

1 UNITED STATES ARMY CORPS OF ENGINEERS
2 NORTHWESTERN DIVISION
3
4 PUBLIC HEARING ON THE MISSOURI RIVER WATER
5 CONTROL MANUAL - COMMENT SESSION ON THE
6 REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT

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11 Hearing held on Thursday, November 15,
12 2001, at the Pontchartrain Hotel, 2031 St.
13 Charles Avenue, New Orleans, Louisiana
14 70140, presided over by Hearing Officer Col.
15 Daniel W. Krueger, Deputy Division Engineer
16 and Deputy Commander for the Northwest
17 Division of the United States Corps of
18 Engineers.

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22 REPORTED BY:

23 DIANE TEWIS CLARK, RPR, RMR, CRR
24 CERTIFIED REPORTER

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1 THE HEARING OFFICER:

2 Thank you and good evening. Let
3 me welcome you to this evening's comment
4 session on the Revised Draft Environmental
5 Impact Statement for the Missouri River
6 Master Manual. I'm Col. Dan Krueger and I'm
7 the Deputy Division Engineer and Deputy
8 Commander for the Northwestern Division of
9 the United States Army Corps of Engineers.

10 I would like to introduce those
11 Corps members with me tonight to participate
12 in our hearing, first leg of the team from
13 the Northwestern Division headquarters that
14 has prepared the Revised Draft Environmental
15 Impact Statement and I would start with Rose
16 Hargrave. Rose is outside. Roy McAllister
17 in the back. John LaRandeau, Patti Lee,
18 Paul Johnston, Rick Moore, Jody Farhat and
19 Betty Newhouse. And that's Rose Hargrave
20 right there at the door, project manager.

21 Joining us from the Mississippi
22 Valley Division located in Vicksburg is
23 Mr. Larry Kilgo and Mr. Don Flowers. And we
24 also have Mr. Tom Polens from the
25 Mississippi Valley Division in the rear of

1 the room. And we have two gentlemen joining
2 us from the New Orleans district of the
3 Corps with us this evening, Mr. Mark Habb
4 and Mr. Dan Wader. Also from a cooperating
5 agency, the Western Area Power
6 Administration, I introduce Mr. Nick Staus.

7 Are there any elected officials in
8 attendance this evening who would like to be
9 recognized?

10 (No response).

11 THE HEARING OFFICER:

12 This is the 14th session that we
13 have had in a series of sessions. It is the
14 last of the 14 previously scheduled
15 sessions, starting up in Helena, Montana and
16 working our way down the Missouri River and
17 subsequently down the lower Mississippi here
18 to New Orleans. This afternoon, we
19 conducted an open-house workshop right here
20 in this room and I hope many of you were
21 able to stop by and study the displays that
22 are arrayed around the back of the room,
23 pick up handouts, and talk to staff members
24 present. If you were not able to do so this
25 afternoon, we will have displays continued

1 this evening and please take advantage of
2 the opportunity at the end of the meeting.

3 Our agenda tonight starts with a
4 short video. We have, first of all, a
5 welcome from the commander of the
6 Northwestern Division, Col. Dave Fastabend,
7 followed by a description of the project,
8 features of the Revised Draft Environmental
9 Impact Statement, and the major impacts that
10 we see.

11 We want everyone to have a common
12 understanding of the Revised Draft
13 Environmental Impact Statement. Copies of
14 the summary of the statement and handouts,
15 as well as the entire document, are
16 available at libraries and project offices
17 throughout the basin and you may also get a
18 copy by writing to us or off our website.
19 The addresses for getting one by writing to
20 us are available in the back of the room.

21 Following the video, I will give
22 you a fuller description of the comment
23 process this evening and then we will take
24 your comments. We will stay as long as
25 necessary for everyone to be heard. And

1 with that, let's begin with our video
2 please.

3 (The video presentation)

4 THE HEARING OFFICER:

5 Thank you for your attention and I
6 hope you found that to be a helpful summary
7 of what's presented in the draft statement.
8 We will now move to the testimony portion of
9 the hearing.

10 The hearing is being recorded this
11 evening by Diane Clark of Professional
12 Shorthand Reporters here in New Orleans.
13 Diane will be taking verbatim testimony
14 which will be the basis for the official
15 transcript and record of this hearing. This
16 transcript with all written statements and
17 other data will be made part of the
18 administrative record for action.

19 Persons who are interested in
20 obtaining a copy of the transcript for this
21 session or any other session may do so and
22 if you are interested in receiving a copy,
23 you just need to indicate that on one of the
24 cards available at the table by the
25 entrance. Additionally, if you're not on

1 our mailing list, again, and desire to be,
2 please indicate this on the card.

3 It is essential to conduct an
4 orderly hearing this evening that I have a
5 card from anyone who desires to speak,
6 giving your name and who you represent. If
7 you desire to make a statement and have not
8 filled out a card, please raise your hand
9 and we will furnish one to you so you may
10 indicate your desire to speak.

11 Patti, we have one up here in the
12 second row, please.

13 The primary purpose of tonight's
14 session is to help ensure that we have all
15 the essential information that we need to
16 make our decision on establishing guidelines
17 for future operations of the Mainstem System
18 and that the information is accurate. This
19 is your opportunity to provide us with some
20 of that information and we view this as a
21 very important opportunity for you to have
22 an influence on the decision. Therefore,
23 I'm glad that you're here tonight in order
24 to give us that information.

25 I want you to remember that

1 tonight's forum is to discuss the proposed
2 changes in the operation of the Missouri
3 River Mainstem System that are analyzed in
4 the recently released Revised Draft
5 Environmental Impact Statement. We should
6 concentrate our efforts this evening on
7 issues specific to that decision. It is my
8 intention to give all interested parties an
9 opportunity to express their views on the
10 proposed changes freely, fully, and
11 publicly. It is in the spirit of seeking
12 full disclosure and providing an opportunity
13 for you to be heard regarding the future
14 decision that we have called this hearing.
15 Anyone wishing to speak or make a statement
16 will be given an opportunity to do so.

17 As Hearing Officer, my role and
18 responsibility is to conduct the hearing in
19 such a manner as to ensure the full
20 disclosure of all relevant facts bearing on
21 the information that we currently have
22 before us. If the information is inaccurate
23 or incomplete, we need to know that and you
24 can help us make that determination.

25 Ultimately, the final selection of

1 a plan that provides a framework for the
2 future operations of the Mainstem System
3 will be based on the benefits that may be
4 expected to accrue from the proposed plan,
5 as well as the probable negative impacts
6 including cumulative impacts. This includes
7 significant social, economic, and
8 environmental factors.

9 Again, you may, if you desire,
10 submit a written statement to us either by
11 mail or fax and the address and fax number
12 are available at the table. The official
13 record for this hearing, again, will be open
14 until the 28th of February, 2002. To be
15 properly considered, your written statements
16 must be postmarked by that date.

17 Before we begin to take testimony,
18 I would like to say a few words about order
19 and procedure this evening. When we call
20 your name, please come forward to the
21 lectern and state your name, specify whether
22 or not you're representing a group, agency
23 or organization or if you're speaking as an
24 individual, and if you are, please tell us
25 where you're from. You will be given five

1 minutes to complete your testimony.

2 If you are going to read a
3 statement, we would appreciate it if you
4 would provide a copy of the statement to the
5 recorder prior to speaking, so that your
6 remarks will not need to be taken down
7 verbatim.

8 After all statements have been
9 made, time will be allowed for any
10 additional remarks. During the session, I
11 may ask questions to clarify points for my
12 own satisfaction. Since the purpose of this
13 public hearing is to gather information
14 which will be used in evaluating the
15 proposed plan, or alternatives to it, and
16 since open debate between members of the
17 audience would be counterproductive to this
18 purpose, I must insist that all comments be
19 to me as the Hearing Officer.

20 Please remember speakers will be
21 limited to five minutes and we will be using
22 a lighted timer. When the yellow light
23 comes on, it means you have two minutes of
24 time remaining. When the red light comes
25 on, your five minutes are up. No portion of

1 unused time allotted to each speaker may be
2 transferred to any other presenters and I
3 would comment that this is uniform with the
4 procedures used at all of the 13 preceding
5 hearings up and down the basin.

6 Mr. Rick Moore will assist me by
7 calling the names on the cards submitted.
8 Rick, I would ask you to go ahead and call
9 names.

10 MR. MOORE:

11 Jerry Vineyard.

12 * * *

13 JERRY VINEYARD,
14 Interstate River Basin Coordinator for the
15 Missouri Department of Natural Resources,
16 made the following statements:

17 MR. VINEYARD:

18 Good evening. My name is Jerry
19 Vineyard. I am the Interstate River Basin
20 Coordinator for the Missouri Department of
21 Natural Resources. I represent the
22 department on interstate water issues on
23 both the Mississippi and Missouri Rivers.
24 Thank you for the opportunity to speak, and
25 thank you for holding a hearing in New

1 Orleans where the full effects of flow
2 management changes on the Missouri River
3 will be felt.

4 Tonight, I am here to represent
5 Missouri's concerns regarding operational
6 changes proposed for the Missouri River and
7 the resulting impacts to the Mississippi
8 River and to respond to issues raised in
9 previous public comment.

10 The Missouri River flows into the
11 Mississippi River immediately upstream of
12 the second largest inland port in our
13 nation, St. Louis. The stretch of the
14 Mississippi between St. Louis and Cairo,
15 Illinois is often referred to as the
16 "bottleneck reach." Located between the
17 system of locks and dams and the Ohio River,
18 low flow in the reach can act as a
19 bottleneck to waterborne commerce on the
20 Inland Waterway System. During periods of
21 low flow in the Mississippi River, the
22 Missouri River provides as much as
23 two-thirds of the water to the "bottleneck
24 reach" of the Mississippi, supporting river
25 commerce and other beneficial uses of the

1 river.

