.  
23 But please keep in mind that the economy and our  
24 food prices are going to be affected by this  
25 change in transportation, perhaps, that's

1 involved with navigation.

2                   Now, one of the things that maybe  
3 some of the other people might talk to, I know  
4 in earlier testimony before the Corps of  
5 Engineers several years ago, it's not just  
6 Nebraska City, it's just not Nebraska, but  
7 for this competitive issue with grain prices,  
8 many farmers from eastern Colorado drive to  
9 Nebraska City to this river terminal to bring  
10 their grain here and then back-haul the  
11 fertilizer that's available here, so it's not  
12 just Nebraska, it's an entire region. Thank  
13 you.

14                   MR. MOORE: John James?

15                   MR. JAMES: My name is John James.  
16 I live a few blocks away from here in  
17 Nebraska City. As an owner of land that runs  
18 alongside the Missouri River and is subject to  
19 flooding when the river rises above the river  
20 stage (sic) of about 17 feet in Nebraska City,  
21 I'm very concerned about the proposed changes to  
22 the Master Manual. I'm concerned that too much  
23 attention to the piping plover, the least tern  
24 and the pallid sturgeon will distract the Corps  
25 from their consideration of potential flooding

1 situations. I'm also concerned that attempts to  
2 somewhat mimic the natural spring rises of the  
3 river will lead directly to overflows of our  
4 land and the land of other farmers up and down  
5 the river. I'm concerned that overflows will  
6 flood our crops and prevent the land from being  
7 productive and cause degradation to the banks  
8 and cuts and erosions to the fields.

9 I urge a conservative approach to  
10 revising the Master Manual where flood control  
11 will remain of the utmost concern. I would urge  
12 less drastic measures of biological management  
13 in trying to fluctuate river flows solely with  
14 biological effects in mind. Let's try to  
15 remember, there are other interests involved in  
16 the management of reservoir releases, such as  
17 farming interests, navigation and hydropower.  
18 Thank you.

19 MR. MOORE: Marian Maas?

20 MS. MAAS: Good evening. I'm  
21 Marian Maas, I'm a member of the Board for  
22 Directors for the Nebraska Wildlife Federation,  
23 which is an affiliate of the National Wildlife  
24 Federation.

25 While I acknowledge that we cannot

1 go back to the time of Lewis and Clark, I would  
2 like to refresh your memories as to exactly what  
3 we have lost in regard to the river. It was a  
4 very sandy, braided, meandering river that  
5 extended 2,500 miles and through, generally,  
6 a floodplain that was quite lush and diverse.

7                   When Lewis and Clark went through,  
8 it was -- it averaged about two and a half feet  
9 deep and was anywhere from a thousand feet to a  
10 mile wide. It is now anywhere from 14 to 16  
11 feet deep, 600 feet wide and there's virtually  
12 no remaining backwaters or wetlands or chutes.  
13 These backwaters were very valuable for the  
14 fish, for invertebrates and to provide nutrients  
15 for the river/aquatic inhabitants. Only  
16 10 percent of these original adjoining wetlands  
17 remain in the entire basin south of Sioux City  
18 to St. Louis, and this has resulted in an 80 to  
19 90 percent decline in vegetation and insects  
20 available to the aquatic life. Also, in  
21 the past, there used to be approximately  
22 a hundred acres of shallow water habitat  
23 that was available in each river mile for  
24 the young fish for nursery purposes and for  
25 development. Today, there's only one to three

1 acres available. And through channelizing and  
2 straightening, there's a hundred river miles  
3 that have been lost. So we've traded away an  
4 incredibly diverse landscape, which we know we  
5 cannot get back totally, but we do need to work  
6 to replace some of what has been lost.

7                   We've also lost a thriving  
8 commercial fishing industry, which is an  
9 economical aspect that should be considered.  
10 And, culturally, something that hasn't been  
11 mentioned tonight is that there have -- we have  
12 given up a central connection between the people  
13 and the rivers that they live near. And this  
14 connection really goes back to the dawn of  
15 humankind when people would settle along beside  
16 a river. We are separated, generally, from the  
17 river by high levees and a fast-moving channel  
18 of water that cannot be accessed easily.

19                   Opponents of change to the Missouri  
20 management calls -- they call for a, quote,  
21 balance of the needs of humans and wildlife and,  
22 essentially, for the last even up to 150 years,  
23 there has been more emphasis on managing it for  
24 people than for wildlife.

25                   The Nebraska Wildlife Federation

1 supports a Missouri River management plan  
2 that would better balance the uses of the  
3 Missouri River and begin to restore fishery  
4 and river-related wildlife. Our organization  
5 recognizes that the entire health of the  
6 Missouri River was shaped by its flow regime  
7 and that changing the flow pattern of a river  
8 must be an integral part of the recovery plan  
9 and this has been substantiated by scientific --  
10 sound scientific work.

11           We support the resumption of spring  
12 rises in the river's flow and, therefore, we  
13 support GP2021. We believe it will help to  
14 provide important spawning cues, not just for  
15 the pallid sturgeon, but for a lot of your small  
16 native fish that you never hear anything about.  
17 Then this needs to be followed by low summer  
18 flows which provide nesting and chick-rearing  
19 possibilities on the rebuilt sandbars, and  
20 allows for the larvae fish to grow and mature.

21           The Wildlife Federation also  
22 supports strongly the restoration of the  
23 river and the floodplain habitat. And, as  
24 was mentioned earlier, the Hamburg Bend  
25 project has been a great success, and we

1 strongly support funding for restoration  
2 efforts of this sort up and down the Missouri  
3 as much as possible. This also increases  
4 wildlife -- recreational opportunities, as well  
5 as the wildlife diversity, and already Game and  
6 Parks fishery biologists have found an increase  
7 in the number of species and the diversity of  
8 species in that Hamburg Bend project, and it's  
9 only four to five years old.

10 Eastern Nebraska is relatively  
11 water-poor and has little access to the -- to  
12 the water. And restoration projects like this  
13 where people can get down to water that is not  
14 fast-moving and has good habitat, allows for a  
15 greater increase of recreational opportunities  
16 and, actually, increases revenue for communities  
17 along the river, such as Blair, Nebraska City,  
18 Omaha. People have to have meals in restaurants,  
19 they have to buy outdoor supplies, they have  
20 to buy bait, anything like that will help to  
21 improve the economy of the towns along the  
22 river.

23 The Wildlife Federation also  
24 supports continued funding for incentive  
25 programs to buy out flood-damaged property

1 owners rather than them rebuilding in the  
2 floodplain and to provide a fair and good  
3 value for easements, or buying out people for  
4 development, so we do encourage the Corps to  
5 re-evaluate, as was mentioned earlier, the  
6 prices that they offer the property owners and  
7 farmers that the values that they offer is  
8 really worth it for the farmer to follow up and  
9 take advantage of.

10                   And, lastly, the Federation  
11 supports the reservoir unbalancing, the adaptive  
12 management and intensive biological monitoring.  
13 And I am a professional biologist, so I support  
14 the monitoring very much. Thank you.

15                   MR. MOORE: Brice Andrew?

16                   MR. ANDREW: I wish to pass.

17                   MR. MOORE: Corky Jones?

18                   MR. JONES: My name is Corky Jones.

19 I'm a farmer from Brownville, Nebraska, also  
20 representing the American Agriculture Movement,  
21 and I'm also representing an endangered species,  
22 and that is the family farmer that's up and down  
23 the Missouri River that we're talking about  
24 tonight.

25                   We've been threatened in the

1 past with manipulation of the water releases  
2 by the Corp of Engineers. It has absolutely  
3 annihilated the productivity of literally  
4 thousands of acres, the water (sic), some of  
5 this -- or of land; some of this is included in  
6 the operation of my own. I've got three sons  
7 that are fifth generation farmers in this area.  
8 I'm not new to the farming game and I'm not new  
9 to the Missouri River, and we've had people  
10 testify about the lack of fish and the lack of  
11 wildlife. I'm there, the wildlife is there, the  
12 fish are there, the ducks, the geese, they're  
13 there. In fact, the endangered birds that  
14 you're talking about, the least tern and the  
15 spotted (sic) plover, they're there. It isn't  
16 that we annihilated everything, maybe they're  
17 not there in the numbers that were there a  
18 hundred years ago, but look at the changes  
19 throughout life, look at the changes throughout  
20 the entire United States, or the world, there  
21 are changes. We're not annihilating anything.  
22 They're just maybe not to the abundance that it  
23 was, and when we think about going to make this  
24 big hatch for the birds or the fish by trying to  
25 tame and control the Missouri River, it's

1 impossible.

2                   We see the streams that contribute  
3 below the dams that are fluctuating this and  
4 when we have high rise -- which I and the  
5 farmers that are all along this river operate  
6 are opposed to your spring rise -- it not only  
7 annihilates our capability to plant at that  
8 time, but it backs up and has trap water back in  
9 our protected areas and the lowlands, and then  
10 right when we would like to have, possibly, a  
11 little water in the hot summer, in July and  
12 August, you're dropping it, so it works as a  
13 double whammy to production agriculture.

14                   To annihilate or to slow up the  
15 barge traffic, to change it in any method, once  
16 again, it's been testified to before, 10 to 15  
17 cents a bushel, that affects us at a time when  
18 the economy of production agriculture is really  
19 at stake.

20                   I think navigation is important. I  
21 think that recreation is important, but it's  
22 there. Maybe not to the extent that some would  
23 like, but you can't have everything, and you  
24 can't just use the entire Missouri River for a  
25 gauge. So I would really ask that you look at

1 this real hard, that production agriculture is  
2 the backbone of this nation and it damn well is  
3 the backbone of the economy of the Midwest, and  
4 all up and down the Missouri River.

5 I'm opposed to anything that's  
6 going to change the rise in the spring and  
7 the -- and the -- well, the same -- that affects  
8 the control of the river. Thank you.

9 MR. MOORE: Rich Andrew?

10 MR. ANDREW: Colonel, I'm Rich  
11 Andrew, Brownville, Nebraska, and I'm opposed to  
12 any deviation from the current water control  
13 plan, and I feel that it's unfair to raise the  
14 river in the spring and lower it in the summer  
15 when many farmers up and down the river have  
16 obligations to meet, they have farm payments,  
17 some of them, and taxes; we all have property  
18 taxes to pay that help support our schools and  
19 our infrastructure, locally, and we would bear  
20 the brunt of any of this through loss of  
21 income. With many of these people making  
22 testimony for the fish and wildlife, their wage  
23 goes on. When the river is high and we cannot  
24 plant and raise a crop, we have no wage. So I  
25 am against this on an agriculture point of view,

1 and for navigation, to reducing the price of  
2 our corn 10 to 15 cents, and, for many of us,  
3 30-, 40- \$50,000 a year of lost income.  
4 Thank you.

5                   COMMANDER UBBELOHDE: Could you  
6 state whether or not you're speaking on your own  
7 behalf or representing anyone?

8                   MR. ANDREW: Yes, I'm a farmer  
9 and I'm vice president of a little local levee  
10 district in Brownville.

11                   COMMANDER UBBELOHDE: Thank you  
12 very much.

13                   At this time, I'd like to recognize  
14 another elected official who has just showed  
15 up. State Senator from Nebraska, Mr. Roger  
16 Wehrbein.

17                   SENATOR WEHRBEIN: Yes, I'm --  
18 excuse me, I've been talking all week, too  
19 much. My name is Senator Roger Wehrbein. I  
20 represent this district from Nebraska City north  
21 to the Platte River, and I'm here not to go into  
22 a lot of details because I -- there's people  
23 here and I just arrived, but I know that they  
24 have much more detail and information than I  
25 have.

1                   My main purpose is to be here to  
2 look at this from a balanced point of view. I  
3 think we all recognize change is inevitable,  
4 there's going to be some changes, but it ought  
5 to be gradual, so people can adapt to this, so  
6 we can recognize where we're at.

7                   I'm a farmer. We desperately need  
8 competition. Rail versus barge traffic is --  
9 I can go on and on about the concentration and  
10 the lack of competition that's going on in the  
11 agriculture industry today. Barge traffic, this  
12 river, navigation, is critical for competition  
13 against railroads. I'm not going to harangue  
14 against railroads, but they desperately need  
15 competition. We've got two railroads in this  
16 country, namely, today. And if we lose one of  
17 those, or if we lose north/south access, which  
18 this river provides, it's going to make a big  
19 difference. So my main concern is to look at  
20 this in the big picture. Maintain a balance,  
21 make these changes so that they're gradual so  
22 they can be adopted, too, but recognize that  
23 there's lots of interest in this river and that  
24 we need to recognize all of those interests and  
25 don't just make abrupt changes so that there's --

1 we can't adapt because, obviously, there's  
2 changes occurring.

3                   But, most importantly, recognize  
4 all of these uses of the river. I was very  
5 discouraged to see -- I don't know when it was,  
6 the last six months to a year, someone said we  
7 simply out to buy out the barges on this river  
8 and wipe them out. I think that's a terrible  
9 attitude. And I think that we ought to preserve  
10 what we have. Let's improve it, we need to  
11 probably make some improvements and recognize  
12 all interests, but let's do it so that we all  
13 can understand why and make it reasonable.

14                   COMMANDER UBBELOHDE: Thank you,  
15 sir.

16                   MR. MOORE: Vince Shay?

17                   MR. SHAY: My name is Vince Shay,  
18 I'm the state director for the Nature  
19 Conservancy and I live in Omaha, Nebraska.  
20 The Nature Conservancy is an international,  
21 not-for-profit organization whose mission  
22 is to preserve plants and animals and natural  
23 communities that represent the diversity of life  
24 on earth by protecting the lands and waters they  
25 need to survive.

1                   I'm the state director for the  
2 Nebraska program. We have about 5,000 members  
3 in this state. I'm not -- I'm not going to  
4 presume that I'm here representing all 5,000  
5 of those members. I appreciate having the  
6 opportunity to be here and to listen to other  
7 people's opinions with respect, and I actually  
8 appreciate the opportunity to be here to enter  
9 my opinions to others and to share them with the  
10 respect that they deserve.

11                   Whenever I speak to groups, I tell  
12 them why our work is important, you know, I talk  
13 about the rationale for species conservation and  
14 I explain that native plants and animals hold  
15 enormous promise for undiscovered types of  
16 medicines or food or fiber, and I assert that  
17 native grasslands build soil health and prevent  
18 erosion, and I remind people that wetlands act  
19 as natural filters, removing water-borne  
20 contaminants, and the floodplains serve as  
21 natural reservoirs for high river flows by  
22 capturing, containing and slowly releasing  
23 water, thus mitigating flood damage downstream.  
24 And yet I know that while most people appreciate  
25 these diverse ecosystem benefits, these are the

1 components that appeal largely to our rationale  
2 selves. And I also recognize that people are  
3 motivated more by what they feel than by what  
4 they know sometimes. And I think that  
5 motivates, you know, a turnout of an audience  
6 like this.

7                   You know, people appreciate  
8 that these same plants and animals are simply  
9 interesting, in and of themselves, for the color  
10 and the sounds and the sights and tastes and  
11 fragrances that they provide in our daily  
12 world. They recognize that a world with natural  
13 diversity of prairies and rivers and wetlands  
14 and woodlands and cropland and cities makes our  
15 world a more interesting and enjoyable place to  
16 live, work, and a place to raise our children.

17                   While it's easy to tell people  
18 about the Nature Conservancy, who we are and how  
19 and where we work, and what we do, which is what  
20 I spend a lot of my time doing, it's much harder  
21 to explain why we do this, because for each of  
22 us who are concerned with the conservation of  
23 habitats and species, the motivation is somewhat  
24 different. But, candidly, I think that there's  
25 something deep within many of us that motivates

1 us to care about and protect the natural world  
2 that surrounds us. And while I hesitate to draw  
3 connections of this sort, I'm going to hazard it  
4 and I hope that the audience will understand  
5 what I'm trying to say and will bear with me.

6                   You know, the awful scenes that we  
7 witnessed on September 11th are going to be  
8 etched into our collective consciences for a  
9 very long time. What we saw was a catastrophe  
10 of a magnitude that we still have difficulty  
11 comprehending. We experienced a terrible and  
12 tragic loss of life that most of us, you know,  
13 witnessed with a gut-wrenching sense that the  
14 very fabric of what we hold dear was violated.

15                   There are many people who care  
16 deeply about the non-human expression of life on  
17 earth, too, and they feel the same sort of  
18 lingering emptiness, frustration or even anger  
19 that the continual erosion of habitats and their  
20 inhabitants that have been part of life on earth  
21 for thousands of years.

22                   So I don't mean to diminish by one  
23 iota the awful magnitude of what our human  
24 community experienced on September 11th, but I  
25 would suggest that globally we are experiencing

1 a terrible wasting of the very fabric that  
2 constitutes life on earth.

3           People who support the work of  
4 species conservation see this loss of life  
5 and they're motivated by the tragedy of it.  
6 Extinctions of species is a natural process,  
7 it's well-supported in the fossil record on  
8 earth, but the current species extinction  
9 crisis that we're experiencing is the first  
10 such occurrence that's been caused by the  
11 choices of organisms, us, who are living  
12 right through the middle of the crisis.

13           I would suggest that we really do  
14 need to attempt to conserve the diversity of  
15 life on earth that remains. This is a country  
16 that is rich enough that we can afford not to  
17 lose any more species in the pursuit of other  
18 kinds of economic wealth and security.

19           I want to say that success -- to  
20 successfully conserve species, there are a  
21 couple of basic premises that we have to  
22 understand. First, you can't do it in zoos,  
23 and you can't do it in laboratories. These  
24 species are a result of their own development  
25 in their native habitats, and the interactions

1 with other species who share these habitats.  
2 Indeed, the conservation of species must include  
3 conserving their habitats. And this is my  
4 second point.

5                   We must also conserve the natural  
6 conditions that created and sustained these  
7 habitats. You can't have native grasslands  
8 without fire and grazing. You can't have native  
9 woodlands without wind storms and insects.  
10 And you can't have rivers and the species  
11 they contain without allowing them to retain  
12 some of their essential characteristics.  
13 Habitat mitigation funded through congressional  
14 appropriations is addressing one of the critical  
15 problems on the Missouri River, the loss of  
16 habitat structure and channel diversity.  
17 The other critical problem is the loss of the  
18 natural ebb and flow of the river which must be  
19 addressed through the Master Operating Manual.  
20 There isn't any other way to do it. So if we're  
21 to preserve the benefits of flood control and  
22 hydropower production and take steps to restore  
23 some of the pre-dam flows of the river essential  
24 to the species that depend upon them for  
25 survival, I think we must adopt the provisions

1 for flow changes provided for in the Gavins  
2 Point alternatives. Thank you for the  
3 opportunity to comment.

4 MR. MOORE: Ken Reitan?

5 MR. REITAN: Good evening. I'm  
6 Ken Reitan and I live in Lincoln, Nebraska,  
7 and I'm here representing myself. I strongly  
8 support your GP2021 alternative, but I am  
9 disappointed that the Corps did not select this  
10 one as their preferred alternative. You had a  
11 legal responsibility to do this, but you ducked the  
12 responsibility.

13 Political statements aside, the  
14 fact of the matter is that GP2021 will maintain,  
15 with very little change, the present benefits of  
16 flood control, hydropower and navigation. The  
17 Corps has admitted this. On the other hand,  
18 these small changes will help to turn around  
19 a natural system that was once one of the  
20 continent's most magnificent natural systems.

21 You have a legal responsibility  
22 to make sure that the individual biological  
23 components of that system do not disappear, not  
24 only for the species themselves, but also for  
25 the recreation benefits, which are much greater

1 from a dollar standpoint than, for example,  
2 navigation.

3                   With the Lewis and Clark  
4 bicentennial approaching, we need to begin the  
5 process of restoring this great river. Some  
6 people fear change, but the -- but the flexible  
7 nature of GP2021 should allay those fears. I  
8 urge you to select GP2021 as the new operating  
9 plan for the river. Thank you.

10                   MR. MOORE: Dale Dilts?

11                   MR. DILTS: Good evening. My name  
12 is Dale Dilts and I reside in Crescent, Iowa.  
13 I have spent all of my life farming down next  
14 to the Missouri River, within a half-mile to a  
15 mile. We farm around 2,000 acres and the high  
16 water release will definitely hurt business to  
17 keep my family in the farm business.

18                   My grandfather farmed there and my  
19 father went through the big flood in '54. That  
20 year, there was enough time to get back into the  
21 fields and get the crops started. But there's  
22 one thing that nobody has brought up tonight and  
23 that's the four species. There's always three,  
24 but where's the fourth one fit in? That is the  
25 family farm. And the stewards of the land --

1 excuse me, I'm very nervous, I wasn't prepared  
2 for this -- but, as stewards of the land, the  
3 farmers do quite a bit for wildlife. From  
4 pheasants to geese to foxes, opossums to birds,  
5 the sparrows, just -- it covers a wide variety.  
6 And by hurting the family farmer, you're also  
7 hurting the other species. And I have four kids  
8 and I'd like to pass my farm down to one of  
9 them. And with the high water potential, it  
10 would put me out of business, and that would  
11 allow me not to do that, and that's it. Thank  
12 you.

13 MR. MOORE: Harold Rush?

14 MR. RUSH: I am Harold Rush from  
15 Highland, Kansas. I am possibly the oldest  
16 person here. I can go back to before 1930.

17 I do not live on the Missouri  
18 River, I live close to the Missouri River. I  
19 have lived close to the Missouri River all of my  
20 life. And I can tell you what the Missouri  
21 River was like before they started, in 1933,  
22 to improve it. The Missouri River was nothing  
23 except a wandering, mad river and an ice gorge  
24 during the winter would change the course as  
25 quick as anything you ever saw. Now, the main

1 thing that was on the river at that time was  
2 carp and bullheads and maybe some pallid  
3 sturgeon and maybe a few flatheads, but the main  
4 fish was carp and bullheads.

5                   In 1993, when we had the flood, I  
6 took -- was with the farm group, and when the  
7 levee broke at St. Joe, I was on the group to  
8 inspect the levee situation, and damages. I  
9 went to a road ditch that was drying up to  
10 see what the dominant fish was in the area,  
11 and it was -- to my surprise, it wasn't carp  
12 and bullheads, it was crappie. Did you ever  
13 know there was crappie in the Missouri River?

14                   We're upgrading our wildlife in  
15 the Missouri River. I have fished in a creek  
16 15 miles above the Missouri River and I caught  
17 a white bass. And it dumbfounded me to think  
18 that there was a white bass in my creek. There  
19 was a white bass in there because they were  
20 being able to live in the Missouri River. Now,  
21 the greatest thing that has happened for the  
22 economy and the ecology was no-till farming and  
23 don't never forget it. And that has been the  
24 greatest thing to improve the water quality of  
25 the river.

1                   I think 1528 is perfect as far as  
2 the controlling of the river. During the summer  
3 there's an awful lot of people who fish at the  
4 mouth of the tributaries and that is the only  
5 recreation they get, you might say, for local  
6 recreation. And if you drop that water, there  
7 will be no what you call still water at the  
8 mouth of the tributaries.

9                   Now, I would think that the pallid  
10 sturgeon could live in those tributaries also  
11 if they need still water. But it sounds like  
12 you've got to kill everything else off to  
13 save the pallid sturgeon. So, I don't know,  
14 it's got me buffaloed, because when this thing  
15 was started in 1933, it was for the purpose of  
16 irrigation, flood control, navigation and  
17 energy. And it has served that purpose real  
18 well, we've done a good job controlling it and  
19 getting it to the point that we're at today. My  
20 problem is that I'm afraid that one of these  
21 days they're going to open a can of worms that  
22 they can't get the lid back on. And we're  
23 getting close to that right now. And I hope  
24 that you keep the lid on and you don't get that  
25 worm crawling out. It's bad. Thank you.

1 MR. MOORE: Bill Beacom?

2 MR. BEACOM: My name is Bill  
3 Beacom. I am a captain on a tow boat. I am  
4 representing myself.

5 One of the things that seems to  
6 jump up at these meetings is that everybody  
7 wants to hang their hat on, quote, unquote,  
8 sound science. Four hundred and seventy-eight  
9 (478) references, 36 of this, 27 of that, 6 of  
10 this. I could get that many people to say that  
11 lightning curdles milk. If we're going to do  
12 sound science, let's do sound science.

13 I have a little story to tell  
14 you. There was a gentleman by the name of Jerry  
15 Rasmussen who used to be the coordinator for  
16 28 states in the Missouri River Basin. Someone  
17 wanted to put into the basin a fish called the  
18 black carp, and that fish was a known destroyer  
19 of ecosystems, but someone else was going to  
20 make some money off of that black carp. This  
21 was a non-native fish from Asia. Now, Jerry  
22 Rasmussen went to the 25 states or 28 states  
23 that he represented and said, this is not a good  
24 idea. Many of the people in those states had  
25 already decided it wasn't, so he started

1 lobbying forcefully not to have the black carp.  
2 Within about six months after this effort, he  
3 was removed as coordinator for these 28 states  
4 by Jamie Carr, who was then the head of Fish and  
5 Wildlife, and the reason that he was removed was  
6 because of a conflict of interest. He was for  
7 the environment and she got pressure from a  
8 senator; that's a conflict of interest.

9                   Now, this sound science that we are  
10 asked to believe is all written up by the people  
11 in the three upper basin states, or the vast  
12 majority of it. And what would happen if one of  
13 those people would go against Senator Daschle,  
14 Senator Bonness, or one of the other high people  
15 in authority in those states? Can anyone say  
16 that they're not biased? They're employees in  
17 that state, they have friends in that state,  
18 they work for the state government in that  
19 state. If someone wants to give me permission  
20 and a budget, I'll join with the farmers and  
21 we'll hire our scientists and we'll get  
22 560 references, if numbers matter. And does  
23 anybody mean -- does that mean that our science  
24 is going to be any better than anyone else's?  
25 But, at most meetings, you do see that example

1 of sound science and I have seen one tonight.  
2 The environmentalists are very much in favor of  
3 anything that will improve the environment as  
4 long as it doesn't cost them; it just costs the  
5 navigators and the farmers. Now that's sound  
6 science.

7 MR. MOORE: Darwin Binder?

8 MR. BINDER: I'm Darwin Binder.

9 I'm speaking as an individual.

10 My family and I farm in Holt  
11 County, Missouri and we oppose the spring rise  
12 and the summer low flows and all of the Gavins  
13 Point options. We would like to see the current  
14 plan for operating the Missouri River continue,  
15 uninterrupted. We don't believe that it can be  
16 proven that an increased flow will help the  
17 pallid sturgeon, but we feel that even a small  
18 rise in river levels could take a third or more  
19 of our land out of production. Thank you for  
20 the opportunity to speak.

21 MR. MOORE: Carl Jones?

22 MR. JONES: I'm Carl Jones from  
23 Lincoln, Nebraska and I'm speaking for myself.

24 Tonight, I thought I'd talk just a  
25 little bit about the pallid sturgeon and we all

1 know that, you know, they're one of those  
2 endangered fish. These fish like muddy rivers  
3 and essentially swift-flowing rivers. They're  
4 known to avoid areas, particularly the juvenile  
5 adults that are stillwater, and prefer the ends  
6 of the wind dikes where there's some current.  
7 They're a warm water fish. They have to reach  
8 an age of probably seven-plus years before  
9 they're ready to spawn. They like to lay their  
10 eggs attached to rocks or cobble, or heavy  
11 sand, in areas that there's a reasonably good  
12 current. The water temperature for them ought  
13 to be 60, 65 degrees, possibly a little more,  
14 and that should hold for least seven days or  
15 longer. The eggs about that point detach and  
16 start to float downstream and for the next  
17 13 days or so that -- they're looking for or  
18 hope to drift into a situation of still water  
19 that has enough nutrients for them to survive  
20 and grow.

21                   What I'm suggesting is, based on  
22 this, that we can look at what happened down at  
23 Lisbon Chute down to mile 212 to 214 where some  
24 young yearling sturgeon have been found.

25                   Lisbon Chute was a natural

1 creation, I understand, that you had to go in --  
2 the Corps had to go in and add rock to to keep  
3 the river from moving over to that chute. The  
4 result was when you add a lot of rock, you add  
5 a certain amount of small stuff. Those finds  
6 were apparently washed out of the dike that was  
7 placed providing a bed below the dike where the  
8 sturgeon could lay their eggs, and there are  
9 some quiet water areas in that two and a half  
10 miles or so where the sturgeon could grow.

11 I think there are possibly three  
12 other chutes, and maybe more in the planning  
13 stages, and I guess I'm a proponent here of  
14 mitigation.

15 You have Boyer Chute mile 637,  
16 about eight miles below Fort Calhoun, which can  
17 add some warm water. I understand the current  
18 is a little faster in there for the kinds of  
19 things we're looking at, but maybe that can be  
20 built into and engineered as a chute similar to  
21 the Lisbon Chute.

22 Hamburg Chute is another one, it's  
23 about a mile or two below Nebraska City, the  
24 power plant. Again, a source of some warmer  
25 water, which is important for the sturgeon's

1 spawning and development. There is a little  
2 problem, I think, having passed it a couple of  
3 times this summer, there's a little too much  
4 flow going down through there that's affecting  
5 the navigation channel at the lower end. And  
6 maybe that could be engineered to take on the  
7 configuration similar to the Lisbon Chute.