2 Even though there is a direct link
3 between these two great rivers, the effects
4 of the changes to the management of the
5 Missouri River on the Mississippi River have
6 received surprisingly little attention in
7 the Missouri River Master Manual discussion.
8 Although the Corps of Engineers manages
9 these two great rivers independently, they
10 must allow river users in both basins to
11 fully understand how changes to Missouri
12 River management may affect the reliability
13 of both rivers.

14 As early as 1999, three
15 Mississippi River governors submitted a
16 joint letter to General Ballard,
17 specifically requesting that incremental
18 depletion modeling be performed and reviewed
19 so that everyone may understand depletion
20 impacts on Mississippi River commerce and
21 midwest agriculture. Then, earlier this
22 year, the governors of eight Mississippi
23 River states (Kentucky, Tennessee,
24 Louisiana, Mississippi, Illinois, Arkansas,
25 Wisconsin, and Minnesota) joined Missouri

1 Governor Bob Holden in requesting that
2 decisions on the operations on the Missouri
3 River only be reached with the direct
4 involvement of all the states that rely on
5 the Inland Waterway System. They asked that
6 the Corps offer briefings to all the
7 Mississippi River states on the full effects
8 of these proposals, including reasonably
9 anticipated future depletions.

10 The governors also requested that
11 the Corps provide reasonable anticipated
12 depletion analyses on the entire Mississippi
13 River system for all alternatives that are
14 under consideration, including the Fish and
15 Wildlife Service's proposal found in the
16 Biological Opinion. Further, the Corps was
17 asked to not select its preferred
18 alternative until these analyses and
19 briefings had been completed and the states
20 have been allowed time for meaningful review
21 and input.

22 At best, the failure on the part
23 of the Corps to provide the incremental
24 depletion analyses requested by 11 governors
25 for the MCP alternative is a serious

1 omission which must be corrected as soon as
2 possible. The impacts to the Mississippi
3 River economic and environmental values
4 should be made available on the Internet so
5 that all parties following the Master Manual
6 revision process may have access to the
7 information before the end of the comment
8 period. Copies of these letters are
9 attached to my testimony.

10 I am also submitting for the
11 record a copy of a strongly worded
12 resolution issued by the Southern Governors
13 Association opposing any flow management
14 changes on the Missouri River that would
15 reduce support for waterborne commerce on
16 the Mississippi River, especially in the
17 summer and fall.

18 All new plans in the RDEIS retain
19 more water in the mainstem reservoirs at the
20 expense of flow support to the lower
21 Missouri and Mississippi Rivers. Large
22 decreases in flow support occur when
23 navigation is not supported to the Missouri
24 River. Under the MCP alternative, large
25 decreases in flow support occur 40 percent

1 of the time (40 out of 100 years). Our
2 analysis indicates that 75 percent of the
3 time, these cutbacks in flow on the Missouri
4 River coincide with low water on the
5 Mississippi River (30 of the 40 years). In
6 contrast, the current Water Control Plan
7 cuts back 9 percent of the time (nine out of
8 100 years), coinciding with low water on the
9 Mississippi River about 78 percent of the
10 time (70 out of nine years).

11 The current Water Control Plan
12 clearly has greater reliability for flow
13 support to the Mississippi River than any of
14 the other plans presented in the RDEIS.

15 We believe that plans must be
16 evaluated under future water depletion
17 conditions. The MCP plan has not been
18 analyzed with future levels of depletions.
19 If the Corps had analyzed MCP, we would
20 expect that there would be an exponential
21 increase in the magnitude and frequency of
22 low-water events on the Mississippi River.
23 Consequently, we would also expect the
24 economic impacts to grow exponentially.

25 During the PRDEIS process the

1 Corps analyzed future depletion scenarios
2 for several plans. The C31 plan is possibly
3 the closest plan to the MCP plan. Under C31
4 there are four years out of 100 where the
5 entire ice-free period is at the greatly
6 reduced flow levels. With 0.8 MAF of
7 additional depletions, this rises to seven
8 out of 100 years and with 1.6 MAF of
9 additional depletions, this rises to eight
10 out of 100 years. The plan really shows a
11 dramatic change at the 3.2 MAF of additional
12 depletions, where 25 out of the 100-year
13 period has substantial flow cuts for the
14 entire ice-free season (April to December).
15 This compares to eight out of 100 years
16 under the current Water Control Plan with
17 3.2 MAF of additional depletions.

18 A graphical representation has
19 been included for C31 and the current Water
20 Control Plan (CWCP) with future depletions
21 added. The bars represent periods when
22 substantially higher flow support is
23 provided. This analysis compels us to call
24 on the Corps to significantly scale back the
25 higher reservoir levels that are embedded in

1 all five of the new flow management
2 alternatives in the RDEIS in order to avoid
3 major negative impacts on Mississippi River
4 navigation.

5 Because of the limited amount of
6 time here tonight, I will not go into
7 detail, but wish to at least touch on
8 several concerns.

9 First, the Mississippi River
10 economic impacts displayed in the RDEIS are
11 misleading. Sensitivity analysis performed
12 by the Corps has shown that the results can
13 be greatly affected by minor adjustments in
14 the models. The results can also be
15 dramatically changed with the exclusion of
16 one year (1939). Therefore, any conclusions
17 from data presented should be carefully
18 scrutinized prior to making any decisions or
19 recommendations.

20 Second, the RDEIS leads one to
21 believe that all of the five new plans are
22 better for water commerce on the Mississippi
23 River, while at the same time indicating a
24 need for increased dredging and changing the
25 low water reference plane (something that

1 should be studied in detail). This seems
2 contradictory.

3 Third, of the five new plans in
4 the RDEIS, the Corps has only analyzed the
5 impacts of future depletions on two of the
6 new plans. These plans increase lost
7 efficiency costs by about 10 fold over the
8 current Water Control Plan (about \$10
9 million per MAF of additional depletion
10 versus about \$1 million).

11 I am also submitting for the
12 record a partial listing summarizing Indian
13 water right claims asserted by the Mni-Sose
14 Intertribal Water Rights Coalition, Inc.
15 These claims have not been addressed, and
16 therefore, add further uncertainty to
17 Missouri River flows.

18 Fourth, we believe that the new
19 higher reservoir levels and resulting
20 downstream flow restrictions would adversely
21 impact water commerce on the Mississippi
22 River. Last November is an example of where
23 this would have been the case. Attached to
24 my testimony is a chart showing the stage at
25 St. Louis under current operations versus

1 the MCP plan.

2 Fifth, last night in Memphis
3 testimony was given that most of the changes
4 proposed by the MCP alternative were
5 approved in a seven-to-one vote by the
6 Missouri River Basin Association. However,
7 it is important to point out that
8 Mississippi River states were not welcome at
9 the table, and, therefore, had no
10 opportunity to vote. Had Illinois,
11 Kentucky, Arkansas, Tennessee, Mississippi,
12 and Louisiana been given a vote, the result
13 likely would have been seven to seven, with
14 seven states representing about seven
15 million people versus seven states
16 representing 35 million people.

17 Finally, we understand that three
18 additional hearings have been proposed for
19 Omaha, Quincy, and Cape Girardeau. We
20 support additional hearings and suggest that
21 they be scheduled for late in the comment
22 period because it would allow time to
23 include any new studies that the Corps might
24 perform.

25 Thank you for the opportunity to

1 comment.

2 THE HEARING OFFICER:

3 Thank you, Mr. Vineyard.

4 MR. MOORE:

5 Tad Kardis.

6 * * *

7 TAD KARDIS,

8 with the Missouri Attorney General, Jay

9 Nixon's office, made the following

10 statements:

11 MR. KARDIS:

12 Good evening, Col. Krueger.

13 THE HEARING OFFICER:

14 Good evening.

15 MR. KARDIS:

16 My name is Tad Kardis. I'm with

17 the Missouri Attorney General, Jay Nixon's

18 office.

19 The Missouri River isn't flowing

20 by outside our door tonight, or perhaps it

21 is. The muddy Mississippi would not be

22 quite so muddy if the Missouri River didn't

23 empty into it. Indeed, by coming to

24 New Orleans, the Corps recognizes the

25 relationship between these two great rivers

1 and the effect its management of the
2 Missouri River can have on people outside of
3 the basin. What if the Missouri River
4 didn't flow into the Mississippi? Or what
5 if a lot less of it did? The Corps must pay
6 closer attention to the threat of depletions
7 and the impacts they could have on the
8 Mississippi River states.

9 Consider that the Corps has not
10 even analyzed the effect of depletions on
11 the Modified Conservation Plan or MCP
12 alternative. This alternative seems to be a
13 leading contender for the next Master Manual
14 since it is a variation on a theme once
15 backed by seven of the eight Missouri River
16 Basin Association states (MRBA). Missouri
17 was the lone holdout, primarily because of
18 the unknown impact of depletions on
19 operations under the MRBA plan.

20 Last night in Memphis you heard
21 from the director of the MRBA. As counsel
22 to one of the MRBA member states, I was
23 frankly shocked to hear Mr. Opper suggest
24 that the Gavins Point flow change
25 alternatives were relatively benign compared

1 to those proposed by the Corps in 1989 and
2 1994. He also suggested that MRBA hadn't
3 made a decision on these flow changes and
4 will consider supporting them.

5 Mr. Opper may have the authority
6 to speak on behalf of MRBA when the
7 directors give it to him, but I regularly
8 attend MRBA meetings and, to my knowledge,
9 MRBA has not taken a position that the GP
10 flow changes are benign and has not
11 indicated that it is leaning towards
12 supporting them. The MRBA recommendations
13 do not include these flow changes. We
14 intend to fully investigate these apparently
15 ultra vires statements by Mr. Opper.

16 Mr. Opper also opined that MRBA
17 had been largely, but not completely
18 successful in trying to find common ground.
19 But almost reaching consensus is not
20 consensus. While there may be seven of
21 eight Missouri River Basin states that
22 support the MRBA plan, let's not forget the
23 nine Mississippi River state governors who
24 have requested that the Corps involve them
25 in decisions affecting Missouri River

1 operations.