8                   And currently they're working on  
9 the Langdon Chute, which is just below the  
10 Cooper Nuclear Plant, again, the warm water  
11 source that would be available. So here we  
12 are with a warm water fish, and if we look  
13 at the GPS (sic) releases, just looking at  
14 them, without going into detail, the GPS (sic)  
15 releases suggest that it's better for cold water  
16 fish than warm water fish.

17                   COMMANDER UBBELOHDE: Excuse me,  
18 you're referring to the GP releases?

19                   MR. JONES: The GP, yeah, yeah.

20                   Since the pallid sturgeon and  
21 catfish are warm water fish, one could almost  
22 guess that the U.S. Fish and Wildlife Service is  
23 perhaps trying to increase game fish numbers on  
24 the lower river at the expense of the catfish  
25 and the sturgeon rather than saving those

1 species. Thank you.

2 MR. MOORE: Don Jorgensen?

3 MR. JORGENSEN: Good evening. I'm  
4 Don Jorgensen. I'm a stakeholder. I'm from  
5 Jefferson, South Dakota. I live on the river.

6 Tonight I've heard at least  
7 four times that the GP releases are required  
8 to cue the spawn -- excuse me, the pallid  
9 sturgeons to spawn. That is not the case.  
10 The pallid sturgeons are spawning in the  
11 river; unfortunately, they're not spawning  
12 successfully. So the cue is not the problem.

13 Last time I spoke about spring  
14 rises. Tonight I'd like to talk a little bit  
15 about summer low flow. Summer low flows  
16 will disconnect the chutes and other riparian  
17 wetlands from the mainstream. Now, we've heard  
18 the proponents of the spring rise will connect  
19 (sic) them, but I've heard no evaluation of how  
20 the summer low flow will disconnect them. It  
21 could disconnect them in the most critical and  
22 active time of the biological activities in our  
23 river, and that's when it's going to disconnect  
24 them. I don't think this is addressed in the  
25 RDEIS, okay?

1                   Summer flows will dry up the  
2 wetlands in the floodplains during the summer  
3 and if you lower the water level in the river  
4 for two months, you're going to lower the water  
5 level -- groundwater levels, you're going to  
6 dry up the wetlands right in the middle of the  
7 summer in the most important activity, biologic  
8 activity stage. Summer low flows will result  
9 in WAPA having to buy additional electricity  
10 and this electricity probably wouldn't be  
11 environmentally-friendly hydroelectricity,  
12 it'll probably be fuel -- fossil fuel  
13 electricity, and it's going to cost \$30 million  
14 a year.

15                   The cost of power to pump water  
16 from the Missouri will -- the cost of power  
17 to pump water from the Missouri by cities,  
18 irrigators, municipalities will all increase.  
19 And I don't -- but that is addressed in  
20 the RDEIS. But the cost of power to pump  
21 groundwater by irrigators, all towns in the  
22 floodplains, because of the water level in the  
23 aquifer will be lower, that is not addressed, I  
24 don't believe, in the RDEIS.

25                   Obviously, it's going to hurt river

1 navigation. It's going to take more fuel to  
2 move the same -- the same amount of goods. And  
3 what's this hopefully going to do? It's going  
4 to put more carbon dioxide in the environment,  
5 it's going to affect acid rain, et cetera. I do  
6 not know if that's addressed in the RDEIS, it's  
7 a rather extensive document which I haven't been  
8 able to get completely through.

9                   If there's not enough cooling  
10 water for our power plants to get through,  
11 this might have an important effect on the  
12 availability of power in the middle of the  
13 summer. And the low flow in the summer will  
14 require a large flow to evacuate the reservoirs  
15 at the end of the summer, and the routing of  
16 this high flow at the end of summer may not be  
17 an environmentally-friendly thing, or an easy  
18 thing, for the Corps to accomplish.

19                   In summary, some changes,  
20 obviously, have to be done. We have to increase  
21 habitat, we have to consider our environment,  
22 but the summer flow low (sic) -- excuse me, the  
23 summer low flow may be the Missouri River's  
24 Chernobyl.

25                   COMMANDER UBBELOHDE: Excuse me,

1 can you elaborate on the point regarding the  
2 evacuation --

3 MR. JORGENSEN: Because --

4 COMMANDER UBBELOHDE: -- the late  
5 summer evacuation?

6 MR. JORGENSEN: Yes. I'm saying  
7 that because of the summer low flows, then,  
8 later in the year, the Corps will evacuate more  
9 water to get the pools in the correct position  
10 for next year's water coming down. I'm saying  
11 that this may cause some problems to the Corps  
12 in routing this water.

13 COMMANDER UBBELOHDE: Thank you.

14 MR. JORGENSEN: Thank you very  
15 much, sir.

16 MR. MOORE: Bill Neal?

17 MR. NEAL: Good evening. My name  
18 is Bill Neal. I'm the division manager of  
19 Environmental and Regulatory Affairs for Omaha  
20 Public Power District in Omaha, Nebraska, and  
21 the comments I'm offering tonight, although  
22 brief, will be on behalf of OPPD.

23 First, let me briefly, again, thank  
24 the Corps for their responsiveness in holding  
25 these hearings. We've also found the Corps,

1 for years and years, to be a partner. For sake  
2 of brevity and in light of those that want to  
3 speak following me, I'll keep my remarks very  
4 brief and strictly limit them to power plant  
5 operations. I will offer, first of all, by  
6 saying that we support the testimony offered by  
7 Roger Patterson, the Nebraska Department of  
8 Water -- excuse me -- Natural Resources. And we  
9 share the opinions that he offered in there.

10                   So why is OPPD concerned about the  
11 revised plan? We've been saying the same thing  
12 for 12 years and Roy was younger then and so was  
13 Larry and so was I, and we've been consistent in  
14 our testimony. We do not know, nor does the  
15 Corps, what this plan is going to do with regard  
16 to impacts on thermal power plants. Spring  
17 rises, probably not a big issue for OPPD; it is  
18 for others in this audience here today. Our  
19 deepest and biggest concern is what is the  
20 effect of the reduced summer flows, if that is  
21 the plan that is ultimately adopted, going to  
22 have on ambient temperature of the river. Our  
23 power plants were designed to operate at as low  
24 of a CFS as 8-, 9,000 for cooling water supply,  
25 or as high as 100,000 in a flood situation, but

1 our plants were designed and built and designed  
2 on the basis on 85-degree historical river  
3 temperature.

4                   We do not know, nor does the Corps,  
5 nor does Fish and Wildlife, what the temperature  
6 will be in a new river that might be friendly  
7 to pallid sturgeon or terns and plovers, but  
8 it may not be friendly to power plant operations  
9 if it's at 87 degrees instead of 85, as an  
10 example.

11                   We've provided information to  
12 the Corps over the years. We've taken some  
13 estimates and added a two-degree increase in  
14 historical highs, from our power plant  
15 operations, and I'm specifically referring to  
16 our three baseload plants on the Missouri River,  
17 our Fort Calhoun nuclear station and our North  
18 Omaha operation, which is six coal-fired plants,  
19 and our large plant here at Nebraska City, out  
20 of that 1800 megawatts in order to continue to  
21 comply with EPA Clean Water Act and the MPDS  
22 program limitations, we would have to dereg  
23 those plants by about 200 megawatts at a two- to  
24 three-degree increase in ambient temperature.

25                   We don't know what it's going to

1 be. We've said this for 12 years, and that  
2 needs to be included in this evaluation. And if  
3 the answer is the Corps doesn't know, then we  
4 would encourage the RDEIS to simply state that,  
5 that we do not know and it will be a part of the  
6 management plan, a monitoring process.

7                   If the river would get to 90 degrees  
8 as an example, worst case -- I don't envision  
9 that happening, but, again, I don't know the  
10 answer, and I don't believe the Corps does  
11 either -- the Platte River and low summer --  
12 the -- flows will be at 90 degrees, these  
13 thermal plants would have to be shut down.

14                   Now, these low flow situations  
15 would come during a time, July or August in all  
16 likelihood, when we would have to de-rate and  
17 somehow we'll find power to replace it. That's  
18 very difficult. Those other plants will be in  
19 the same situation and that's the worst time to  
20 try and buy power on the grid. It could be  
21 \$1500 a megawatt, it could be 50-, we just don't  
22 know.

23                   So I'd like to close my remarks  
24 here by simply saying, there's a lot of  
25 unanswered questions here tonight. There's

1 issues raised in the ESA, spring rises, habitat,  
2 they're all valid concerns. We hope that in  
3 this process we don't lose sight of the plants  
4 that we operate for the benefit of our customers  
5 in this room because those are real concerns and  
6 we'd like to continue to be a low-cost provider  
7 of reliable electricity. Thank you.

8                   COMMANDER UBBELOHDE: We've been  
9 going at this for a little over two hours. I'd  
10 like to take a 10-minute break.

11                   (Whereupon, a short recess was had.)

12                   MR. MOORE: Ken Cratty? Ken Cratty?

13 (No response.)

14                   Jerry Martin? (No response.) Joe  
15 Citta?

16                   MR. CITTA: Good evening. My  
17 name is Joe Citta. I'm the environmental  
18 manager for the Nebraska Public Power District  
19 and my comments are representing the position of  
20 Nebraska Public Power District on the revisions  
21 to the Master Manual.

22                   First of all, I'd like to thank the  
23 Corps for the spirit of cooperation, not only  
24 tonight, but also in the dealings that NPPD has  
25 had with the Corps on this project. I would

1 also like to support the testimony given by  
2 Roger Patterson on behalf of the position for  
3 Nebraska. I did submit this evening several  
4 comments that will be preliminary comments that  
5 we've done on the RDEIS as far as NPPD. We will  
6 be submitting more detailed comments once we  
7 continue further evaluation of the information.  
8 Again, we plan on doing that prior to the cutoff  
9 sometime in February.

10                   For the sake of brevity, I'm not  
11 going to address all of the comments we've  
12 submitted tonight pertaining to hydropower, the  
13 thermal generation, adaptive management, et  
14 cetera. For the sake of brevity, I'm only going  
15 to address a couple of our concerns. Those are  
16 with the -- the evaluation of the effects of  
17 power generation and its impacts to the region,  
18 both for hydropower and for the thermal  
19 generation located on the Missouri River.

20                   We feel that the Corps has not  
21 adequately addressed both the amount of  
22 potential loss of generation and, also, it  
23 has not addressed the potential economic impacts  
24 to the area and the potential impact to the  
25 customers and the rate payers in Nebraska. As

1 an example of this, I'd like to offer, in the  
2 Nebraska City reach, that's the reach of the  
3 river where our Cooper Nuclear Station is  
4 operating, the RDEIS represents or mentions the  
5 various options and mainly the GP options would  
6 have an effect on capacity of approximately  
7 three megawatts to approximately 50 megawatts of  
8 impact. NPPD feels that due to the temperature  
9 limitations of the EPA and the NDQ that's set  
10 for the operation of the power plant which is  
11 based on the ambient river temperatures, we feel  
12 there's a lot more potential megawatts at risk.  
13 In fact, once -- if the river temperature would  
14 reach 90 degrees Fahrenheit, we would actually  
15 have to curtail the entire operation of our  
16 Cooper Nuclear Station, which is 758 megawatts.  
17 Therefore, we do not feel that the RDEIS has  
18 adequately addressed that.

19                   As far as with -- if the  
20 temperature of the river would reach 90,  
21 NPPD feels there's a distinct possibility, given  
22 the reduced flow in the summer, that this is --  
23 this could occur. We have witnessed, in fact,  
24 this last year we've measured temperatures on  
25 the Missouri River, ambient, in excess of

1 89 degrees. Therefore, we feel that a reduced  
2 flow could actually cause that to reach 90 in  
3 which we would have to curtail operation which  
4 could result in tens of millions of dollars  
5 worth of additional costs to our consumers.

6 I'd like to thank you for the  
7 opportunity. We would request that the Corps  
8 does re-evaluate the effects to power generation  
9 and we would be glad to provide any information  
10 that would help them in that endeavor. Thank  
11 you.

12 MR. MOORE: Ken Cratty?

13 MR. CRATTY: My name is Ken  
14 Cratty. I'm from Omaha, Nebraska and I'm here  
15 representing myself. I was not quite prepared  
16 for this type of formal hearing, I just came  
17 down because of the opportunity to come down and  
18 hear what was going on.

19 I've heard a lot of pros and  
20 cons about adjusting the river water flow  
21 throughout the season. My main concern is  
22 I'm a recreational boater and there's not been  
23 many people talking about recreational boating  
24 on the river.

25 The low summer flows pretty much,

1 since this is going to shut down the navigation,  
2 it's pretty much going to end recreational  
3 boating on the river. You would not be able to  
4 get any boats in on the ramps, and the people  
5 that own the larger cruisers would not even be  
6 able to get in the water at the marinas. The  
7 marinas would have to shut down, which would  
8 basically put them out of business, so the  
9 economic impact would go all the way from -- up  
10 and down the river.

11 I feel that the water flows and  
12 the navigation season should be maintained and  
13 that other alternatives should be looked at to  
14 increase the wetlands and the wildlife habitats  
15 up and down the Missouri River so it benefits  
16 both the animals and the habitat, and the  
17 recreational boaters on the river.

18 They're talking about increasing  
19 the -- that people are wanting to go back and do  
20 more fishing on the river and have a healthier  
21 river. This I just thought of tonight when I  
22 was listening, that on a yearly -- almost a  
23 yearly, if not twice a year, I know for a  
24 fact, in Omaha, that there is raw sewage dumped  
25 directly into the river. Now, who wants to eat

1 fish coming out of a river that's got millions  
2 of gallons of raw sewage going into the river?  
3 That has nothing to do with the river flows or  
4 anything, but that's -- I mean, I don't know  
5 about that. There just has to be an alternative  
6 figured out that's going to basically make  
7 everybody happy.

8 I'm for conservation, I'm for  
9 wildlife, but I'm also for being able to enjoy  
10 the river recreationally the way I'm used to  
11 doing it. Thank you for your time.

12 MR. MOORE: Jerry Barton?

13 (No response.) Randy Asbury?

14 MR. ASBURY: Good evening. My  
15 name is Randy Asbury and I'm executive director  
16 of the Coalition to Protect the Missouri River.  
17 This coalition represents a diverse group of  
18 28 agricultural, navigational, utility,  
19 industrial and business-related entities,  
20 all of which are or represent Missouri River  
21 stakeholders. We support responsible management  
22 of the Missouri River resources and the  
23 maintenance of congressionally authorized  
24 purposes of the river, including flood  
25 control and navigation. We also support

1 habitat restoration for endangered or  
2 threatened species, to the extent that  
3 it doesn't jeopardize humans or their  
4 sources of livelihood.