2 Does the Corps have the legal
3 authority to manage the Missouri River for
4 the incidental benefit of the Mississippi
5 River? Congress says they do. The
6 authorizing legislation gives the Corps
7 authority to operate the Missouri River
8 Mainstem Reservoir System to support
9 navigation. The Pick-Sloan Plan does not
10 specify that the Corps' authority is limited
11 to supporting Missouri River navigation.
12 The legislative history also shows that the
13 reservoirs can be used to support navigation
14 on both rivers. Moreover, the Flood Control
15 Act of 1944 speaks about the nation's
16 rivers, not just the Missouri River. The
17 Corps agrees. As Col. Fastabend says in the
18 video, the Missouri is managed to provide
19 benefits to the nation.

20 Also, in 1952, the joint working
21 group from the Bureau of Reclamation and the
22 Corps published a report on the operation of
23 the mainstem reservoirs. The joint report
24 states that the reservoirs are to be
25 operated for, quote, "the control of floods

1 on the Missouri River below Fort Peck Dam
2 and to lower flood crests on the Mississippi
3 River and to provide adequate control
4 releases for navigation on the Missouri
5 River and connecting inland waterways." The
6 Corps relied on this report as recently as
7 1990.

8 Depletions and flow management on
9 the Missouri River are important to
10 Mississippi River states because the
11 Missouri can provide as much as 60 percent
12 of the Mississippi River's flow. A
13 reduction in this flow support to
14 Mississippi River navigation can be
15 enormously costly. The reach between
16 St. Louis and Cairo, Illinois is a
17 transportation bottleneck, particularly
18 during low flows. Do flow management
19 changes impact this bottleneck? The
20 Missouri Department of Natural Resources
21 analysis shows that the MCP is more than
22 four times more likely to do so than the
23 present Master Manual.

24 Flow changes have other
25 consequences, such as more frequent channel

1 dredging, which could have disastrous
2 impacts on fish and wildlife on the
3 Mississippi, including the pallid sturgeon.
4 Potential for a conflict between endangered
5 species and Mississippi River commerce, like
6 the contentious battle on the Alabama and
7 Tombigbee waterways, is greater under the
8 low summer flow and split navigation season
9 alternatives.

10 The impact of flow management
11 changes could be compounded by future
12 depletions of Missouri River water. For
13 instance, the wasteful Garrison Diversion
14 would take Missouri River water completely
15 outside of the basin. For years it was
16 thought to be dead, but was reincarnated
17 with the passage of the Dakota Water
18 Resources Act of 2000. Congress continues
19 to fund these boondoggles as well. On
20 October 30th, 2001, a House-Senate
21 conference committee approved more than
22 \$70 million in funding for North Dakota
23 water projects, \$25.5 million for the
24 Garrison Diversion. On top of this
25 substantial federal funding, North Dakota

1 has set aside about \$382 million from its
2 tobacco settlement proceeds to fund water
3 development projects in that state. Under
4 the National Environmental Policy Act the
5 Corps must consider reasonably foreseeable
6 future developments. This means the Corps
7 must conduct a more thorough depletion
8 analysis under NEPA.

9 We thank you for the opportunity
10 to tell you about our concerns for the
11 future of the Missouri and Mississippi
12 Rivers.

13 THE HEARING OFFICER:

14 Thank you, Mr. Kardis.

15 MR. MOORE:

16 Mike Olson.

17 MR. OLSON:

18 Good evening, Col. Krueger. My
19 name is Mike Olson and I'm here this evening
20 on behalf of the U.S. Fish and Wildlife
21 Service to issue a brief statement on the
22 RDEIS.

23 First of all, Colonel, as the
24 Corps wraps up this step in the Master
25 Manual process, I would like to commend you

1 and your staff for their professional
2 approach and hard work that has gone into
3 these previous 13 hearings and workshops. I
4 think that it's been a real privilege to be
5 part of most of those from the Fish and
6 Wildlife Service's perspective and we
7 appreciate the opportunity.

8 My one recommendation to you next
9 time you schedule workshops is to do a
10 little more promotion of the workshop
11 itself. You have a tremendous resource in
12 your staff here and I think that the folks
13 who spoke at the hearings up and down the
14 basin would benefit by coming first to the
15 workshop to discuss these issues with your
16 staff. I think a lot of the facts could
17 have been checked in the afternoon before
18 they were given in the evening.

19 Colonel, our agency has primary
20 authority for oversight of our nation's
21 rarest animals under the Endangered Species
22 Act. As you know, the Missouri is home to
23 the endangered pallid sturgeon and least
24 tern, and the threatened piping plover. The
25 decline of these species tells us the river

1 is not healthy for its native fish and
2 wildlife and that there needs to be a change
3 in its management to restore the Missouri to
4 a more naturally functioning river system.

5 Congress committed the Federal
6 Government to preventing extinctions by
7 requiring federal agencies to use their
8 authorities to conserve endangered and
9 threatened species. During the last 12
10 years, our two agencies have been working to
11 modernize the management of the Missouri
12 River, to help stabilize and hopefully begin
13 to increase and recover population of these
14 very rare animals.

15 This new approach was described
16 recently in a document called the Missouri
17 River Biological Opinion published in
18 November of 2000. That opinion looks at the
19 river as a system and outlines the status of
20 these rare species, the effects of the
21 current operation on them, and importantly,
22 a reasonable and prudent alternative to the
23 current operation that will not jeopardize
24 their continued existence. Our Biological
25 Opinion is based on the best available

1 science. That includes nearly 500
2 scientific references. In addition, we have
3 sought out six respected independent
4 scientists not associated with either the
5 Service or the Corps and these big river
6 specialists confirm the need to address flow
7 management as well as habitat restoration.

8 Further, the Missouri River
9 Natural Resources Committee, a group
10 comprised of state experts on Missouri River
11 management from agencies within those states
12 with jurisdiction and authority over fish
13 and wildlife issues, endorses the science
14 used in that opinion. And that was a
15 consensus of all states.

16 If you have read the RDEIS summary
17 or summary document, you understand that the
18 GP alternatives encompass the range of flows
19 identified by the Service as necessary below
20 the dam at Gavins Point to keep the listed
21 species from being jeopardized. Our agency
22 and the Corps also recognized the importance
23 of some flexibility in management that would
24 enable Missouri River managers to capitalize
25 on existing water conditions to meet

1 endangered species objectives without having
2 to go through another 12-year process.

3 Other management changes
4 identified in the opinion included a spring
5 rise out of Fort Peck Dam, an improved
6 pallid sturgeon hatchery operation,
7 restoration of approximately 20 percent of
8 the lost aquatic habitat in the lowest
9 one-third of the river, intersystem
10 unbalancing, and acceptance of an adapted
11 management framework that would include
12 improved overall monitoring of the river.

13 In closing, my agency supports the
14 identified goal of the revised Master
15 Manual, to manage the river to serve the
16 contemporary needs of the Missouri River
17 Basin and nation. These needs include
18 taking steps to ensure that endangered and
19 threatened species are protected, while
20 maintaining many other socioeconomic
21 benefits being provided by the operation of
22 these dams.

23 The Service stands behind the
24 science used in the opinion and we are
25 confident that the operational changes

1 identified and included in the RDEIS as GP
2 alternatives, will ensure that these rare
3 species continue to be a part of the
4 Missouri River's living wildlife legacy.

5 As mentioned in your introductory
6 video, the Missouri is indeed a tremendous
7 river with a significant and revered
8 heritage. Our influence has altered that
9 river greatly and changes are needed to
10 modernize and restore the health to that
11 river for the benefit of rare species and
12 for the people of the basin and nation as
13 well.

14 Thank you.

15 THE HEARING OFFICER:

16 Thank you, Mr. Olson.

17 MR. MOORE:

18 Beverly Ethridge.

19 * * *

20 BEVERLY ETHRIDGE,
21 U.S. Environmental Protection Agency, made
22 the following statements:

23 MR. ETHRIDGE:

24 Col. Krueger, my name is Beverly
25 Ethridge. I work for the U.S. Environmental

1 Protection Agency. My questions or comments
2 pertain to the completeness of the document.
3 I have not read the larger text and I came
4 in late, so you may have already covered
5 this.

6 First, I would like to start with
7 water quality in the lower river. As you no
8 doubt are aware, we have a tremendous
9 hypoxic area in the Gulf and there's
10 tremendous contribution to that area from
11 midwest agricultural operations and in spite
12 of EPA's and the Department of Agriculture's
13 efforts at BMPs and improved technology,
14 there is still quite a lot of nutrients
15 coming down. So my question is whether you
16 have addressed any changes, whether plus or
17 minus, that might occur as a result of your
18 operations planning?

19 A similar question for downriver
20 regarding sediment, and my question there
21 simply is whether your management plans will
22 alter sediment loading in the river? If it
23 does alter it, will it be plus or minus?
24 And in either case, does that effect fine or
25 course grains more?

1 Thirdly, I'm sure you're aware of
2 the requirement within the Coastal Wetlands
3 Planning Protection and Restoration Act for
4 consistency of federal projects,
5 particularly navigation and flood control
6 energy, that sort of thing, to ensure that
7 no activities would in any way conflict with
8 the goals of this act. A "quipper,"
9 (phonetically spelled) we call it here.

10 We are, in this part of the land,
11 embarking on unprecedented efforts at
12 redistribution or reintroduction of river
13 flow to the coastal wetlands to restore them
14 and certainly maintaining flow is very
15 critical for those reasons.

16 This affects as well, the fact
17 that we send 30 percent of our water down
18 the Atchafalaya each year and that's
19 important for that ecosystem. So again,
20 just reduction in flows, recognizing that we
21 have some peak flows that we would like some
22 help with perhaps, but an overall reduction
23 in flow could cause us some problems.

24 That's it. Thank you.

25 THE HEARING OFFICER:

1 Thank you, Ms. Ethridge.

2 MR. MOORE:

3 Pat Riley.

4 * * *

5 PAT RILEY,

6 Port Captain for Canal Barge Company, made
7 the following statements:

8 MR. RILEY:

9 Hello, my name is Pat Riley and
10 I'm the Port Captain for Canal Barge
11 Company. Canal is one of the largest
12 independently owned and operated barge lines
13 in the United States. We employ over 300
14 mariners and 100 shoreside staff and are
15 headquartered in the New Orleans area. We
16 operate on most of the navigable waters in
17 the United States and are one of the larger
18 long-haul carriers.