5           Floodplain farmers till some  
6 of the most productive land in the world. They  
7 also face natural risks of flooding and inland  
8 drainage problems. Too much moisture is as  
9 detrimental to crop production as too little  
10 moisture. For this reason, we are greatly  
11 concerned with the spring rise alternatives.  
12 Man-made river flows that will increase the  
13 risk of flooding or inland drainage problems  
14 along the Missouri or its tributaries are  
15 unacceptable. In today's difficult agricultural  
16 economy, farmers can't withstand man-made events  
17 that compound the natural risk inherent as a  
18 part of farming. Overwhelming species benefits  
19 would have to occur for this risk to even merit  
20 review. Corps data indicates just the opposite  
21 will transpire.

22           Corps data shows a Gavins Point  
23 release of 20,000 cfs will raise river levels in  
24 Nebraska City by four point three (4.3) feet, on  
25 average, once every three years. It takes 10 to

1 11 days for any releases from Gavins Point to  
2 travel to St. Louis. The Corps admittedly  
3 doesn't have the technical capability to  
4 forecast a rain event or rain runoff. In spite  
5 of this, we're expected to trust that once an  
6 additional four point three (4.3) foot of water  
7 flows towards Nebraska City, no major rain event  
8 will occur that will combine with the artificial  
9 rise to create the flood conditions or inland  
10 drainage problems that we have envisioned. Any  
11 flood event is a significant event for those who  
12 experience it. And for what reason are we asked  
13 to accept this risk? The promise of additional  
14 sandbar acreages so small that they can be  
15 created with dozers and draglines, or that  
16 the pallid might spawn? The inadequate claims  
17 for species improvement don't justify the  
18 far-reaching risks of these proposals. It's  
19 apparent that a cost-benefit analysis of these  
20 proposals shows the threat of financial  
21 catastrophe to agricultural interests far  
22 outweighs any species benefits.

23                   Accordingly, no logical  
24 justification exists for the increased  
25 exposure for flooding and inland drainage

1 problems that may occur on one point four  
2 million (1.4) acres of prime farmland. Federal  
3 agencies also can't rationalize that potentially  
4 affecting approximately 30,400 buildings worth  
5 approximately \$17.6 billion to create less than  
6 164 acres of bird habitat and the fish-spawning  
7 cue that may or may not help the pallid sturgeon  
8 is reasonable and prudent. Arbitrary and  
9 capricious is a more apt description of this  
10 process.

11                   We are also extremely concerned  
12 about the negative effects that the low summer  
13 flows in the GP alternatives may have on power  
14 plants along the Missouri River. These plants  
15 may be faced with noncompliance with thermal  
16 discharge requirements to the Missouri River if  
17 the GP alternatives are adopted. This could  
18 require reductions in power production at a time  
19 when it is most needed, the summer peak demand  
20 periods.

21                   In addition, the lowering of  
22 the river in July and August could force the  
23 construction of new cooling towers that would  
24 cost utilities hundreds of millions of dollars.  
25 It's reasonable to assume that these costs would

1 have to be recovered in the form of increased  
2 electricity rates for consumers. However, the  
3 negative impacts to electricity consumers  
4 resulting from the GP alternatives would not be  
5 limited to downstream states. There would also  
6 be increased electricity costs to consumers of  
7 Western Area Power Administration power in the  
8 upstream states as well.

9                   Because the GP plans call for  
10 the reduced releases of water in July and  
11 August from various hydropower dams, there  
12 would be a decrease in hydropower production  
13 in upstream states for consumers of WAPA  
14 power; WAPA officials estimate an approximate  
15 \$30 million decrease in revenues due to the  
16 decreased hydropower production. This is also  
17 a cost that would ultimately be borne by the  
18 consumers. The consumers of WAPA power in  
19 the states of Nebraska, Iowa, Minnesota, both  
20 North and South Dakota, and Montana would be  
21 faced with increased electricity rates under the  
22 GP plans.

23                   Consequently, of the six  
24 alternatives under consideration, we must  
25 support the current water control plan as

1 the option of choice. Agriculture, navigation  
2 and any energy suppliers and consumers should  
3 not have to labor under the burden or accept  
4 the risk of any adverse consequences resulting  
5 from proposals based on speculation and  
6 producing negligible or indifferent results.  
7 Our coalition urges the Corps to continue with  
8 the current water control plan. Thank you for  
9 the opportunity to testify.

10 MR. MOORE: Robert Schemmel?

11 MR. SCHEMMEL: Colonel, my name is  
12 Robert Schemmel, I live in rural Nebraska City.  
13 I'm representing myself. I'm a riparian farmer  
14 and landowner of land that's below Nebraska --  
15 downstream from Nebraska City, and it's been  
16 known for years as Schemmel Island. So much of  
17 this has been covered quite well with you, but  
18 there are a few points that I'd like to bring  
19 out.

20 I started developing a fascination  
21 for the Missouri River way back in the spring of  
22 1933 -- '34 -- no, the gentleman before was '33,  
23 that's downstream. I saw the first pylon being  
24 driven in an area of where -- in this area where  
25 it was stabilized, and I might say that the

1 channel is placed in a series of bends all the  
2 way to Sioux City, and I fail to see how it's  
3 shortened it from that standpoint.

4           Now, it was 99 percent complete  
5 about the time World War II started, and it  
6 was completed -- it was -- it was 99 percent  
7 complete to Omaha, and a lesser percentage on  
8 up from Omaha to Sioux City. And it -- then  
9 it was completed after -- after the war, and,  
10 of course, the Pick-Sloan plan, and I have  
11 documents to bear out the -- what Congress was  
12 thinking about in their deliberations. And one  
13 of the things that was interesting to me was the  
14 fact that they were considering the Missouri  
15 River in relation to national defense.

16           But, anyway, I lived through all  
17 this and developed an appreciation for the  
18 Missouri River. I think over the years the  
19 Corps has done a good job. And I'm strongly in  
20 favor of the current water control plan. Let's  
21 not change it. I object very strongly to the  
22 spring rise, and one of the things I'd like to  
23 point out -- the other things have pretty well  
24 been brought out -- May 1st to June 15th,  
25 May and June are the heavy rainfall months of

1 the year, and with that river up there not too  
2 far from flood stage, you can see the flood  
3 potential is pretty strong.

4                   Now, there's some other things  
5 here. I think we're talking about this  
6 mitigation thing, and our property is just right  
7 across the river in Iowa from this Hamburg Bend  
8 mitigation area, and I think with the federal  
9 government already owning thousands of acres of  
10 land, riparian land, that that should suffice to  
11 take care of the endangered species.

12                   There are just too many negative  
13 things about the spring rise. And I have qualms  
14 about a lot of this land going out of public --  
15 or private ownership into the public domain  
16 ownership by the -- or controlled by the federal  
17 government. But, anyway, that -- that should do  
18 it, I would think.

19                   Anyway, the Missouri mainstem  
20 system is a tremendous asset to our country and  
21 it's a wonderful natural resource, and I would  
22 hope that the right decision, and I feel the  
23 right decision will be made here to do it  
24 right. And thank you very much.

25                   MR. MOORE: Doug Beckman?

1                   MR. BECKMAN: Good evening,  
2 Colonel. My name is Doug Beckman and I operate  
3 a corn and soybean farm near Glenwood in Mills  
4 County, Iowa. And I also serve as district  
5 director for the board of directors of the  
6 Iowa Farm Bureau Federation, and that's who I'm  
7 representing tonight.

8                   I, along with a lot of other  
9 farmers along the river, have participated in  
10 meetings and educational sessions over the last  
11 several years to discuss options for managing  
12 the Missouri River.

13                   The river is important to Iowans,  
14 and particularly to farmers, for many reasons.  
15 First, farmers are concerned about inland  
16 drainage and the impact it has on cropland along  
17 the river and behind levees. Farm Bureau has  
18 analyzed the potential impact of increased flows  
19 of the Missouri River on the economies of these  
20 counties and the number is astounding. Over  
21 130,000 acres may see production losses if the  
22 flow levels are increased. This could cost the  
23 farmers in the region over \$13 million. And I  
24 know that figure is higher than what was in the  
25 film earlier tonight, but these numbers are

1 based on crop production loss payouts by  
2 insurance companies and usually they're not  
3 going to give money away. This translates into  
4 a potential economic hit on the gross regional  
5 product of the five Iowa counties totaling about  
6 \$21 million in the first year.

7 Farmers are also concerned about  
8 the potential impact on navigation of the  
9 Mississippi River. The Missouri River here  
10 provides more than half the flow of the  
11 Mississippi River and the Mississippi is an  
12 important route to access international markets  
13 for our commodities. Drive down any road in  
14 Iowa and imagine the impact if \$78 per acre is  
15 eliminated because of our inability to be a  
16 reliable shipper or a supplier in the world  
17 markets. Plus, as was mentioned earlier, if we  
18 have reduced competition from shipping choices,  
19 costs are probably going to increase there as  
20 well.

21 Finally, Iowans are concerned about  
22 the proposed changes of flows in the Missouri  
23 River because of the impact it may have on power  
24 generation. According to the Iowa Department of  
25 Natural Resources nearly 40 percent of Iowa's

1 generating capacity comes from the Missouri  
2 River. Low flows during times of high electric  
3 usage will threaten power companies' ability to  
4 deliver a reliable supply of electricity and  
5 increase their cost in doing so. And I know  
6 there's a chart back here that says that the  
7 electricity production won't be affected, but I  
8 think I differ a little bit because of what the  
9 high -- the spring rise, you're going to have  
10 increased electrical production, however, it's  
11 at a time when the need for that electricity is  
12 much lower. And we're going to have the low  
13 flow when the need for more air conditioning and  
14 more electricity is at a higher demand. So I  
15 think there's something to be looked at there.  
16 And, in the end, the consumer is going to have  
17 to pay the price, whatever that happens to be.

18 I have several concerns with the  
19 proposed management alternatives in the options  
20 under consideration by the Army Corps with  
21 respect to the Missouri River. Before I outline  
22 those concerns, I'd like to stress a couple of  
23 points. First, Congress has clearly stated its  
24 interest in management of the Missouri River  
25 over the past several years, and it's on record

1 in support of a balanced approach that does not  
2 make winners and losers in the Missouri River  
3 Basin.

4                   Secondly, Farm Bureau is committed  
5 to finding a balanced management approach that  
6 addresses the multiple uses of the Missouri  
7 River and find workable solutions to the  
8 endangered species issues raised by the Fish and  
9 Wildlife Service. Unfortunately, only one  
10 option proposed by the Corps accomplishes this  
11 goal and that's the current water control plan.

12                   I offer these concerns with the  
13 options outlined by the Corps. All but one of  
14 the proposed options, which is the current one,  
15 includes some form of spring rise and summer low  
16 flows. In addition, the Gavins Point release  
17 options leave the door open for even higher  
18 spring rises and lower summer flows if it  
19 is determined that endangered species will  
20 benefit. Adaptive management is included as a  
21 component of all options, but the current water  
22 control plan and the role of the states and the  
23 public in this adaptive management is not  
24 clearly defined.

25                   As with the Gavins Point release

1 options, this opens the door to implementing  
2 flow changes to the detriment of the majority of  
3 the region. Most of the options start us down  
4 the dangerous path of increasing diversions and  
5 depletions from the Missouri River. This may  
6 benefit upper Missouri River Basin states at the  
7 expense of the lower Basin states.

8                   The drought conservation measures  
9 allows the Corps to store more water during  
10 times of drought but fails to look at the  
11 potential impact of a drought on the lower  
12 basin. Mississippi River navigation could be  
13 severely curtailed if low flows for endangered  
14 species are combined with drought conservation  
15 measures.

16                   As I stated earlier, the most  
17 balanced approach for managing the Missouri  
18 River is the current water control plan. We  
19 support the original congressional intent to  
20 balance the multiple competing interests along  
21 the Missouri River.

22                   There is a better way, one that  
23 doesn't threaten the people and the communities  
24 along the river, or our ability to provide  
25 power during the peak summer months or harm our

1 export markets or our million-plus acres of  
2 farmland. We should focus on voluntary habitat  
3 conservation and enhancement activities before  
4 we endanger the economy of an entire region for  
5 two birds and one fish. And on another chart  
6 back there, the fish isn't going to get a whole  
7 lot of help, apparently. Thank you for the  
8 opportunity to present my thoughts.

9 MR. MOORE: Ned Nutzman?

10 MR. NUTZMAN: My name is Ned  
11 Nutzman. I used to farm, I'm retired and I  
12 live here in town now. I had a -- I think  
13 most everything has been said. I was going to  
14 read what Harold Andersen had written in the  
15 World Herald, and I don't know whether our  
16 friend is still around or not, "the American  
17 Rivers organization continues to peddle  
18 nonsense. The latest example of nonsense is  
19 that the Missouri continues to be America's most  
20 endangered river. Such exaggeration that comes  
21 usually with the term "endangered" does nothing  
22 to add to the credibility of the American Rivers  
23 Association." And I think quite a few other  
24 things that I was going to bring up have been  
25 said, and I also have the loss to the counties

1 in Iowa. I -- I might throw in the last couple  
2 paragraphs. "If there's a way to enhance  
3 habitat for these and other natural species  
4 without diminishing any of the significant  
5 benefits, that is, farming, of the Missouri  
6 has brought to this great, this habitat  
7 enhancement -- enhancement measures should  
8 certainly be pursued. The Army Engineers/NRD  
9 project should be of significant help in this  
10 regard." In any case, it seems to me the needs  
11 of the human species deserves consideration at  
12 least equal to the species of the pallid  
13 sturgeon, and that's all I have to say.

14 MR. MOORE: Duane Kelsey -- Keslie  
15 (sic) (phonetic).

16 MR. KELLY: Kelly. My name is  
17 Duane Kelly from Kansas City. I'm a retired  
18 school teacher speaking as a citizen. I want to  
19 talk about brains and ethics and I'll keep --  
20 I'll bounce around.

21 We've got three pounds of brain a  
22 piece, and we claim to be the smartest of all of  
23 the creatures on the planet, and I think there's  
24 some question about that. Ethics and politics  
25 are not synonyms and we're playing a lot of

1 politics tonight, we're playing politics with  
2 the river.

3                   There are some questions, and one  
4 of them is -- that I have is why do we call a  
5 subsidy in the city welfare and welfare in the  
6 country a subsidy? How do we justify welfare  
7 for the rich? And I sympathize a great deal  
8 with the family farmer. We've all heard about,  
9 recently, the \$27 billion that went to farmers,  
10 but most of it went to agri-farmers and people  
11 such as Ted Turner, who's not exactly a family  
12 farmer.

13                   The Missouri River belongs to no  
14 one, it belongs to everyone. It was here before  
15 any of us were. It originally ran either into  
16 the Hudson Bay or the Atlantic Ocean. It was  
17 pushed down to its present course by the  
18 glaciers, so it's been here a long, long time.  
19 And I would like for us to focus a little more  
20 on the longer-range solutions than what I mostly  
21 hear tonight.

22                   I challenge the Corps' conclusion  
23 that GP2021 would reduce the recreational value  
24 of this stream. I've been on the stream from  
25 Sioux City on down past St. -- past Jefferson

1 City in Missouri. If the question is access to  
2 the river, it seems to me we could fix that, I  
3 mean, we've got access points now, you can  
4 extend them out. We've built super highways  
5 across the state, we can build a river ramp  
6 another eighth of a mile out. We can dredge the  
7 mouth of a marina that's maybe twice as wide as  
8 this room. I've been there. So I fail to see  
9 how recreation is going to be hurt by low flow  
10 in the summer.

11                   This is a river that's over 2,000  
12 miles long, therefore, it has over 4,000 miles  
13 of shoreline. In Missouri alone, its surface  
14 area is about that of the Lake of the Ozarks and  
15 that means we have lost about an equal square  
16 mile of water. And, of course, the Missouri  
17 River is closer to most people who live in many  
18 of these states than the big reservoirs are.

19                   It's not only an ecological law but  
20 it's a question of ethics that there's no free  
21 lunch. If somebody gets something for nothing,  
22 somebody else gets nothing for something.  
23 That's unethical.

24                   A lot of folks picked up about  
25 60,000 acres along the Missouri in the state of

1 Missouri, about half of the square mileage of  
2 the river, through government narrowing and  
3 channelizing of the river. They picked that up  
4 for free and so it sounds a little hollow to a  
5 lot of us that they're wondering, you know, what  
6 am I going to do when the water comes up. Well,  
7 what did you do before the water came up? There  
8 were no farms there, you didn't have that. So  
9 that was free land. My eighth grade teacher  
10 said that for every right you have, there is a  
11 corresponding obligation or responsibility, and  
12 I haven't heard anybody speak to that tonight.

13 I think my opinion is, the best  
14 possible use of the river is as a historical,  
15 cultural, recreational parkway. As more and  
16 more people go to the city, as the population  
17 keeps going up, I think that's the best possible  
18 long-range use of it and we'll see a lot more of  
19 that, hear a lot more about that during the  
20 Lewis and Clark celebration, which is coming  
21 up.

22 About a million and a half tons  
23 is transported by barge each year. If this  
24 went to zero, it would barely be a ripple on  
25 the pipelines, trucks and railroads that are

1 accessible in the area. It's not a big deal,  
2 not basin-wide. Along the river maybe, but not  
3 basin-wide.

4                   To the Corps, and I mentioned this  
5 before, not to you, because I haven't seen you  
6 before, but I've been doing this a while, the  
7 EIS doesn't mention population. In order to get  
8 the right answer, you've got to ask the right  
9 question, and the right question might be,  
10 what's the source of all of these problems, and  
11 population is certainly one of them.

12                   With three pounds of brain, we  
13 over-populated a lot of this area and put a lot  
14 of pressure on it. There may be ten million  
15 people living in the Missouri River Basin.  
16 These ten million people, or the people along  
17 the river, have put over \$17 billion worth of  
18 building on the floodplain with three pounds of  
19 brain a piece. How do you put \$17 billion worth  
20 of buildings where it floods? Floodplain is  
21 about as simple as you can get, flood, plain; it  
22 floods. It's like pitching a tent on the  
23 freeway and saying, gee, there's a lot of  
24 traffic out here.

25                   Now, then, let's look a little

1 further down the line. In about a hundred  
2 years, Gavins Point reservoir is going to be  
3 full and all of your GP solutions are going to  
4 be down the creek, literally. In another couple  
5 hundred years, all the mainstem reservoirs will  
6 be full. And, then, as several people have  
7 said, we can't go back to the river of Lewis  
8 and Clark. We're going to be about back to the  
9 river of Lewis and Clark if they're all full.  
10 We're going to have some dandy floods for  
11 awhile.

12 Now, I think it's extremely ironic --

13 COMMANDER UBBELOHDE: Mr. Kelly,  
14 are you close to wrapping up? Your time has  
15 elapsed.

16 MR. KELLY: Yeah. I found it  
17 extremely ironic that I have no children, and  
18 if anybody in this room could afford to say  
19 who gives a rip, let it go, it'd be me. I'm  
20 looking farther down the road than people with  
21 children. I assume most of the people here have  
22 children and a lot of them have grandchildren,  
23 so the grandchildren alive today will have  
24 grandchildren that will have to deal with Gavins  
25 Point Dam being wiped out.

1                   It's a proposition as old as  
2 prostitution. I will do anything, anything, for  
3 a price. These fish and these birds have been  
4 here for millions of years. Draw a line, as  
5 long a line as you can find, and the paper to  
6 do it, and mark off, you know, let it represent  
7 one million years and tally up one person's  
8 lifetime. Our priorities are what? We weren't  
9 born with these priorities. Where did we get  
10 them? From our mother, from our families, from  
11 our schools, from our churches? We learned  
12 these somewhere.

13                   Personally, I think that GP2021  
14 comes the closest, is the most preferable for  
15 me, because it comes the closest to being a  
16 natural river and I think that is the most  
17 valuable use of the river. I would like to  
18 read three very short bits from A Sand County  
19 Almanac, they're real short. Aldo Leopold  
20 wrote these, he died in 1948 -- keep in mind,  
21 1948. And you can see this guy saw farther  
22 down the road than most of us. Since 19- --  
23 September 11th -- this is particularly important  
24 or apropos -- it says, "do we not already sing  
25 our love for an obligation to the land of the

1 free and the home of the brave? Yes, but just  
2 what and whom do we love? Certainly not the  
3 soil, which we're sending helter-skelter down  
4 river. Certainly not the waters, which we  
5 assume have no function except to turn turbines,  
6 float barges and carry raw sewage. Certainly  
7 not the plants, certainly not the animals."  
8 And he remarks that these have the right to  
9 continued existence, at least in spots in their  
10 continued existence, in a natural state in some  
11 places. He speaks to the AB cleavage, it's what  
12 he calls the AB cleavage. What it amounts to  
13 is --

14                   COMMANDER UBBELOHDE: Mr. Kelly,  
15 I'm sorry, I'm going to have to ask you to stop.

16                   MR. KELLY: Okay.

17                   COMMANDER UBBELOHDE: Thank you.

18                   MR. MOORE: Jack Bernard?

19 (No response.) Jack Bernard? (No response.)

20 Jamie Mierau?

21                   MS. MIERAU: Good evening. My name  
22 is Jamie Mierau. I am here as a representative  
23 of the organization, American Rivers. American  
24 Rivers is a national nonprofit conservation  
25 organization founded over 25 years ago for the

1 purpose of protecting and restoring our nation's  
2 rivers. Watchers of C-Span may have gained some  
3 familiarity with our efforts through the viewing  
4 of our annual presentation to the United States  
5 Congress. Each year American Rivers identifies  
6 and attempts to focus the attention and action  
7 of our nation upon a dozen or so of its most  
8 critically important endangered rivers. This  
9 year the Missouri River is listed at the very  
10 top of that list.

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

19                   My job as an outreach specialist  
20 enables me to keep my finger on the pulse of our  
21 organization's more than 30,000 supporting  
22 members. I can thus assure you that they, as  
23 well as all of the professional staff at  
24 American Rivers, want, firstly, to thank you,  
25 the Corps of Engineers, for its careful

1 appraisal of the changing circumstances and  
2 public attitudes with regard to the Missouri  
3 River. And, secondly, to make it known that  
4 they throw their full support behind the Corps'  
5 proposed flexible flow alternative, GP2021. It  
6 does not give us conservationists everything  
7 that we might wish for, but it is a reasonable  
8 compromise and strikes a fair balance between  
9 and among all of the conflicting needs and  
10 varied interests of this great country.

11 My colleague, Missouri River  
12 specialist, Chad Smith, has provided you with  
13 more detailed comments, so I will limit myself  
14 to emphasizing a few general points in support  
15 of the flexible flow alternative.

16 The flexible flow alternative  
17 provides a modest way to help fish and  
18 wildlife without disrupting traditional uses  
19 of the river. It is the only alternative  
20 proposed by the Corps that fully captures the  
21 recommendations of the United States Fish  
22 and Wildlife Service. The flexible flow  
23 alternative will afford the Corps the authority  
24 and flexibility to prevent the extinction of  
25 three species, the piping plover, the least

1 tern and the pallid sturgeon, while boosting  
2 populations of other species like the sauger,  
3 small-mouth bass and other game, and will  
4 support recreation and tourism without overly  
5 burdening other uses of the river. In simple  
6 terms, better flows equal better fishing, more  
7 tourism and stronger local economies.

8                   The barge industry and certain  
9 agricultural interests have raised concerns  
10 about skyrocketing shipping rates and  
11 catastrophic flood events. Sound scientific  
12 evidence proves that these concerns are not  
13 supported by fact. The Corps of Engineers' own  
14 analysis shows that flexible flow alternative  
15 will provide flood control, increase overall  
16 hydropower benefits, support Missouri River  
17 navigation at key times, increase support in the  
18 Mississippi River navigation and protect  
19 floodplain farmers.

20                   I thank you for the opportunity to  
21 speak on behalf of American Rivers, and for our  
22 30,000 members from the Missouri River Basin and  
23 nationwide. They realize, just as you do, that  
24 the Master Manual, a document written in the  
25 1960s, no longer fills the needs of the 21st

1 century. The time has come to begin managing  
2 the Missouri River to meet the Basin's current  
3 economic and environmental needs. Thank you.

4 MR. MOORE: Harold Mitchell?

5 (No response.)

6 COMMANDER UBBELOHDE: Are there any  
7 others who wish to make a comment?

8 MR. KELLY: Can I finish?

9 COMMANDER UBBELOHDE: You're  
10 entitled to submit it in writing if you wish,  
11 Mr. Kelly.

12 In closing, I would like to remind  
13 you that the hearing administrative record will  
14 be open through 28, February 2002 for anyone  
15 wishing to submit written facts or electronic  
16 comments. Also, if you want to be on our  
17 mailing list, or receive a copy of tonight's  
18 transcript or any other transcript, just contact  
19 one of the folks from the team and we'll be able  
20 to provide you information on how to get that.

21 If there are no further comments,  
22 this hearing session is closed.

23 (Whereupon, this hearing was  
24 concluded at the hour of 10:30 p.m.)

25



**Comments presented to: U.S. Army Corps of Engineers  
Northwestern Division  
Missouri river Master Manual RDEIS  
12565 West Center Road  
Omaha, NE. 68144**

**Comments presented by: David W. Burkholder, President  
Consolidated Blenders, Inc  
P.O. Box 88  
Cozad, NE. 69130  
Nov. 8, 2001**

Consolidated Blenders, Inc. is an organization made up of five alfalfa processing plants located in central and eastern Nebraska along with related storage and shipping facilities located at Blair, Nebraska, and Guntersville, Alabama. Consolidated Blenders, Inc. annually produces about 70,000 tons of processed alfalfa with a value of approximately ten million dollars. Consolidated Blenders, Inc. employs approximately 50 full-time and 50 seasonal people in rural communities of less than 10,000 people where alternative employment opportunities are limited.

The alfalfa is harvested from 16,000 acres of farmland most of which is owned by independent farmers who depend on our company for a substantial part of their income. Nebraska produces more alfalfa than it consumes. Processing the alfalfa into a denser and more nutritious product allows it to be transported greater distances to market than traditional baled alfalfa. The loss of this outlet for alfalfa products would have a substantial detrimental effect on the market for alfalfa in the Central Platte Valley of Nebraska. Very little of the alfalfa is irrigated, but it is produced in rotation with corn and soybeans which are irrigated. The loss of this market for alfalfa would force farmers to use more irrigation water or to produce an alternative dryland crop with less income and economic activity in their rural communities.

Processed alfalfa is produced by harvesting fresh alfalfa, as it is grown, and transporting it directly to the processing plant for artificial drying and then grinding and pelleting. In Nebraska, this necessitates producing the product primarily in June, July, and August. Peak usage of processed alfalfa is in the winter when other forage is scarce. This requires storing the product from production to consumption. Each year approximately one half of our production is transshipped on barges operating on the Missouri river to our storage facility located at Guntersville, Alabama, and to export customers through New Orleans. Disruption of barge traffic on the Missouri River would effectively cut our production facilities off from half our storage capacity and from our export customers.

The RDEIS on which the Corps is now accepting comments contemplates six alternatives for operating the flows on the Missouri River. With the above background, Consolidated Blenders, Inc. would like to offer the following comments on the six alternatives included in the RDEIS.

Navigation on the Missouri River is vital for the existence of Consolidated Blenders, Inc. The company, and the jobs and markets it provides, will **not** continue to exist if the production facilities are cut off from half our seasonal storage and our export customers. Alternatives GP 2021 and GP 1521 would have that result immediately. Neither the barge operators nor the shore facilities can absorb the "direct overhead" cost associated with operating for two months in the spring and two months in the fall. In the case of Consolidated Blenders, Inc., we just can not hire the people with the skills and aptitude needed to operate the facilities on a seasonal basis. The employees we have now are very busy for six months each year. We have about two months of necessary maintenance required to maintain the facility. If that were changed to a four-month season, they would be non-productive for eight months per year. We can not afford to pay them, and they do not want to work, in that type of environment. The barge operators have an equally impossible situation. Getting equipment in place in the spring and removing it in the fall is an expensive operation. They assure me that requiring them to undertake this process twice each year would not be economically feasible.

Alternatives GP1528 and GP2028 are harder to evaluate. Numerous years in the last two decades, the availability of water has forced the Corps to maintain only minimum flows on the river for barges to operate. It is a marginal inconvenience for Consolidated Blenders, Inc. to load barges to a seven foot draft instead of an eight foot draft. We can ship the required tons by loading additional barges. Because the cost of moving the barge is pretty much fixed, whether it is loaded to seven feet or eight feet of draft, these minimum draft years have not been good times for the barge operators. Thus, the barge operator must have more dollars per ton to transport our product if minimum flows are to be the requirement. Alternatively, they will find additional investment in equipment to be unattractive and will eventually withdraw from service on the river. If Consolidated Blenders, Inc. must pay higher transportation costs, we must either pay our farmers, employees, and stockholders less money or receive a higher final selling price. Either alternative will make us less competitive in the long run and eventually direct economic resources away from our company and our industry.

Consolidated Blenders, Inc. does not believe that we have enough understanding of the effects of alternative MCP on our operation to offer constructive comments on this idea.

Maintaining alternative CWCP is clearly the best alternative for navigation on the Missouri River. There are several additional reasons, on which we would like to comment, why CWCP is the best alternative in addition to the benefits it offers to navigation.