19 I would like to express our
20 company's extreme concern about the proposed
21 changes to the Missouri River Master Water
22 Control Manual. Wise management of the
23 Missouri River flows is essential to the
24 efficient, effective, and profitable
25 functioning of the inland mode of

1 transportation on the Mississippi River
2 system. The key to our transportation
3 mode's success is safe, reliable,
4 cost-efficient movement of bulk commodities.
5 Because the Missouri River accounts for over
6 60 percent of the Mississippi River water
7 volume between St. Louis and Cairo,
8 Illinois, reduced flow in late summer and
9 early fall could bottleneck the flow of
10 riverborne commerce at a critical time.
11 This will greatly disrupt the flow of grain
12 shipments for export, as well as the flow of
13 petroleum and petrochemical shipments from
14 the Gulf Coast to manufacturing facilities
15 and distribution centers in the St. Louis
16 and Chicago areas.

17 The entire cost structure and
18 dependability of our industry is premised on
19 high levels of utilization of our equipment.
20 Year-round operation and maximum draft and
21 tow sizes are keys to our success. We and
22 our customers are in extremely competitive
23 businesses. We cannot tolerate significant
24 periods of disruptions or inefficiencies.
25 The less reliable, more expensive river

1 system will cause shippers to either lose
2 their ability to compete in their markets,
3 or to change shipping patterns to alternate
4 modes of transportation. Either of these
5 scenarios will result in job loss and
6 business failures up and down the
7 Mississippi River system.

8 The inability to access our
9 primary markets in St. Louis and Chicago, as
10 well as ports along the upper Mississippi
11 River, would greatly debilitate our
12 business, thus compromising Canal Barge
13 Company's employees, customers, and
14 suppliers. These costs are far too great
15 for the unknown or perceived benefits of the
16 various options proposed as alternatives to
17 the current Missouri River Master Water
18 Control Manual.

19 Thank you.

20 THE HEARING OFFICER:

21 Thank you, Mr. Riley.

22 MR. MOORE:

23 Chris Brescia.

24 * * *

25 CHRIS BRESCIA,

1 President of MARC 2000, made the following
2 statements:

3 MR. BRESCIA:

4 Colonel, my name is Chris Brescia.
5 I'm President of MARC 2000. I would like to
6 take this opportunity today in New Orleans
7 to summarize a lot of the key points that I
8 think you've heard in the course of your
9 hearings and to also characterize, at least
10 from our point of view, some of the comments
11 that have been made by many of our
12 stake-holder groups.

13 First, with respect to the
14 navigation, we are very concerned that the
15 shifting of water flows under the MCP and
16 the GP plans radically alter the low
17 reference point, the low water reference
18 point, specifically in the Port of St. Louis
19 and the middle Mississippi. We think that
20 the analysis that's been done on that effect
21 is incomplete. While you've identified the
22 fact that there are dredging costs that are
23 likely to emanate, I'm not quite sure that I
24 read in any of your documentation that you
25 truly looked at the environmental impact of

1 such an action.

2 My discussions with the Illinois
3 Department of Conservation reveals that
4 dredging, particular in the month of June,
5 which is what would have to happen,
6 especially in the low flow alternatives, the
7 GP alternatives, that traditionally is done
8 in July, August, and September, would be
9 extremely devastating to many species,
10 especially spawning near areas in the middle
11 Mississippi.

12 We are already challenged to meet
13 our obligations to the species in this
14 region and I think it would be misguided if
15 we did not have that complete analysis
16 before a final decision is made.

17 I would like to reiterate some of
18 the concerns we have about how the data is
19 presented, especially in an aggregated
20 format and executive summary. I think that
21 it's very hard for people who are concerned
22 about their livelihoods, it's very hard for
23 people who are concerned about sustaining
24 economic activity to recognize that there
25 are significant impacts that happen on an

1 annual basis that lead to business
2 foreclosures and consolidation due to low
3 profitability that are not reflected in the
4 average annual analysis that is presented to
5 the public.

6 We've already talked about the
7 fact that there are major event years that
8 totally change, if withdrawn from the
9 analysis. If one year of Mississippi River
10 impact data is withdrawn from the analysis,
11 it totally changes the picture into one of
12 increased costs for the Mississippi River
13 for most of the alternatives, other than the
14 current Water Control Plan. That needs to
15 be assessed within the context of real world
16 impacts. And we have to relook again at
17 some of the economic assumptions.

18 It is interesting to me as someone
19 who has followed the type of assumptions
20 that the Corps uses in their economic
21 methodology to find that there is an
22 expectation that no traffic will be diverted
23 as a result of any of these plans when, in
24 fact, that seems to be a bone of contention
25 in other parts of the Mississippi River

1 system. Because if there is diversion, then
2 we need to look at that modal impact
3 analysis and what that means both to the
4 social cost of the rejoin and the
5 environmental cost of the region.

6 And then, of course, there is the
7 age-old debate over recreation versus
8 navigation and how they're valued. To use
9 the next alternative means of costing out
10 navigation compared to a day-per-use means
11 of recreation, doesn't allow us to have a
12 true comparison of these values. If
13 recreation were to be analyzed on the same
14 basis as navigation, we would find very
15 little in the way of any deep benefits that
16 would be affected by any of these plans.

17 Then there's the issue of what
18 some have called controlled flooding. In
19 your own video, you talk about the
20 unpredictability of the Missouri River. I
21 think the Corps of Engineers deserves a lot
22 of credit for trying to model these very
23 hard concepts that we're discussing and
24 analyzing. But to have a model that hinges
25 on such sensitive assumptions and on being

1 correct and accurate with a low degree of
2 risk factored in gives me great cause for
3 concern because I know of the
4 unpredictability of the river system. And
5 to have policy decisions and future changes
6 made based on a model run alone is one that
7 needs to be reevaluated.

8 Down basin, especially from Sioux
9 City, Iowa to New Orleans, you haven't heard
10 any support from the flood control community
11 for these alternatives. You haven't heard
12 any support from folks affected by internal
13 drainage. You have heard, in fact, "hell
14 no" type of support from the navigation
15 community. Even the hydropower community
16 which stands, according to your analysis, to
17 benefit, on the average is very concerned.
18 The water safety community is not happy with
19 what you have. And in the recreation
20 community, it's only in the upper basin
21 reservoirs where you see a benefit. You
22 actually see a decline in some of the
23 river-based areas.

24 I talked about Mississippi River
25 impacts, the need for a modal shift, the

1 fact that we've gotten in some cases
2 representation of extreme events that need
3 to be highlighted so people understand that
4 these are real impacts and not eliminated
5 through a statistical average.

6 And then finally, I guess I come
7 to a point that I think many people are
8 going to judge this on, and that is trust.
9 That is whether or not they have a trust in
10 the documentation that's been put forward,
11 the common-sense impact. It's
12 counterintuitive to people on the
13 Mississippi River to think that they're
14 going to receive less water from the
15 Missouri River, yet the impacts are going to
16 be beneficial to the Mississippi.

17 I believe very strongly that the
18 people that you have on your team have put a
19 lot of good faith effort into putting the
20 best available information that they have
21 together, that their intentions are
22 honorable and professional and that they've
23 done their best to be as accurate as they
24 can, but I believe that in presenting the
25 information the way we have, it misleads

1 people into truly appreciating the changes
2 that might be coming down the pike. I think
3 that the biggest, most pronounced area where
4 this needs to be incorporated and reviewed
5 and presented again to the public at another
6 time is a true representation of depletions,
7 because any sort of assessment that we do, a
8 foot one way or the other, makes a big
9 difference.

10 And we have to factor this in, the
11 Indian tribes have rights to water that have
12 not been factored into these analyses.
13 Depletions need to be run for all of the
14 documents because in the end analysis,
15 Colonel, I think that if the model is wrong,
16 if the unpredictability does occur, it's the
17 depletion analysis that will help us
18 understand the extreme possibilities of what
19 we have to deal with, and that's necessary
20 to reach a good conclusion.

21 I want to thank you very much for
22 your attention. I apologize for exceeding
23 my five minutes, but this is the last you
24 will see of me this week.

25 Thank you, sir.

1 THE HEARING OFFICER:

2 Thank you, Mr. Brescia.

3 MR. MOORE:

4 Roger Harris.

5 * * *

6 ROGER HARRIS,

7 Operations Director for Magnolia Marine

8 Transport Company, made the following

9 statements:

10 MR. HARRIS:

11 Good evening. My name is Roger

12 Harris. I'm the Operations Director for

13 Magnolia Marine Transport Company based out

14 of Vicksburg, Mississippi. I'm here tonight

15 to share our point of view on these proposed

16 changes to the operations of the Missouri

17 River. Magnolia Marine currently operates

18 16 towboats and approximately 65 petroleum

19 tank barges. We are the nation's largest

20 mover of liquid hot asphalt. Our company

21 employs approximately 230 people who mainly

22 reside in the midsection of this company.

23 We have two boats and four barges

24 that operate primarily on the Missouri

25 River. These two boats together employ

1 approximately 26 full-time employees. The
2 other 14 boats work throughout the inland
3 rivers including the lower end of the upper
4 Mississippi River from St. Louis to Cairo,
5 Illinois. Each year on the Missouri River
6 alone, we transport an average of
7 220,000 tons of asphalt between St. Louis
8 and Kansas City, Missouri.

9 Breaking these tonnage figures
10 down, if navigation is hindered by the
11 proposed changes in the Missouri River
12 operations, this would equate to
13 approximately 2,300 additional railcars per
14 year moving through Missouri neighborhoods.
15 Continue with this breakdown, this yearly
16 tonnage figure would also equate to 9,000
17 additional semi-trucks on Missouri highways.

18 And we are but one small company
19 that operates on the Missouri. Destroying
20 navigation on this great river would also
21 present a detrimental economic impact on the
22 citizens who not only hold these jobs, but
23 also the jobs of the people who produce,
24 handle, and use the cargoes that we
25 transport on the Missouri.