The Papio-Missouri NRD (among others) has developed a plan that would mitigate most of the problems the main stem dams have created for plover, terns, and sturgeon. Their

plan involves intensively developing a number of the old "ox bows" in the river into wildlife sanctuaries with environments ideal for nurturing the development of the species in question. This plan involves the disruption of the use of far less land and much less water than does any of the GP alternatives. The internal costs (direct costs to the Corps or the NRD) to construct and operate these sanctuaries might be greater than the alternative. The external costs (i.e. increased electricity and transportation costs, reduced recreation opportunities, wasted investment in farms and barge loading facilities) to the citizens of the basin would be exponentially less.

Fortunately, or unfortunately, (depending on ones point of view) the white man altered the environment as he settled the Missouri River Basin. While we have fewer of some species of wildlife, the basin has greatly increased numbers of other species of wildlife because they benefit from the altered environment. Many of the species whose numbers have increased are predators to the endangered species in question. Several studies in the central Platte region have demonstrated that more terns and plovers can be fledged in protected environments than by trying to create "native" environments by scouring the river with high flows to create sandbars. These studies prove that, unless USFWS intends to systematically eliminate all the predators the now altered environment supports, more terns and plovers can be fledged without altering the Missouri River as operated under the CWCP alternative.

In our opinion, the RDEIS "Summary of Impacts of the Alternatives" (Page 28 of the Summary Missouri River Revised Draft Environmental Impact Statement) grossly understates the impact the plan would have on hydropower. The Corps has analyzed the problems on pages 16 and 17, but chose to ignore them in the summary table. The proposed spring "rise" and summer "fall" will create several problems for all power users in the basin. The first is the seasonal factor. The upper basin has its peak requirement in the winter with a secondary peak in the summer. The lower basin states peak requirement is in the summer with a secondary peak in the winter. Both regions normally have their lowest requirement in the spring. The generation capacity of the main stem dams **will** be utilized because the marginal cost of producing power in these plants is lower than any alternative. Therefore, our existing generation plants will generate less power in April and May and they will need to recover a larger share of their fixed costs in the other months by charging more for that electricity. Since there will be less electricity available in the peak period of July and August, additional power generation will need to be built to serve that peak. The net effect of producing more power in April and May (through the main stem dams), and less in July and August, will result in everyone in the basin paying higher power costs.

Hydropower disruption could be the tip of the iceberg. As the Summary RDEIS discussion on page 17 indicates, curtailed fossil and nuclear power production on the lower Missouri due to water temperature restrictions could substantially reduce power production. Figure 12 (page 17 of the Summary RDEIS) indicates that 200 MW of generation Capacity could be at risk. We are very disappointed in the manner that the RDEIS glosses over this issue. If you really want to implement GS2021 or GS1521 **tell** the citizens of the basin that implementation of these options will affect more than just

navigation. Their implementation means life without an air conditioner, without lit parking lots and ballfields, and without computers that receive and send information 24 hours a day. GS2021 and GS1521 mean a lower standard of living for all citizens of the Missouri River Basin. This is too important an issue to be left to a footnote in the RDEIS, the way it has been done in this document.

Thank you for the opportunity to offer these comment to the Missouri River RDEIS. I would be happy to respond to any questions you might have on the testimony herein contained and the affect these alternatives would have on Consolidated Blenders, Inc.



# Nebraska Chapter

P.O. Box 4664, Omaha, NE 68104

## **Comments on the Missouri River Master Plan Public Hearing - Nebraska City, NE - November 8, 2001**

My name is Clyde Anderson of Omaha, Nebraska. I am Secretary and member of the Executive Committee for the Nebraska Chapter of the Sierra Club.

On September 15, 2001, our chapter adopted a new Sierra Club policy for the Missouri River that was recently drafted by representatives of the chapters lying in the Missouri River Basin. A copy of this policy is attached.

Of the six alternative master plans, we believe that the GP 2021, or Flexible Flow Alternative, is the closest to meeting our goals, and this is the plan we recommend for adoption.

Clyde L. Anderson, Secretary  
Nebraska Chapter, Sierra Club  
7020 Burt St.  
Omaha, NE 68132-2600  
402-932-7225 (home)



# Nebraska Chapter

P.O. Box 4664, Omaha, NE 68104

## **SIERRA CLUB POLICY FOR THE MISSOURI RIVER**

**Adopted by the Nebraska Chapter on September 15, 2001**

1. Endorse the recommendations by the U.S. Fish and Wildlife Service for a spring rise and lower summer flows to assist in the recovery of the endangered species on the river.
2. Endorse a split-navigation season.
3. Call for a study to be done on the sedimentation problem behind Gavins Point Dam.
4. Since Gavins Point Dam is nearing the end of its usefulness, a study should be conducted on the possible decommissioning of it.
5. Endorse the unbalancing of the three reservoirs.
6. No inter-basin transfer of water should be allowed unless it can be proven to not damage the Missouri River basin or the other basin ecologically.
7. Bank stabilization projects should not be allowed.
8. Setbacks should be encouraged along the river.
9. Encourage further mitigation efforts.
10. Endorse the use of conservation easements on the river.
11. Dredging should not be allowed on the river or its tributaries.
12. The main navigation channel should not be preserved.
13. More study should be done on the economics of hydropower along the river.
14. The Corps should promote recreation, hunting, and fishing as much as it does navigation.
15. Endorse the use of Adaptive Management with an independent panel to oversee it.
16. Encourage further study of a fall rise possibly in conjunction with Adaptive Management.

*Adaptive Management is a systematic process for continually improving management policies and practices by learning from the outcomes of operational programs.*

November 8, 2001

## **Public Comments on Proposed Flow Changes of the Missouri River**

**By  
Iowa Secretary of Agriculture Patty Judge**

Good evening. I appreciate this opportunity to provide you with input that is crucial to Iowa's agriculture community. Governor Vilsack and I have been in close communication on this subject, which is vitally important to western Iowa agriculture.

The State of Iowa will submit additional, more comprehensive comments to you at a later date.

Tonight I would like to take this opportunity to address a few of the concerns of the agricultural community.

Iowa has participated in the Master Water Control Manual Study, mainly through the Missouri River Basin Association (MRBA), since 1998. The MRBA is made up of voting representatives selected by their respective Governors. Those states participating are: Iowa, Missouri, Kansas, Nebraska, South Dakota, North Dakota and Wyoming. In November 1999, the MRBA submitted their recommendations for operations of the system to the Army Corp of Engineers. The Modified Conservation Plan developed by the MRBA has been supported by all states with Missouri being the exception. This plan does shorten the normal navigation season from eight months to 7.12 months annually. Additionally, the modified plan also serves to more quickly trigger conservation measures in times of drought. This will increase the frequency of years that require the navigation industry to work under minimum or reduced service levels. This plan does do a better job of "sharing the pain" during drought periods, though it must be understood that the State of Iowa does not benefit from this new plan.

The Iowa Department of Agriculture and Land Stewardship has an ongoing strong commitment to our farmers, while also recognizing that protection of our environment goes hand in hand with a healthy agricultural economy. We must strive to strike a balance between maintaining a healthy environment with a vibrant, robust farm economy.

After analyzing the possible effects of the six alternative operating plans for the Missouri River, The Iowa Department of Agriculture continues its support of the Modified Conservation Plan (MCP.) MCP is a compromise plan that does provide for a more equitable distribution of water resources during periods of drought. In agreeing to this compromise, we maintain reasonable navigation and marketing opportunities and avoid potentially damaging drainage problems.

If the Gavins Point (GP) options are granted, however, there will be a direct negative impact on Iowa farmers and the agricultural community. Possible field flooding during the forced 'spring rise' could cause serious economic consequences for our agricultural producers along the Missouri, particularly those in Pottawattamie, Mills and Fremont counties. Slowing or stopping the navigation industry during the deliberate low flows of the summer months, would greatly impact our ability to move grain and agricultural products, causing more money to be spent on alternative modes of transporting goods and services.

The Iowa Department of Agriculture and Land Stewardship's Soil Conservation Division is working hard to protect our water and promote healthy wildlife habitat, while at the same time maintaining the best food production system in the world. We are working hard to develop wetlands, plant buffer strips and grass waterways, among other conservation measures. This work is providing habitat for wildlife and birds in Iowa. Our Soil Conservation Division estimates that approximately 130,000 acres of southwest Iowa farm ground would be impacted by the Gavins Point (GP) 1528 Option and the Corps own research indicates that nearly 1.4 million acres would be impacted throughout the lower basin. This impact would come in the form of economic loss to already financially stressed Iowa farmers. In a climate of struggle for the survival of the family farm, the intentional flooding of a farmer's land by the United States Government is almost impossible to comprehend.

In conclusion, we oppose both the spring rise concept and the subsequent low summer flows as proposed. We support the compromise as agreed upon by the Missouri River Basin Association (MRBA) where there is an equitable distribution of water resources so that the impact on Iowa's agricultural community and the navigation industry is minimal. We do oppose all GP Options.

U.S. Fish and Wildlife Service  
Public Comments  
Missouri River Master Manual Hearing  
Nebraska City, Nebraska, November 8, 2001

**Good evening, my name is Mike Olson 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.**

# STATE OF NEBRASKA



Mike Johanns  
Governor

DEPARTMENT OF NATURAL RESOURCES  
Roger K. Patterson  
Director

U.S. Corps of Engineers

IN REPLY REFER TO:

November 8, 2001

## Testimony Regarding the Revised Draft Environmental Impact Statement, Missouri River Water Control Manual Review and Update

Testimony by  
Roger K. Patterson, Director  
Nebraska Department of Natural Resources

My name is Roger K. Patterson and I am the Director of the Nebraska Department of Natural Resources. I have also been appointed by Governor Johanns to represent Nebraska on the Missouri River Basin Association. Let me begin by thanking you for holding this hearing in Nebraska City.

We appreciate the Corps of Engineers cooperation and help in understanding the impacts to Nebraska's interests during this long and difficult process. In particular I would like to acknowledge the efforts of Rose Hargrave, Roy McAllister and Larry Cieslik. Please consider my comments today as preliminary. We are continuing to review the RDEIS and plan to provide additional written comments prior to the close of the comment period.

Nebraska receives a large portion of the benefits from the operation of the Missouri River Mainstem Dams. All eight authorized project purposes benefit the citizens of our State. The Flood Control Act of 1944, which authorized most of the Dams on the mainstem Missouri River contains the following statement in its opening section:

"...it is hereby declared to be the policy of the Congress to recognize the interests and rights of the States in determining the development of the watersheds within their borders and like-wise their interests and rights in water utilization and control..."

We appreciate your recognition of the State's role as you have worked to develop alternative operating scenarios. We would also note the authorizing legislation is clear that the Missouri Basin Projects are to be operated to benefit the citizens of the Missouri River states. We encourage you to resist any suggestion that the Missouri River be operated specifically to meet downstream needs on the Mississippi River.

In 1994 the Missouri River Basin Association was approached by the Corps and asked to help develop an operation plan that would be acceptable to the States. After seven years of hard work, three basinwide meetings, and countless phone calls and meetings, seven of the eight basin states agreed to such a plan. Nebraska still supports that recommendation.

Nebraska invested a tremendous amount of time and energy working as part of the Missouri River Basin Association to produce the November 1999 recommendation. We are pleased to see our recommendation reflected in all five of the RDEIS action alternatives. MRBA's recommendation addressed drought management, fish & wildlife needs, as well as tribal concerns. Many longstanding divisions between the states were overcome in addressing these issues.

The one issue MRBA chose not to address in a specific way was Gavins releases. We recognized the controversial nature of this issue and recommended it be further investigated before any changes be made. MRBA specifically recommended a "Recovery Committee" of Federal, State, tribal and stakeholder interests be established to assist in this effort. You have clearly discovered the controversy and lack of an obvious solution associated with Gavins changes and are suggesting differing approaches as described in four of the six alternatives. Before you pick a solution and proceed to make flow changes, we believe it makes sense to get a sound monitoring system in place as well as the other elements of a good adaptive management program. That's not to say we don't understand your need to comply with the Endangered Species Act and we're not suggesting you ignore this responsibility. We're simply suggesting that the Corps and FWS work with the States, tribes and stakeholders throughout the Basin in a way that allows us to proceed in a methodical way that allows you to meet your ESA responsibility without doing unintended harm to the project's authorized purposes or other uses along the river. Monitoring and adaptive management will be critical components of any successful effort.

Should you decide to proceed with changes at Gavins, we would ask that you choose the alternative that would have the smallest impact on other purposes. Of the alternatives displayed in the RDEIS, alternative GP1528 seems to come the closest to meeting this requirement although at this point we are not ready to endorse any alternative as we are continuing our evaluation.

Regardless of the alternative chosen, the Final EIS needs to fully analyze the impacts of each alternative and the selection of the preferred alternative and record of decision should be formulated to allow appropriate response through adaptive management without the need for a significant amount of new NEPA work.

### **Hydro and Thermal Power Production**

Changes in the potential production of both Hydroelectric and Thermal power must be fully understood. Nebraska has over 50 municipalities that receive power from WAPA and the Pick-Sloan projects as well as two of the largest 5 customers in Firm Energy Sales & Revenue. Nebraska also has 4 thermal power plants with 2500 mW of capacity. The RDEIS shows that under some of the Gavins plans significant increases in power rates and increased risks to thermal power may occur. The RDEIS; however, appears to significantly underestimate these impacts. Given the national energy picture, its important these impactst are better understood before a decision is made.

## **Fish and Wildlife**

We are well aware there are three threatened and endangered species on the Missouri River and that habitat improvements must be made so that those species and other species not do continue to decline in numbers. We only ask that the Corps of Engineers balance any operational changes such that the other authorized uses do not experience unnecessary harm. We also believe that the Recovery Committee and the use of Adaptive Management are critical tools for species recovery.

## **Recreation**

Recreation on the channel of the Missouri River has been increasing and any impacts to the portion of the river bordering Nebraska should be fully understood. Low summer flows would have an impact on accessing the Missouri River to and from existing marinas. This is due to shallow depths at the junction of the river and marina entry. Under current conditions, flows below 28,000 cfs during the peak summer period of recreational use (July, August) would drastically impact this multi-million dollar industry.

## **Water Supply**

We would like to thank the Corps of Engineers for their willingness to be flexible in the past during the winter operation out of Gavins. Flexibility in operating the system to avoid ice jams and protecting the City of Omaha's water supply is greatly appreciated. We would like to continue this type of working relationship into the future under the new Master Manual.

## **Flood Protection**

Flood control is one of the cornerstone purposes of the Missouri River projects and must be fully maintained. There is an increase in potential problems the further downstream you are from the release point during spring rises. The problems may occur not only because of flooding caused by high river flows but also due to less efficient interior drainage or backwater in the tributaries. With a 4 to 5 day travel time from Gavins Point to Nebraska City where our greatest concerns with flooding are, we must be assured that our valuable farm land is not unduly impacted.