1 Another point of concern for our
2 company is the effect that reduced flows
3 from the Missouri River would have on the
4 lower end of the upper Mississippi River.
5 Currently, 45 percent of our customer base
6 is in the St. Louis area. Since the
7 Missouri River contributes as much as
8 60 percent of the water that flows from
9 St. Louis to Cairo, Illinois, changes in the
10 Operations Manual could also have a
11 detrimental effect on navigation of that
12 area. With reduced drafts, delays, and
13 increased aids to navigation this stretch of
14 river would require, we feel this would
15 present another negative economic effect on
16 the entire Mississippi River Basin.

17 To sum this up in one statement,
18 we at Magnolia Marine Transport Company are
19 opposed to any changes in the operations of
20 the Missouri River.

21 Thank you.

22 MR. MOORE:

23 Cynthia Sarthou.

24 * * *

25 CYNTHIA SARTHOU,

1 Executive Director of the Gulf Restoration
2 Network, made the following statements:

3 MS. SARTHOU:

4 My name is Cynthia Sarthou and I
5 am Executive Director of the Gulf
6 Restoration Network. We are a network of
7 groups from Texas to Florida that work on
8 the preservation and restoration of the Gulf
9 ecosystem.

10 We are concerned for several
11 reasons about this: One is the --
12 essentially, I commend the Corps for once
13 considering wildlife and fisheries in its
14 analysis and I am concerned, as in most
15 cases, that navigation alone not be given
16 the greatest consideration in the Corps'
17 determination of fluctuations in dam flow on
18 the Missouri River. I think it is very
19 important that you give significant
20 consideration to the three endangered
21 species in this instance and to fish and
22 wildlife in general in those areas.
23 Restoration of habitat and restoration of
24 flows is critical to the survival of many
25 species, both on the Missouri River and on

1 the Mississippi River.

2 We are also a group that works on
3 the Dead Zone issue and have been working
4 for a long period of time to bring that
5 issue to the forefront and to get action to
6 address it. And we would like to ask that
7 in the final EIS, you consider any impacts
8 that changes in flow will have on the Dead
9 Zone, including increases or decreases in
10 fertilizer transport -- well, in nitrogen
11 transport through river flows.

12 And, finally, we are concerned
13 about restoration efforts in the lower
14 Mississippi River and the impact that
15 changes in flow would have on restoration
16 efforts and we would ask that the final EIS
17 address that as well.

18 Thank you.

19 MR. MOORE:

20 Jeff Kindl.

21 * * *

22 JEFF KINDL,

23 Vice President with River Barge Excursion

24 Lines, made the following statements:

25 MR. KINDL:

1 Good evening. My name is Jeff
2 Kindl. I've Vice President with River Barge
3 Excursion Lines. We operate the only hotel
4 barge on the Inland River System. We're
5 based in New Orleans. We have 98 staterooms
6 on one barge and the public accommodations
7 on the second barge. We're pushed by a
8 3,000-horsepower towboat and we operate in
9 over 3,000 miles of the Inland River System.

10 During the month of August, we
11 operate in the Missouri River. We're the
12 first overnight passenger vessel on the
13 Missouri River in well over 100 years. In
14 the past three years, we've brought over
15 1,500 people to the Missouri River, stopping
16 at approximately 14, 15 towns along the way,
17 bringing tourism to those towns. This year
18 we made two trips up to Omaha. Next year we
19 plan on going up to Sioux City.

20 Any alteration of the flows out of
21 Gavins Point with a negative impact to
22 navigation is unacceptable to us. August is
23 the most reliable month that we can sail on
24 the Missouri because of height restrictions
25 and the concern of getting caught behind a

1 bridge due to high water because of raised
2 elevations due to a storm or something like
3 that coming through.

4 If, in fact, the flows are changed
5 and navigation is eliminated on the
6 Missouri, these products are going to move
7 anyway, either by truck or rail. Do we need
8 more trucks on Interstate 70 in Missouri or
9 Interstate 80 in Iowa? I think not. Do we
10 need more trains? There's 46 trains a day
11 that go through the town of Washington,
12 Missouri. As you've heard the other
13 speakers say, the Missouri puts in somewhere
14 around 60 percent of the river into the
15 Mississippi right above St. Louis. Low
16 flows there risk choking it off, choking off
17 the upper Mississippi up to St. Paul, the
18 Illinois River up to Chicago, at a time when
19 shippers are trying to get their products up
20 there before harvest and get the harvest
21 out.

22 Perhaps on the pallid sturgeon,
23 there might be more pallid sturgeon had the
24 nonnative walleyed pike not been introduced
25 to the Missouri, which the walleyed is one

1 of the most voracious predators of any of
2 the fish. And besides there being negative
3 impacts on navigation, you would have
4 negative impacts on drinking water, power
5 generation, cooling water, flood controls
6 and even as your film said earlier, on
7 recreation between Sioux City and Omaha.

8 I think that's about it then.

9 Thank you very much.

10 THE HEARING OFFICER:

11 Thank you, Mr. Kindl.

12 MR. MOORE:

13 Ken Wells.

14 * * *

15 KEN WELLS,

16 Southern Region of the American Waterways
17 Operators, made the following statements:

18 MR. WELLS:

19 Good evening. I'm Ken Wells. I
20 represent the Southern Region of the
21 American Waterways Operators. We are the
22 national trade association for the tugboat,
23 towboat, and barge industry. Thank y'all
24 for coming down to New Orleans. I hope it
25 was not a difficult trip for you. I hope

1 you don't mind being here.

2 I also represent the -- I serve on
3 the board for the Greater New Orleans Barge
4 Fleeting Association. Which is also barge
5 and towing related, but has the distinction
6 of representing the small businesses
7 primarily that hold barges once they come to
8 New Orleans and then ship them back and
9 forth to terminals. As I say, these are
10 largely small businesses, who would be
11 negatively impacted by anything that hurts
12 the Mississippi.

13 It has been pointed out that the
14 rainfall on the planes and flows in the
15 Missouri River eventually make its way to
16 New Orleans. That water flowing off the
17 Missouri joining up with the waters of the
18 Ohio, the Illinois, and the upper
19 Mississippi create one of the most
20 effective, efficient water transportation
21 systems in the world.

22 Our concern here in New Orleans is
23 that five of the six options under
24 consideration for the Missouri River Master
25 Plan could do serious harm to Mississippi

1 River transportation and that your analysis
2 of those options may not accurately measure
3 the damage that could be done if one of
4 those options is chosen.

5 We support the sixth option, the
6 CWCP option. We're afraid that these other
7 options may lead to situations in which low
8 water off the Missouri combines with low
9 water seasons off the Ohio and upper
10 Mississippi to result in reduced traffic on
11 the Mississippi or perhaps even no traffic
12 on the Mississippi for a period of time.
13 Your studies indicate that lower levels on
14 the Missouri would coincide with low water
15 off those other rivers every once in a
16 while.

17 What it sounds like is that with
18 five of these six plans, we would be turning
19 barge traffic on the Mississippi into a game
20 of chance. That we would turn it into a
21 crap shoot in which every year, we would
22 hope that the odds aren't stacked against
23 us. Barge lines can't operate like that.
24 Midwestern farmers can't operate like that.
25 Our export markets can't operate that way.

1 The Japanese importer who is told that we
2 can't deliver his grain as promised because
3 we goofed on our Missouri River flow model
4 may not be back for the next year's harvest.

5 For nearly 100 years, the Corps
6 has had a mission of maintaining navigation
7 on the Mississippi River and none of us can
8 walk away from that obligation. We also
9 should not ignore the economic impact of
10 threatening navigation on the Mississippi.
11 That means that the Corps should look at the
12 total impact, including the impact on the
13 upper Mississippi, including the impact on
14 the Illinois, including the impact on
15 shippers, including the cost of increased
16 shipping rates for other modes if that cargo
17 is forced off the river or if the river
18 option is not open.

19 One other area that needs to be
20 looked at is the effect of sending that
21 cargo by other modes. How many more
22 accidents on the highways? How many more
23 train accidents? How much more air
24 pollution? How many more delays? How many
25 more fatalities?

1 Another area that needs to be
2 looked at is the impact that this has on the
3 barge industry which is largely a capital
4 intensive, leveraged industry. The barges
5 are owned, but they're often leased. It
6 involves borrowed money. If traffic stops,
7 the loans still have to be paid, the leases
8 still have to be paid. It also creates
9 significant logistical nightmares. We are
10 now living in a world where we are in a web
11 of commerce involving a lot of different
12 rivers and what seems to be an impact on
13 just the Missouri can affect every waterway
14 system that we operate on.

15 And, finally, to speak on the
16 Missouri for just a moment, we cannot
17 pretend for a minute that a split season on
18 the Missouri is a viable option. Our
19 experience has been that once a waterway is
20 forced to hold navigation windows, its
21 future is threatened and it has to fight for
22 its survival. The decline may not be
23 immediate, but it is inevitable and the
24 decision to split the season on the Missouri
25 is likely to be a decision to kill

1 navigation.

2 So we urge you to choose the CWCP
3 option. We feel it is the only option that
4 does not damage navigation and perhaps the
5 nation's economy.

6 Thank you for allowing me to
7 speak.

8 THE HEARING OFFICER:

9 Thank you.

10 MR. MOORE:

11 Mark Davis.

12 * * *

13 MARK DAVIS,
14 Executive Director of the Coalition to
15 Restore Coastal Louisiana, made the
16 following statements:

17 MR. DAVIS:

18 Good evening. My name is Mark
19 Davis and I'm the Executive Director of the
20 Coalition to Restore Coastal Louisiana.

21 I think you've already heard a
22 fair amount about the basic topic that I
23 would like to speak to you about this
24 evening and that is our greatest concern
25 about the Revised Manual and the Revised

1 Draft Environmental Impact Statement is its
2 completeness as it pertains to the
3 Mississippi River.

4 I won't pretend to be an expert on
5 navigation and I won't have any opinions on
6 that topic. But I do believe that it is
7 important to recognize, as the video said,
8 that the Missouri River is everyone's river.
9 We agree with that. We think it is in part
10 ours because as the gentleman from the
11 Missouri Attorney General's office
12 indicated, some of the water that's going by
13 just a couple of blocks from here originated
14 in Missouri. Some of the land we're
15 standing on right now also once came from
16 the Missouri River system. This is an
17 integrated system and though the Corps of
18 Engineers by its authority tends to manage
19 them as distinct entities, nature doesn't
20 make those distinctions and those of us who
21 live down here can't make them either.

22 I think it's important to
23 recognize that as you look at the Missouri
24 River plan, it has to fit into a broader
25 context. It's a context unlike those that

1 you found the last time you did major
2 planning. In fact, I think the last time I
3 addressed this particular -- your division
4 was on this topic about six years ago. At
5 that time, we urged the same thing that
6 Beverly Ethridge from the Environmental
7 Protection Agency did, which is that you pay
8 close attention to the plans that are being
9 drawn for the restoration of coastal
10 Louisiana because we believe that it is not
11 only a matter of interest, we believe it is
12 a matter of legal obligation. We believe
13 that NEPA and the Coastal Wetlands Planning
14 Protection and Restoration Act create
15 binding obligations on you to consider the
16 effect of your plans on our plans.

17 Now, I would point out that on
18 Monday of this week, the New Orleans
19 District of the Corps of Engineers announced
20 that they will begin scoping of a study to
21 look at the massive change in the way the
22 lower Mississippi River is managed. We
23 don't yet know what that means, but it does
24 entail at least looking at separating
25 navigation.

1 As you may know, coastal Louisiana
2 is disappearing. The things that you tend
3 to manage on the upper river are water and
4 users. We are very interested in how you
5 manage water quality and sediments. Because
6 since the dams were completed on the
7 Missouri River, we've lost about 50 percent
8 of the sediment load in the Mississippi
9 River and that is an essential building
10 block of South Louisiana. That is not
11 merely a parochial interest, because you've
12 been asked to consider, I guess, the broader
13 impacts of a water level shift of about a
14 foot on navigation.

15 We would also urge that you
16 question the assumption that if you do not
17 integrate this planning, that there will, in
18 fact, be a viable New Orleans or a
19 physically sustainable South Louisiana for
20 any of that traffic to come to.

21 I would suggest that if you have
22 not looked at the "Scientific American" from
23 two weeks ago, that you do. There was a
24 major article on exactly that topic. We
25 would ask, I guess, specifically the

1 question of how you plan to reconcile the
2 Missouri River Master Plan with the plans
3 being developed under the Coastal Wetlands
4 Planning Protection and Restoration Act and
5 the Hypoxia Action Plan and with the
6 feasibility studies now being advised by the
7 New Orleans District of the Corps of
8 Engineers here.

9 And we ask for closer
10 coordination. I confess I've not had the
11 opportunity to read the full Revised Draft
12 Environmental Impact Statement and most of
13 us only learned of this meeting within the
14 last 24 hours. It's not much time to
15 provide relevant comments and certainly not
16 much time to make sure that we're all on the
17 same page and that's where we need to be.

18 Thank you.

19 THE HEARING OFFICER:

20 Thank you, Mr. Davis.

21 MR. MOORE:

22 Joseph Cocchiara.

23 * * *

24 JOSEPH COCCHIARA,

25 Board of Commissioners of the Port of New

1 Orleans, made the following statements:

2 MR. COCCHIARA:

3 Good evening. My name is Joseph
4 Cocchiara and I'm with the Board of
5 Commissioners of the Port of New Orleans,
6 which is the Greater New Orleans Port
7 Authority. Colonel, thank you for coming to
8 New Orleans and thank you for this
9 opportunity to address your hearing.

10 Any plan for the Missouri River
11 that significantly reduces flows in the
12 Inland Waterway System in the lower
13 Mississippi River during periods of natural
14 low flow can have very far-reaching
15 consequences, both economic and
16 environmental. Considerable transportation
17 assets of Louisiana's lower Mississippi
18 River ports enable mid-America's farms and
19 industries to play a vital role in the
20 international commerce of this nation.

21 In 1999, the region's ports and
22 port facilities handled 230 million tons of
23 foreign waterborne commerce. Valued at
24 \$35 billion, this cargo accounted for
25 18.4 percent of all the nation's

1 international waterborne trade and
2 27 percent of all U.S. exports. Bulk cargo
3 primarily consisting of tremendous grain and
4 animal feed exports and petroleum imports
5 made up 82 percent of this volume.

6 Approximately 53 million tons of
7 grain from 17 states, representing
8 55 percent of all U.S. grain exports, access
9 world markets via the ten grain elevators
10 and midstream transfer facilities on the
11 lower Mississippi River. The same port
12 complex received 87 million short tons of
13 petroleum and petroleum products, 15 and a
14 half percent of all U.S. waterborne imports
15 of petroleum products.

16 In 1999, foreign waterborne
17 imports handled at all Louisiana ports on
18 the lower Mississippi totaled 127 million
19 tons. In the same year, foreign waterborne
20 exports totalled 102 and a half million
21 tons. And in that same year, Louisiana
22 ports on the lower Mississippi handled
23 245 million tons of domestic waterborne
24 commerce. The domestic commerce accounts
25 for more than 57 percent of the total

1 traffic on the lower river.

2 That's a total of 474 million tons
3 of foreign and domestic waterborne commerce
4 handled at Louisiana's lower Mississippi
5 River ports, making it the largest,
6 demonstrably the largest port complex in the
7 world. And the vast majority of this
8 waterborne commerce depends directly upon
9 the continuing viability and dependability
10 of the Mississippi River and the Inland
11 Waterway System. The economic impact of
12 this commerce on just the State of Louisiana
13 is astounding.

14 Louisiana ports on the lower river
15 generated \$26 billion of total spending,
16 212,000 jobs, and \$4.2 billion of wages in
17 the state economy and that's just in
18 Louisiana.

19 Reduced flows on the Mississippi
20 could seriously affect not only the economy
21 of the State of Louisiana and the nation,
22 but also its municipal water supplies here
23 in New Orleans and the lower river and the
24 industrial process and cooling water
25 supplies on the lower river. Reduced river

1 levels can permit saltwater intrusion from
2 the Gulf to reach water intakes on the lower
3 Mississippi as far as New Orleans and
4 beyond.

5 Finally, I would like to reinforce
6 a couple of the comments that were made
7 previously by others. First, any reduction
8 to Missouri River flows will adversely
9 affect environmental restoration activities
10 in coastal Louisiana to the reduction of
11 freshwater and silt load in the river. And,
12 secondly, any commerce that is not able to
13 be shipped on the river system will be moved
14 by rail or truck at a much higher cost in
15 congestion and in air pollution.

16 Thank you very much.

17 THE HEARING OFFICER:

18 Thank you, Mr. Cocchiara.

19 MR. MOORE:

20 Neil Armingeon.

21 * * *

22 NEIL ARMINGEON,
23 Lake Pontchartrain Basin Foundation, made
24 the following statements:

25 MR. ARMINGEON:

1 Good evening, Colonel. My name is
2 Neil Armingeon. I'm with the Lake
3 Pontchartrain Basin Foundation based in New
4 Orleans. We're a citizens group. Our focus
5 is the restoration and protection of Lake
6 Pontchartrain Basin. I appreciate the
7 opportunity to come here and speak before
8 you tonight.

9 I'm sitting here realizing, I
10 think I've actually grown up my entire life
11 under the auspices of the Lower Mississippi
12 Valley Division. So I appreciate you guys
13 coming down here. I actually commend you.
14 You do business slightly different than our
15 friends in Vicksburg, so I will also commend
16 you on that.

17 I'm not going to sit up here and
18 try to tell you that I know a lot about
19 this, although I have an interest in it. As
20 you said in your nice video, that the river
21 belongs to all of us as Lake Pontchartrain
22 does. I invite you, next time you're down
23 here, to come look at a beautiful body of
24 water, Lake Pontchartrain.

25 We are concerned, as Mark said, we

1 are very concerned about land loss in our
2 state and it is very encouraging to hear all
3 the people from out of Louisiana concerned
4 about our environment and I appreciate
5 hearing about that tonight. It's also nice
6 to hear all these diverse groups worrying
7 about air quality, water quality, and that's
8 also encouraging to us.

9 A couple of things. We believe
10 that the Corps has a dual a mandate. Yes,
11 navigation is important to this country,
12 especially to this part of the world, but
13 also the resources of this country are
14 important. The Missouri River is something
15 other than a navigation body of water. We
16 believe the flexible flow alternative, I
17 think you call it GP2021, is an option that
18 recognizes the goals that the gentleman from
19 Fish and Wildlife Service mentioned and we
20 believe it gives the Corps the authority and
21 the flexibility to prevent species
22 extinction, to also support recreation and
23 tourism, and also to maintain navigation.

24 Furthermore, following up, the
25 Missouri does belong to all of us and in our

1 opinion, as with a lot of the bodies of
2 water in this country, it has been
3 maintained solely for the needs of a single
4 industry -- navigation. We think it's time
5 now to expand that vision. We also think
6 it's time for you to consider the downstream
7 needs of Louisiana and that includes
8 sediment. There is a lot of land trapped
9 behind those dams and we would ask that you
10 consider that when you decide what you're
11 going to do with this.

12 Finally, I've heard a term tonight
13 I really wasn't that familiar with --
14 "depletion." It's an interesting term. As
15 I said, I spent most of my life, all my
16 adult life in the Southeast and I've been
17 chasing navigation projects in one form or
18 another. And, actually, the word
19 "depletion," in my opinion, varies somewhat
20 how it's used tonight because a lot of the
21 resources, water resources, in this country
22 have been depleted. The habitat value, the
23 water quality value, the recreation value,
24 they have been depleted for the needs of the
25 navigation industry.