## **Navigation**

It is important that the navigation industry remain a viable transportation alternative for grain, fertilizer and other goods between St. Louis and Sioux City. We believe it is possible to meet the needs of the listed species while continuing to provide some level of navigation support. The alternatives that essentially eliminate navigation during the summer months may unnecessarily cause this issue to be thrown into the lap of Congress. We believe that is avoidable if the final preferred alternative is crafted wisely.

## **Conclusion**

Thank you for allowing us the opportunity to testify on the RDEIS. We look forward to continuing to work with the Corps in the future.

Missouri River RDEIS, August 2001  
November 8, 2001 Public Meeting  
U.S. Army Corps of Engineers  
Northwestern Division  
Lied Conference Center  
2700 Sylvan Road  
Nebraska City, NE 68410

My name is Gene Zuerlein and I am here on behalf of the Nebraska Game and Parks Commission.

2200 N. 33 St  
Lincoln, NE 68503

The Nebraska Game and Parks Commission (NGPC) has a **Public Trust** responsibility to manage, protect, and care for fish and wildlife resources which belong to all citizens. This stewardship role is taken seriously. Our biologists have been working on the Missouri River for many years conducting studies in order to obtain information to make good management decisions for the citizens of Nebraska. Our studies about fishery resources and the habitat needed to sustain them have helped gain insight about the form and functions of this large river. In addition to fish and wildlife management activities, the NGPC has three state parks on the mighty Missouri (Niobrara, Ponca, and Indian Cave) and a number of Wildlife Management Areas and State Recreation Areas, all of which provide thousands of hours of recreational opportunities to citizens of this state.

Rivers do two fundamental things: 1) they transport water to the ocean, and 2) they transport sediment to the ocean. Man made changes to these processes and physical changes to the channel have served mankind greatly but, most of the changes were made before the different pieces of the ecosystem were understood and how they fit together for sustainability. In serving on the Missouri River Scientific Review panel for the U.S. Fish and Wildlife Service's Biological Opinion, Dr. David Galat stated that "Overwhelming empirical and theoretical evidence supports the contention that flow is the master variable driving the ecology of rivers (16 studies cited)." In essence, he is saying that the Missouri River needs a **heart beat** to be biologically healthy.

Appendix III of the Biological Opinion dated November 30, 2000 summarizes the past physical, chemical, biological, and social impacts and attributes them to channelization activities,

construction and operation of dams, or a combination of both activities. More ever, 478 scientific references document these impacts and another 36 scientific references are cited by three independent scientists evaluating the role of river hydrology to the conservation of Missouri River endangered species. This means that a total of 514 scientific references have been utilized to document the past impacts to the Missouri River ecosystem. We now know that the biological health of the Missouri River is at stake and that changes are needed to sustain this great river for present and future generations. In general, about one third of the entire river has been replaced with reservoirs; one third has been shortened, channelized, the banks stabilized, and levees placed along the channelized reach; the remaining one third is somewhat natural, but suffers from bed degradation and water temperature impacts to flora and fauna. Essentially, the kitchen, dining room, living room, den, family room, bed room, and garage have been eliminated in terms of habitat to sustain the life cycle of Missouri River fish species. What we have left is the hallway to provide needed habitats. In the channelized reach alone, over 500,000 acres of aquatic and terrestrial habitat will have been eliminated from the natural channel and meander belt by the year 2003.

Because jeopardy to the least tern, piping plover, and pallid sturgeon reflects degradation to the entire ecosystem, the reasonable and prudent alternatives identified by the U.S. Fish and Wildlife Biological Opinion to the Corps of Engineers (COE) contains key aspects which are essential:

- Adaptive management approach to management
- Restoration of shallow water habitat
- Unbalancing of the three upper large reservoirs except when there are high inflows or drought
- Monitoring and assessment of listed species
- Participation and assistance with pallid sturgeon propagation
- Flow enhancement from Fort Peck and Gavins Point Dam

Analysis of the different alternatives proposed in the August 2001 Summary, Missouri River, **Revised Draft Environmental Impact Statement (Master Water Control Manual)**, indicate that Run of River would be extremely good for tern and plover habitat, a spawning cue for pallid

*Of the alternatives  
displayed in the RDEIS, we  
believe*

*Q3*

sturgeon, flood plain connectivity, and physical habitat for native fish. ~~However, alternative GP2021 is recommended~~ <sup>*comes closest to meeting the hydrologic needs of the river.*</sup> because it gives the Corps of Engineers ~~maximum flexibility~~ <sup>*flexibility for the*</sup> to adjust spring flows up to 20 kcs out of Gavins Point Dam if monitoring and data analysis indicate it is necessary for a pallid sturgeon spawning cue. We believe this alternative is also the closest to the Biological Opinion. Alternative GP 2021 would also allow the COE to expose sandbar habitat for tern and plover nesting and create shallow water habitat for young pallid sturgeon by lowering the stage (ie summer flows) every year as conditions allow. The side boards of the GP 2021 alternative would allow ~~the~~ COE to try other alternatives such as GP1521, GP1528, and GP2028 using the adaptive management approach. *Q3*

The spring rise spawning cue is needed for more species than just pallid sturgeon. Other big river species such as the paddlefish, sauger, and catfish also need it as do smaller minnow species which constitute the prey base for other species such as channel and flathead catfish. This heartbeat is mother nature's way to reinvigorate the physical, chemical, and biological system for sustainability. The healthier we can make the system, the higher the probability of not having additional species listed in the future. The healthier the Missouri River, the more it will continue to serve citizens and the communities dependent upon it.

In conclusion, I want to thank the Corps of Engineers for diligently striving to meet the requirements of the Biological Opinion. The challenge we face is learning from the past and recognizing that although change may be difficult, life is a state of constant change.

The Nebraska Game and Parks Commission is not listed in chapter 12 of the main report (Volume 1) as an organization under State Government, which received copies of this RDEIS. We would appreciate receiving a copy of the FEIS in May 2002.

MISSOURI RIVER COMMENTS  
NOVEMBER 8, 2001

My name is Nancy Newlon and I live in southwest Iowa. My family owns farm ground in the Missouri River Basin with some of that ground directly affected by the Missouri River. I support the Current Water Control Plan and would like to make the following comments:

1. I oppose the Spring Rise, Reduced Summer Flow. The Spring Rise could mean an increase of up to 4 feet of additional water in the Missouri River. Thousands of acres in Fremont county depend on interior drainage. The drainage system does not work when the river is too high. On the Iowa side of the river just under Highway 2 there are 4 flumes that drain thousands of acres of rich Iowa bottom farm ground. When the river level is above 13 feet at Nebraska City those flumes are closed. At normal Spring releases from Gavins Point Dam, the drainage gates at Nebraska City are usually very close to being if not closed each Spring. Add to that Spring rains anywhere between Gavins Points Dam and Nebraska City that must flow past the flood gates at Nebraska City and you have stopped the interior drainage of thousands of acres of farm ground at one of the most critical times for a farmer.

Our farm sells grain to DeBruce Elevator in Nebraska City who depends to some extent on barges to ship grain. A reduced summer flow could possibly mean an end to navigation on the Missouri River and loss of transportation for crops and farm products.

2. The Fish and Wildlife have been very successful at developing land on the unprotected side of the levees. One of these is just down the river from here, Hamburg Bend. I believe the Corps need to offer these land owners a fair price for such land and let the Fish and Wildlife Service develop these areas into rich wildlife habitat. One reason this land has not been sold to the Corps over the years is the unfair price they offer the land owner. I would remind the Corps they are the ones that chose to narrow the Missouri River with wing dike and dams, structures in the river and most importantly they are the ones that years ago chose to abandon dredging the river. Because of these management decisions, the over banks of the river have become silted in over the high water years, and hence the holding capacity of the river has diminished drastically. Consequently, the holding areas for the Missouri River has become the farm ground between the River and the levees. This farm ground has decreased in value over the years, not because anything the land owners have done, but because of management decisions by the Corps. The Corps should offer the land owner a fair price for the ground, turn the management of the land over to the Fish and Wildlife and there you have a perfect habit for wildlife. This is not a Biological opinion and not a theory. It is a proven fact the Fish and Wildlife Service have been very successfully creating wildlife habitat in theses areas.

3. I oppose the proposal of the use of adaptive management by establishing an Agency Coordination Team. This team as I understand, would be composed of Federal biologist, probably U.S. Fish and Wildlife Service and Corps of Engineers with input from the EPA

and other groups with ENVIRONMENTAL interest. The input from the public would be reduced to the Annual Operating Plan process. I believe that my interest in the management of the Missouri River is just as important as the Fish and Wildlife Service and the EPA and ALL interest groups should be represented on the Agency Coordination Team, if such a team is established.

4. I would like to thank the Corps of Engineers for finally recognizing the Missouri River does affect Interior Drainage and Groundwater on farm ground and for finally including this area in your management of the Missouri River.

5. If you agree with the management changes proposed by the Fish and Wildlife Service because of their Biological opinion, I would remind you that it is just an opinion. An opinion based on theory and faulty science. It was in this room about a year ago that someone representing the Fish and Wildlife Service said they could not prove the changes in the Missouri River they propose would do what they hope it would do. It was a theory that had to be tested. I believe it is unfair for my family farm to be subjected to possible economic devastation so a theory can be tested.

I urge you to continue using the Current Water Control Plan as the guidance plan for the Missouri River management.

A handwritten signature in cursive script, reading "Nancy Newfor". The signature is written in black ink and is positioned to the right of the typed text.

Unfortunately, in this state, that often makes me feel like a second-class citizen.

**Comments of Chad Smith of Lincoln, Nebraska  
On the Missouri River Master Manual Revised Draft Environmental Impact Statement  
Nebraska City, Nebraska  
November 8<sup>th</sup>, 2001**

My name is Chad Smith. I live in Lincoln, Nebraska. I work for the river conservation organization American Rivers. However, my comments tonight are not on behalf of American Rivers. Rather, they are on behalf of me personally as a resident of the state of Nebraska.

I have lived in Nebraska 29 of my 31 years. I was born and raised in Lexington, got my undergraduate degree in Fisheries and Wildlife from the University of Nebraska-Lincoln, and am happy that Nebraska is home to me and my family. I am not a farmer. I do not raise corn, soybeans, or livestock. ~~I realize that in this state, that makes me a second-class citizen.~~ However, despite that fact, I love this state and intend to continue making it my home.

I am who I am and do what I do because my Dad and Grandfathers took me hunting and fishing. Many of my best memories are of being in a duck blind on the Platte River in central Nebraska on cold December mornings. From these experiences, I learned about rivers, conservation, and the link between quality of life and a healthy environment. I still spend a vast majority of my time in the fall and winter on the Platte.

However, I would like to be able to have these experiences on the Missouri as well. And I have had them. But I had to travel to North Dakota to the Garrison Reach, and to the 59-mile recreational river stretch below Gavins Point Dam to do it. Why? Because that's about all of the real Missouri River that's left.

It is clear that over the past 50 or more years, the interests and concerns of people like me have received little to no attention in how the Missouri River is managed. Water for barges, land for corn, and rock for levees, but no river for me. Lots of people talk about the Missouri being "everybody's river", but in current practice, that is a myth.

Frankly, I am ~~so~~ tired of being ignored. I want to experience the Missouri River, hunt ducks along it, fish it, and spend time on it. When I have children <sup>and grandchildren</sup> some day, I want to pass on the lessons of my Dad and my Grandfathers to them, and I want the Missouri River to be a part of that. As much as I enjoy the Garrison Reach and the short stretch of river below Gavins Point, I don't want to have to travel to those places to enjoy the Missouri. The river is a ditch below Sioux City. It does not compel me to travel to local communities to spend money on hunting and fishing trips. I take my money to South Dakota, North Dakota, and Montana, as do hundreds of other people, because the river in this area is largely lifeless and dangerous.

Farmers are important. Hydropower is important. Flood control is important. But my interests are important as well, and I demand that they receive due attention. Conservation advocates like myself have been derided as being nostalgic for the days of Lewis and Clark. But, the only nostalgia I really have been hearing is for 1960. For those that try to wax eloquent about the status quo, what they are really saying is that life was perfect in 1960 when the Master Manual

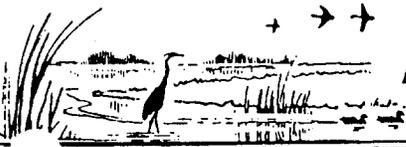
was written, that the Corps had all the information it needed at that time, and that the Corps got it exactly right.

I am here to tell you that you didn't get it right. And, that a lot has changed since 1960. I am not asking for the river of 1804. But the river of 1960 is not right either. This is the year 2001. Recreation is important. Our natural heritage is important. Truly managing the Missouri River for everyone is important. Corn may be king out here, but I don't accept that monarchy. ~~People like me count, too.~~ *Nonfarming people count, too.*

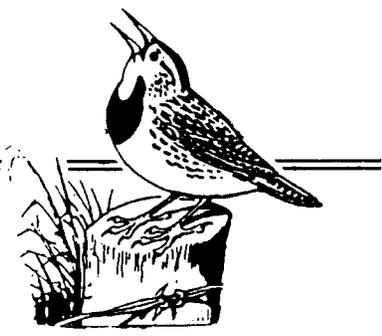
It's time to update the Master Manual. The Missouri's heartbeat is gone. Bring it back. Ducks and geese largely stay away from this river corridor. Bring them back. Catfish used to be the real kings of the Missouri River. Bring them back.

As you finalize a plan for the new Master Manual, please take me into consideration. Be aware that there are a lot of people who feel slighted by how the river is managed now, and are made to feel as though we don't count. Prove us wrong.

Thank you.



# AUDUBON SOCIETY OF OMAHA



A chapter of the National Audubon Society  
serving Eastern Nebraska and Western Iowa

Phone: 445-4138

11809 Old Maple Road, Omaha, Nebraska 68164-2639

## TESTIMONY – MISSOURI RIVER HEARING – NOVEMBER 8, 2001

Brigadier General Strock and Corps of Engineers committee members ...

I am Ione Werthman, 11649 Burt St., Omaha, Nebraska. I speak for the 2000 members of Audubon Society of Omaha, but also, I speak for myself, a fourth generation Nebraskan who grew up along the Missouri River in the Gavins point dam area. I watched and even photographed the Corps building the Gavins Point Dam. During my lifetime, I've hiked, fished, canoed, went birding, and even did a lot of midnight boating on the Missouri River.

I come here tonight to urge you to change the operation of the six dams on the mainstem of the Missouri to more satisfy the needs of our 21<sup>st</sup> century citizenry—that of recreation in the form of more boating, canoeing, fishing, hunting, camping, hiking, etc. and – the creation of wetlands and spawning areas for strong and healthy fish and wildlife populations. The Missouri River is everyone's river and needs to be managed as such! The Status Quo is not sufficient. As Senator Kerrey said many times – We need to come “Back to the River.”