1 So I would like you to think about
2 the term "depletion" in one different way
3 than it's been mentioned tonight in not
4 looking at the needs of a single industry,
5 but the needs of this country for wildlife
6 and fisheries resources that cannot stand up
7 here and speak to you tonight.

8 I very much appreciate the
9 opportunity to speak. Thank you.

10 THE HEARING OFFICER:

11 Thank you, Mr. Armingeon.

12 MR. MOORE:

13 Darryl Malek-Wiley.

14 * * *

15 DARRYL MALEK-WILEY,
16 Chairman of the local New Orleans group of
17 the Sierra Club, made the following
18 statements:

19 MR. MALEK-WILEY:

20 Good evening. My name is Darryl
21 Malek-Wiley. I'm the chairman of the local
22 New Orleans group of the Sierra Club. The
23 Sierra Club will be putting in written
24 comments in addition to my statement here
25 tonight. We appreciate the Corps coming

1 down and talking to us here in New Orleans
2 about the Missouri River. Too often in the
3 past, decisions made on the upper
4 Mississippi, the Missouri, and the Ohio that
5 impact us here in Louisiana have been made
6 without our input or comment. We appreciate
7 your coming down here.

8 We feel that the alternatives
9 under the RDEIS, the flexible flow plan, I
10 think you entitled it GP2021, is the
11 alternative that we would like to see
12 incorporated. We feel it gives the Corps
13 the flexibility to do a number of different
14 things and we will be putting in more
15 written comments to support that.

16 I would echo the comments of a
17 number of my colleagues here in Louisiana.
18 We're very concerned about the sediment
19 that's being locked up behind the dams and
20 we would like to see that sediment brought
21 to Louisiana. As Mark Davis said, you're
22 probably standing on some of the best
23 topsoil of the midwest right now. That's
24 what built Louisiana and we want to use that
25 in continuing to build Louisiana and

1 continuing to develop and renourish our
2 wetlands and our wetland resources in the
3 terms of fisheries. That's an area --
4 Louisiana has a tremendous fisheries income
5 and we'll get together some detailed
6 information on the landings and things like
7 that, but with coastal restoration, we're
8 working to keep and improve our wetland
9 fishery activities going on.

10 We would like the Corps to look at
11 the Mississippi River and have advocated --
12 personally and the Sierra Club -- looking at
13 the Mississippi River ecosystem, meaning
14 that you need to look at the Mississippi,
15 the Ohio, the Illinois, the Missouri all as
16 one system rather than just broken up into,
17 you know, Corps plan, you know, you have
18 your districts here and there. You need to
19 look at the whole ecosystem as a more
20 natural system. That's something that we
21 would like to see happen in the future.

22 I know that the Environmental
23 Protection Agency has put together a letter,
24 at least they're trying to look at the
25 Mississippi River Basin and have an internal

1 task force going on that. So we would like
2 the Corps to look at the basin from the
3 Appalachians to the Rockies. You need to
4 look at the whole system rather than just
5 one district's little piece. We believe
6 that the Missouri River is everybody's river
7 and we're especially interested here in
8 Louisiana about the flows and making sure we
9 have that flow down here.

10 We thank you very much for coming
11 down tonight. Hope you get a chance to go
12 out and see some of the Mississippi River on
13 the Riverwalk.

14 Thank you.

15 THE HEARING OFFICER:

16 Thank you, Mr. Malek-Wiley.

17 At this point, all those who have
18 submitted a card have been called on to give
19 their statements. Is there anybody else
20 that wishes to make a statement this
21 evening?

22 (No response).

23 THE HEARING OFFICER:

24 With no one else indicating they
25 would like to make a statement, we will

1 bring the hearing to close. I would like to
2 remind you that the administrative record
3 will be open, again, through the 28th of
4 February, 2002 for anyone wishing to submit
5 written facts or electronic comments. And,
6 again, if you want to be on our mailing list
7 to receive a copy of the transcript, you
8 need to fill out one of the cards available
9 at the table by the entrance.

10 Ladies and gentlemen, I thank all
11 of you for coming tonight and showing your
12 interest in this very complex and important
13 issue and for providing valuable information
14 which I can assure you we will consider in
15 making a decision on which Master Manual
16 Plan to select for the Missouri River
17 Mainstem System operation framework. Please
18 drive safely as you return to your homes.
19 Thanks again for coming.

20 (Whereupon, the proceedings were
21 concluded.)

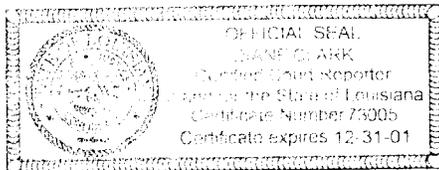
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1 REPORTER'S CERTIFICATE

2

3 I, Diane Tewis Clark, RPR, RMR, certified
 4 Court Reporter, State of Louisiana, do
 5 hereby certify that the above proceedings
 6 was reported by me in the stenotype
 7 reporting method and transcribed thereafter
 8 by me on computer, and that same is a true
 9 and correct transcript to the best of my
 10 ability and understanding;

11 That I am not of counsel, nor related to
 12 counsel or the parties hereto, and in no way
 13 interested in the outcome of this matter.



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25

 Diane Tewis Clark

Certified Court Reporter



STATE OF MISSOURI
WASHINGTON, D.C. OFFICE

MEL CARNAHAN
GOVERNOR

HALL OF THE STATES
400 NORTH CAPITOL ST., SUITE 375
WASHINGTON, D.C. 20001
(202) 624-7720

SUSAN HARRIS
DIRECTOR

May 28, 1999

Lt. General Joe N. Ballard
Chief of Engineering
U.S. Department of the Army
2600 Army Pentagon
Washington, D.C. 20103-2600

Dear General Ballard:

Our states continue to consider and evaluate the proposed Missouri River management alternatives as presented in the Preliminary Revised Draft Environmental Impact Statement (PRDEIS) of September 1998. As you are aware, the Missouri River exerts a vital influence on the health and prosperity of our states. Consequently, the information sharing partnership between the federal government and the states is critical to the success of revising the Missouri River Master Manual to benefit Missouri basin needs as well as the needs of Mississippi River states.

Workshops held by the Corps of Engineers (COE) have allowed for a better understanding of the Missouri River system and how proposed changes impact stakeholders. The COE has provided the basic modeling data for the various proposed river management alternatives that many impacted parties have been evaluating for more than six months. However, we have recently learned that some of the information presented in the PRDEIS by the COE was incorrect because of modeling inadequacies, modeling assumptions, or other problems.

Thanks to the COE staff, the problems are being corrected and new results are being generated. We understand that the new data will be shared, as it becomes available, and that the previously reported impacts will be different for some of the alternatives. Unfortunately, it is extremely late in the process to be confronted with amended information. In order for the states to have a chance at consensus, we need more time.

In light of the new data that is being generated, much of which we have not yet seen, we need sufficient time to examine the new results and understand their implications. We are therefore requesting a 90-day extension in the informal review period for reviewing the data and identifying a solution. This time extension would also allow the previously requested incremented depletion

Lt. General Joe N. Ballard
May 28, 1999
Page 2

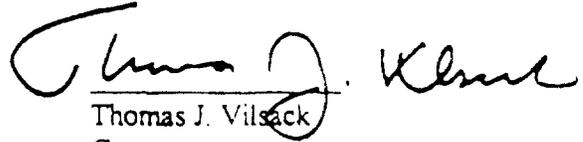
modeling to be completed and reviewed so that everyone may understand depletion impacts particularly in regard to Mississippi River commerce and Midwest agriculture.

We realize that upstream and downstream interests are working together with the COE toward a solution and we want to encourage this cooperation. This 90-day extension would allow the citizens of our states until August 31, 1999, to review the new and revised models and propose a preferred alternative. We strongly encourage your favorable consideration of this request. Thank you for your attention to this important matter.

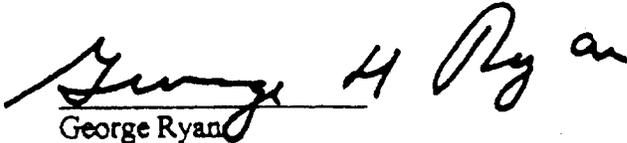
Sincerely,



Mel Carnahan
Governor
State of Missouri



Thomas J. Vilsack
Governor
State of Iowa



George Ryan
Governor
State of Illinois

March 22, 2001

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

As governors of states along the Mississippi River, we are writing to express our concern about management changes proposed for the Missouri River. Major changes are being considered without documentation of their full effects or input from the impacted states outside the Missouri River Basin. The Missouri River flows into the Mississippi River immediately upstream of the second largest inland port in our nation – St. Louis. The stretch of the Mississippi River between St. Louis, Missouri and Cairo, Illinois is often referred to as the “bottleneck reach” because of the need for flow support to provide for transportation needs. During periods of low flow in the Mississippi River, the Missouri River provides as much as two-thirds of the water to the “bottleneck reach” of the Mississippi River supporting navigation and other beneficial uses of the river.

The U.S. Army Corps of Engineers is preparing a new plan for the operations of the Missouri River. The proposals under serious consideration include higher reservoir levels that would actually decrease flexibility in managing this complex system for flood control and other project purposes. The Corps’ Northwest Division’s “Preferred Alternative” would shorten the navigation season on the Missouri River by 27 days and reduce the reliability of navigation on the Mississippi River during a critical period in the late fall. An analysis of the last 100 years of records shows that, under this alternative, fall cutbacks would have occurred in 35 out of 100 years. This is over four times more often than under the current water management plan. In addition, six years would have had no navigation season compared with one under the current plan. Had this proposal been in effect during the year 2000, water levels at St. Louis and in the “bottleneck reach” of the Mississippi River would have been two to three feet lower for a period of 27 days in November. The other proposals being discussed vary slightly in detail, but would result in similar impacts.

Depletions of water from the Missouri River continue to increase as demands for water grow. These depletions increase the adverse impacts of the alternative on downstream reaches of the Missouri River and the Mississippi River. Depletions exacerbate the situation by increasing the frequency of shortened navigation seasons and years with no navigation. By lowering the total amount of water in the Missouri River reservoir system, these depletions would reduce

releases from the reservoirs, particularly during low precipitation. These years are often the same years that the Missouri River provides critical flow support to the "bottleneck reach".