As an Audubon member and an advocate of a strong Endangered Species Act, we applaud the final biological opinion of the U. S. Fish & Wildlife Service that concludes that if changes are not made to include higher flows out of Gavins Point Dam in the spring and lower flows in the summer, that the Corps will jeopardize the continued existence of, not only the threatened and endangered species, but also species that could become endangered in the future because of conflicts in the operation of the dams.

Of the six alternatives, we believe that only GP 2021, meets necessary environmental requirements and should be the preferred alternative for the Corps. We feel this “Flexible Flow Alternative” will give the Corps a maximum amount of flexibility in responding to water conditions and the biological needs of the fish and wildlife. We are not advocating that the Corps return the river to the river Lewis and Clark encountered in 1804, but we do believe that the final plan should be a compromise between the needs of ALL the states in the Missouri River basin. We believe that GP 2021 has the potential to do just that!

Thank you.

  
Ione Werthman

804 Central Avenue  
Nebraska City, NE 68410  
November 7, 2001

Dear Corps of Engineers:

As an owner of land that runs along-side the Missouri River, and is subject to flooding when the river rises above a river stage of about 17' in Nebraska City, I am very concerned about the proposed changes to the Master Manual.

I am concerned that too much attention to the piping plover, the least tern, and the pallid sturgeon, will distract the Corps from their consideration of potential flooding situations.

I am also concerned that attempts to somewhat mimic the natural spring rises of the river, will lead directly to overflows on our land.

I am concerned that overflows will flood our crops and prevent the land from being productive and cause degradation to the banks and cuts and erosion to our fields.

I urge a conservative approach to revising the Master Manual where flood control will remain of utmost concern. I would urge less drastic measures of biological management than trying to fluctuate river flows solely with biological effects in mind.

Let's try to remember there other interests involved in the management of reservoir releases, such as farming interests, navigation, and hydropower.

Thank you,

*John V. James*

November 8, 2001

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

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

 Floodplain farmers till some of the most productive land in the world. They also face natural risks of flooding and inland drainage problems. Too much moisture is as detrimental to crop production as too little moisture. For this reason, we are greatly concerned with the spring rise alternatives. Man-made river flows that will increase the risk of flooding or inland drainage problems along the Missouri or its tributaries are unacceptable. In today's difficult agricultural economy, farmers can't withstand man-made events that compound the natural risk inherently a part of farming. Overwhelming species benefits would have to occur for this risk to even merit review. Corps' data indicates just the opposite will transpire.

~~The latitude given the Corps by the adaptive management feature creates the realization that Lower Basin states must prepare for the eventuality of the highest spring rise... 20,000 cubic feet per second released from Gavins Point. This increased flow is recommended to scour vegetation from sandbars to increase nesting habitat for terns and~~

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~~plovers and as a spawning cue for the pallid sturgeon. Corps' analysis shows a net habitat gain of 164 acres will occur by increasing river flows to 20,000 cubic feet per second over CWCP releases and reducing summer flows to 21,000. The Missouri River watershed drains one-sixth of the United States over an eight state area and the river itself is 2,341 miles long yet the net result to sandbar acreage is miniscule. This doesn't even take into account the loss of nesting habitat resulting from the proposed higher reservoir levels recommended in the alternatives.~~

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~~The Fish and Wildlife Service's Biological Opinion also demands a spring rise as a spawning cue for the pallid sturgeon. On page 22 of the RDEIS Executive Summary, it states, "Corps and USFWS biologists agree that there are no data to support definition of a spawning cue that would successfully result in spawning on the Lower River." Corps' records demonstrate there's a natural spring rise on the Missouri River beginning at the mouth of the Platte River (Missouri river mile 595) and moving downstream. There's no definitive indication that pallid are naturally spawning at any greater levels where this natural spring rise occurs even though shallow water habitat is closest to ideal in this portion of the river.~~

Nebraska City

Corps' data shows a Gavins Point release of 20 kcfs will raise river levels in ~~St. Joseph~~ <sup>Nebraska City</sup> by ~~4.4~~ <sup>4.3</sup> feet on average once every three years. It takes 10-11 days for any releases from Gavins Point to travel to St. Louis. The Corps admittedly doesn't have the technical capability to forecast a rain event or rain runoff. In spite of this, we're expected to trust that once an additional ~~4.4~~ <sup>4.3</sup> foot of water flows toward ~~St. Joe~~ <sup>Nebraska City</sup> no major rain event will occur that will combine with the artificial rise to create the flood conditions or inland drainage problems that we envision. Any flood event is a significant event to those who experience it. And, for what reason are we asked to accept this risk...the promise of additional sandbar acreages so small that they could be created with dozers and draglines or that the pallid might spawn. The inadequate claims for species improvements don't justify the far-reaching risk of these proposals. It's apparent that a cost-benefit analysis of these proposals shows the threat of financial catastrophe to agricultural interests far outweighs any species' benefits.

1168

Accordingly, no logical justification exists for the increased exposure for flooding and inland drainage problems that may occur on 1.4 million acres of prime farmland. Federal agencies also can't rationalize that potentially affecting approximately 30,400 buildings worth approximately \$17.6 billion to create less than 164 acres of bird habitat and a fish-spawning cue that may or may not help the pallid is reasonable and prudent. Arbitrary and capricious is a more apt description of this process.

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Energy

Insert Here page 4

Consequently, of the six alternatives under consideration, we must support the current water control plan as the option of choice. Agriculture <sup>navigation and energy suppliers and consumers</sup> should not have to labor under the burden or accept the risk of any adverse consequences resulting from proposals based on speculation and producing negligible or indefinite results. Our coalition urges the Corps to continue with the CWCP.

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We <sup>are also</sup> in Missouri ~~are~~ extremely concerned about the negative effects that the low summer flows in the GP alternatives <sup>may</sup> ~~would~~ have on power plants along the Missouri River. These plants <sup>may</sup> ~~would~~ be faced with potential noncompliance with thermal discharge requirements to the Missouri River if any of the GP alternatives <sup>are</sup> ~~were~~ adopted. This could require reductions in power production at a time when it is most needed -- the summer peak demand period.

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In addition, the lowering of the river in July and August could force the construction of new cooling towers that would cost utilities hundreds of millions of dollars. It is reasonable to assume that these costs would have to be recovered in the form of increased electricity rates for consumers.

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However, the negative impacts to electricity consumers resulting from the GP alternatives would not be limited to downstream states. There would also be increased electricity costs to consumers of Western Area Power Administration (WAPA) power in upstream states as well.

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Because the GP plans call for reduced releases of water in July and August from various hydropower dams, there would be a decrease in hydropower production in upstream states for consumers of WAPA power. WAPA officials estimate an approximate \$30 million decrease in revenues due to decreased hydropower production. This is also a cost that would ultimately be borne by consumers. Consumers of WAPA power in the states of Nebraska, Iowa, Minnesota, both North and South Dakota and Montana would be faced with increased electricity rates under the GP plans. ~~85-2706~~



**Nebraska Public Power District**  
*Nebraska's Energy Leader*

November 8, 2001

Rosemary Hargrave  
U. S. Army Corps of Engineers  
Project Manager  
Missouri River Master Manual Update

**RE: Nebraska Public Power District's Initial Comments Relating to the RDEIS.  
Presented at Public Meeting – Nebraska City, NE, Thursday, November 8, 2001.**

Attached, please find Nebraska Public Power District's (NPPD) comments relating to the Revised Draft Environmental Impact Statement (RDEIS) on the Missouri River, Master Water Control Manual Review and Update. The comments express a general overview of the concerns that NPPD has with the RDEIS. NPPD plans on making comments in greater detail, prior to the close of the public comment period on February 28, 2002.

NPPD appreciates the efforts the Corps has shown in attempting to address concerns however, we believe there continues to be areas which have not been adequately evaluated.

Please feel free to contact us for any additional information or assistance.

Sincerely,

Joe Citta  
Environmental Policy Manager

Nebraska Public Power District's  
Preliminary Comments Missouri River Master Manual RDEIS  
Public Meeting – Nebraska City  
November 8, 2001

1. Impacts to Power Generation/Supply Below Gavins Point Dam – Cooper Nuclear Station.
  - ◇ It appears the Corps analysis does not identify or adequately address the impacts to the thermal power generation in the region. Both potential generation loss and financial impacts are not adequately represented or evaluated.
    - Impacts indicated for the Nebraska City River Reach (3 MW to 50 MW) really do not appear to recognize the amount of generation capacity present or potential generation losses i.e. Cooper Nuclear Station – 758 MW of generation loss.
    - Water Quality Impacts (thermal limits) do not appear to be evaluated although language in text alludes to that factor.
    - NPPD calculated the following thermal impacts for Cooper Nuclear Station.
      - Potential 50 MW loss per 1 degree change in ambient river temperature over 85 degrees F. This results in a potential financial loss of approximately \$4 million per degree change per year (including fuel savings, based on a 10 week summer period)
      - Potential 758 MW loss if ambient river temperature is 90 degrees F or greater. This results in a potential financial loss of approximately \$50 million per year (including fuel savings, based on a 10 week summer period).
    - The RDEIS indicates that only 387 MW capacity will be impacted in the region. This does not adequately represent the potential capacity losses for the region.
    - Concerns about increase sedimentation at CNS intake during low flows in the summer time, and adverse impacts upon plant operation.

◇ Corps Analysis of Power Impacts is somewhat incorrect from a power planning prospective.

- A power supplier should not plan for new capacity based on average – worst case scenarios have to be accounted for due to obligation to serve customers.

## 2. Hydropower

◇ We believe the Corps could better address Regional power replacement costs during the summer peak period by accounting for the following costs that do not appear to be included:

- Transmission path costs or losses for replacement capacity & energy.
- Ancillary service costs (as provided by hydro & replacements).
- Hydro is considered a renewable resource, so there is value associated with the potential of lost renewable credits if capacity & energy changes.
- Only the July peak period is quantified, the flows affect a 10-week period in the summer months, so all 10 weeks should be considered.
- Only average historical flow conditions compared, worst case & best case (drought & plentiful rainfall) should be provided to properly determine potential effects.

3. ◇ How are decisions between alternative environmental effects determined for different species and habitats?

- What are significant levels of difference between factors?
- How will factors be combined?
- Will they be weighed? How?

4. ◇ Summer Low Flow

- What evidence does the Corps have that the low flow will achieve the T & E benefit?
- Will you identify the specific species habitat goal to be achieved?

5. ◇ Spring Rise – for Pallid Sturgeon

- Alternatives indicate no distinct benefit from spring rise to Pallid Sturgeon.
- Where is the evidence the Pallid Sturgeon will benefit from any spring rise?
- The Corps must predict achievable benefit and if it is not achieved by adaptive management go back to today's operation.

6. ◇ Adaptive Management

- Requires upfront defined species habitat goals to be achieved.

7. ◇ Public Infrastructure has developed around congress mandates and Corp MM operation.

- If the Corp – because of congress (ESA) is to cause changes to public – the mitigation costs should be funded by the Corp (Congress).

8. ◇ The RDEIS does not describe or evaluate the flows that may be allowed above or below the target release amounts.

Testimony of the Iowa Farm Bureau  
On the Revised Draft Environmental Impact Statement  
On Management Options for the Missouri River  
Presented by Doug Beckman, District 9 Director  
Nebraska City, Nebraska  
November 8, 2001

Good evening. My name is Doug Beckman and I operate a corn and soybean operation near Glenwood. I also serve as a district director for the board of directors for the Iowa Farm Bureau Federation. I, along with many farmers along the Missouri River, have participated in meetings and educational sessions over the last several years to discuss options for managing the Missouri River.

The Missouri River is important to Iowans and particularly to farmers for many reasons. First, Farmers are concerned about inland drainage and the impact it has on cropland along the river and behind the levees. Farm Bureau has analyzed the potential impact of increased flows of the Missouri River on the economies of these counties and the numbers are astounding. Over 130,000 acres may see production losses if the flow levels are increased. This could cost the farmers in the region over \$13 million. This translates into a potential economic hit to the gross regional product of five Iowa counties totaling \$21 million in the first year alone.

Farmers are also concerned about the potential impact on navigation of the Mississippi River. The Missouri River provides more than half of the flow of the Mississippi River. The Mississippi is an important route to access international markets for our commodities. Drive down any road in Iowa and imagine the impact if \$78 per acre is eliminated because of our inability to be a reliable supplier in the world market.

Finally, Iowans are concerned about the proposed changes to flows in the Missouri River because of the impact it may have on power generation. According to the Iowa Department of Natural Resources, nearly 40 percent of Iowa's generating capacity comes from the Missouri River. Low flows during times of high electric usage will threaten power companies' ability to deliver a reliable supply of electricity and increase their costs of doing so. In the end, the consumer will pay the price.

I have several concerns with the proposed management alternatives and the options under consideration by the Army Corps of Engineers with respect to the Missouri River.

Before I outline those concerns, I want to stress a couple of points. First, I want to note that Congress has clearly stated its interest in management of the Missouri River over the past several years. It is on record in support of a balanced approach that does not make winners and losers in the Missouri River basin. Second, Farm Bureau is committed to finding a balanced management approach that addresses the multiple uses of the Missouri River and finds workable solutions to the endangered species issues raised by the Fish and Wildlife Service. Unfortunately, only one option proposed by the Corps of Engineers accomplishes this goal – the current water control plan.

I offer these concerns with the options outlined by the Corps:

- All but one of the proposed options (the current water control plan) include some form of spring rise and summer low flows. In addition, the Gavins Point release options leave the door open for even higher spring rises and lower summer flows if it is determined endangered species will benefit.
- Adaptive management is included as a component of all options but the current water control plan. The role of the states and the public in adaptive management is not clearly defined. As

with the Gavins Point release options, this opens the door to implementing flow changes to the detriment of the majority of the region.

- Most of the options start us down the dangerous path of increasing diversions and depletions from the Missouri River. This may benefit upper Missouri basin states at the expense of the lower basin states.
- The drought conservation measures allow the Corps to store more water during times of drought but fail to look at the potential impact of a drought on the lower basin states. Mississippi River navigation could be severely curtailed if low flows for endangered species are combined with drought conservation measures.

As I stated earlier, the most balanced approach for managing the Missouri River is the current water control plan. We support the original congressional intent – to balance the multiple and competing interests along the Missouri River. There is a better way – one that doesn't threaten the people and communities along the river, our ability to provide power during the peak summer months, our export markets and a million acres of farmland. We should focus on voluntary habitat conservation and enhancement activities before we endanger the economy of an entire region for two birds and one fish.

Thank for the opportunity to present my thoughts tonight.

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**Official Testimony of Jamie Mierau, Outreach Specialist & Conservation Associate  
American Rivers  
Army Corps of Engineers Missouri River Public Hearing  
Nebraska City, Nebraska  
November 8<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.