The effects of the alternative and increased depletions greatly amplify the impacts of either one considered in isolation. They would prove harmful to Midwest agriculture, the ports from St. Paul to New Orleans and industries that rely on the Mississippi River to move their products and represent a serious blow to our nation's economy.

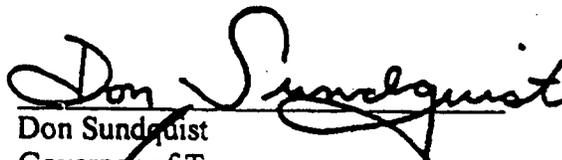
In addition to these considerations, the U. S. Fish and Wildlife Service has proposed an increased spring rise and a period of low flow in the summer to help three endangered and threatened species. If implemented, this would further exacerbate the effects of higher reservoirs and depletions. We support addressing endangered species issues in a reasonable manner that considers all environmental and economic issues. Substantial gains have been realized for the same species on the lower Mississippi River using creative habitat restoration without any change in river flow. This approach has succeeded without the disruption of normal river operations.

We urge you to ensure that decisions are reached on the operations on the Missouri River only with the direct involvement of all those states that rely on the Inland Waterway System. It is important that the Corps offer a briefing to all the Mississippi River states on the full effects of these proposals, including reasonably anticipated future depletions. We request that you direct the Corps to analyze the effects of the Fish and Wildlife Service proposals and reasonably anticipated depletions on the entire Mississippi River system and the compounded effects of these changes on the Corps' "Preferred Alternative". The Corps should not select its "Preferred Alternative" until these analyses and briefings have been completed and the states have been allowed time for meaningful input. Finally, we urge you to form an inter-agency group, including the Secretaries of Transportation and Agriculture, to review the implications of these proposals prior to implementation.

Respectfully,



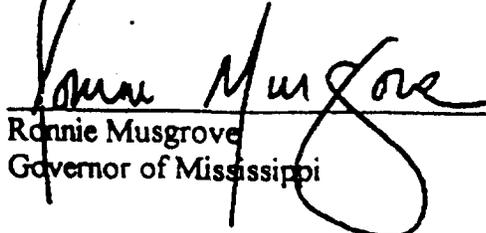
Paul E. Patton
Governor of Kentucky



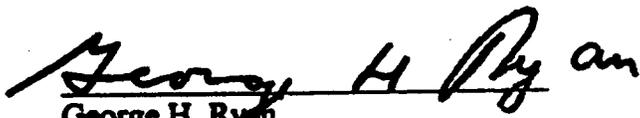
Don Sundquist
Governor of Tennessee



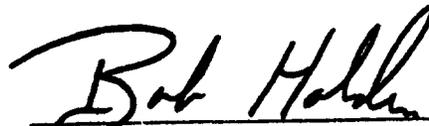
M.J. "Mike" Foster, Jr.
Governor of Louisiana



Ronnie Musgrove
Governor of Mississippi



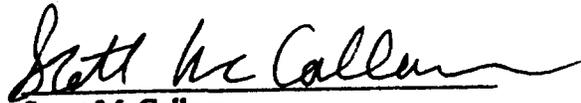
George H. Ryan
Governor of Illinois



Bob Holden
Governor of Missouri



Mike Huckabee
Governor of Arkansas



Scott McCallum
Governor of Wisconsin



Jesse Ventura
Governor of Minnesota

cc: The Vice President
The Honorable Donald H. Rumsfeld, Secretary of Defense
The Honorable Gale Norton, Secretary of the Interior
The Honorable Ann Veneman, Secretary of Agriculture
The Honorable Norman Mineta, Secretary of Transportation

SOUTHERN GOVERNORS' ASSOCIATION

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Missouri River Flow Management Resolution

Sponsored by Governor Bob Holden of Missouri
Approved February 27, 2001
Southern Governors' Association Winter Meeting
Washington, DC

Whereas, the flow of commerce on the Mississippi River is essential to the economic welfare of the nation; and

Whereas, the United States Department of Agriculture reports that 70 percent of the nation's total grain exports were handled through Mississippi River port elevators; and

Whereas, more than one half of the nation's total grain exports move down the Mississippi River to Gulf ports; and

Whereas, free movement of water-borne commerce on the Inland Waterway System is critical to the delivery of goods to deep-water ports for international trade; and

Whereas, the reliability of adequate flows for navigation is a key requirement for fulfillment of delivery contracts, employment in ports and terminals, and energy efficiency; and

Whereas, delays and stoppages would threaten the successful implementation of international trade agreements under NAFTA and GATT; and

Whereas, the Missouri River contributes up to 65 percent of the Mississippi River flow at St. Louis during low water conditions; and

Whereas, reduction of Missouri River flows above St. Louis would result in more frequent and more costly impediments to the flow of commerce on the Mississippi River; and

Whereas, the reach of the Mississippi River between the mouth of the Missouri River at St. Louis and the mouth of the Ohio River at Cairo, Illinois is at highest risk for delays and stoppages of navigation because of low-water conditions; and

Whereas, the Northwestern Division of the U.S. Army Corps of Engineers (USACE) is considering several proposed alterations to the current edition of the Master Water Control Manual for the Missouri River that would reduce support of water-borne commerce by restricting the flow of the river during the summer and fall, low-water period at St. Louis; now, therefore, be it

Resolved, That the Southern Governors' Association would strongly oppose any alterations that would have such an effect and would urge the Corps to consult with affected inland waterway states prior to endorsing any proposal that would alter the current edition of the manual.

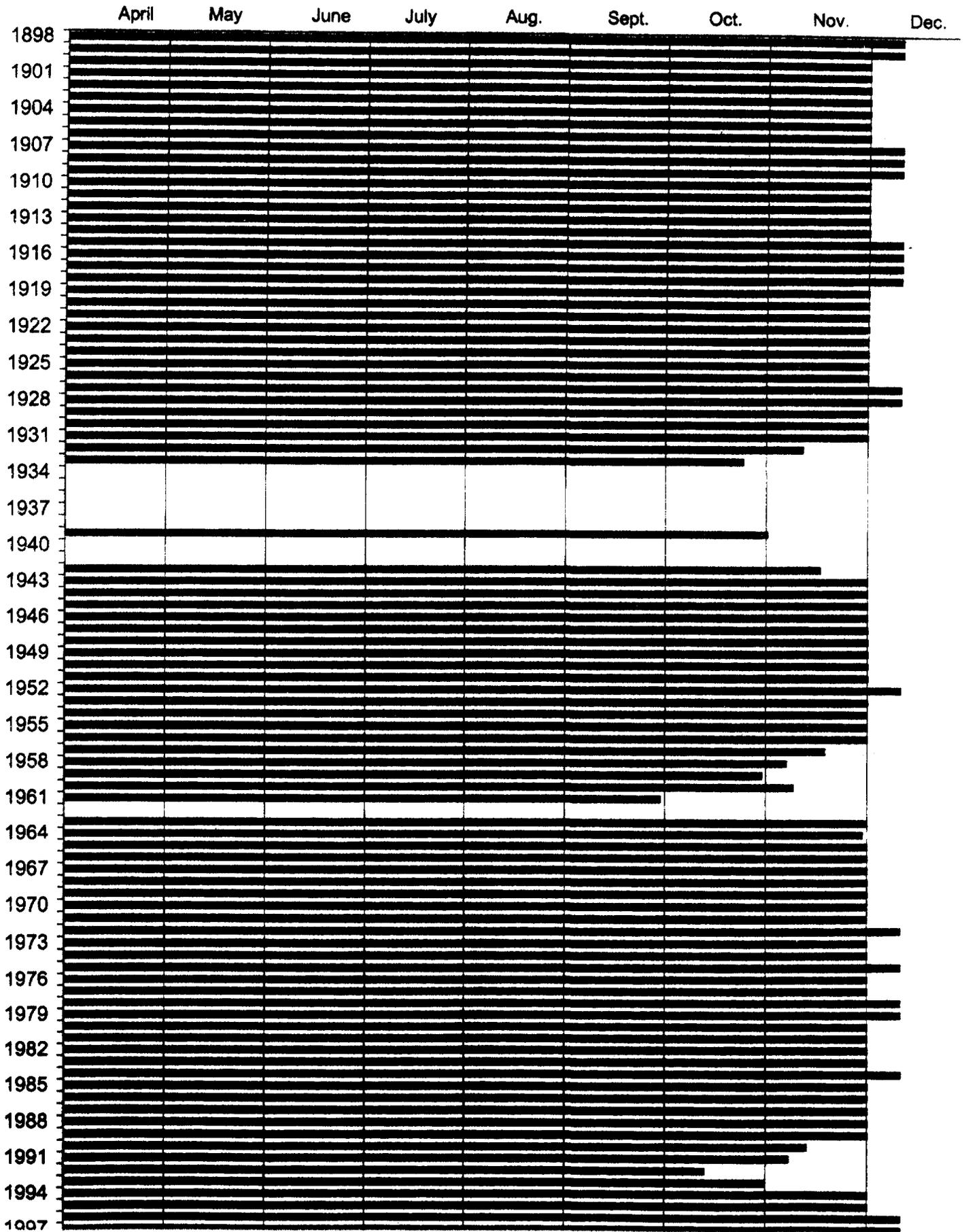
HALL OF THE STATES 444 NORTH CAPITOL STREET, NW SUITE 200 WASHINGTON, DC 20001
202/624-5897 FAX 202/624-7797 WWW.SOUTHERNGOVERNORS.ORG

Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma,
Pennsylvania, South Carolina, Tennessee, Texas, U.S. Virgin Islands, Virginia, West Virginia

RECEIVED TIMENOV. 14. 5:03PM

TOTAL P.02

**Flow Support to Mississippi River from Missouri River
1898-1997 Under Current Water Control Plan
with 3.2 Million Acre Feet Additional Depletions**



**MISSOURI RIVER CLAIMS
(A PARTIAL LISTING)**

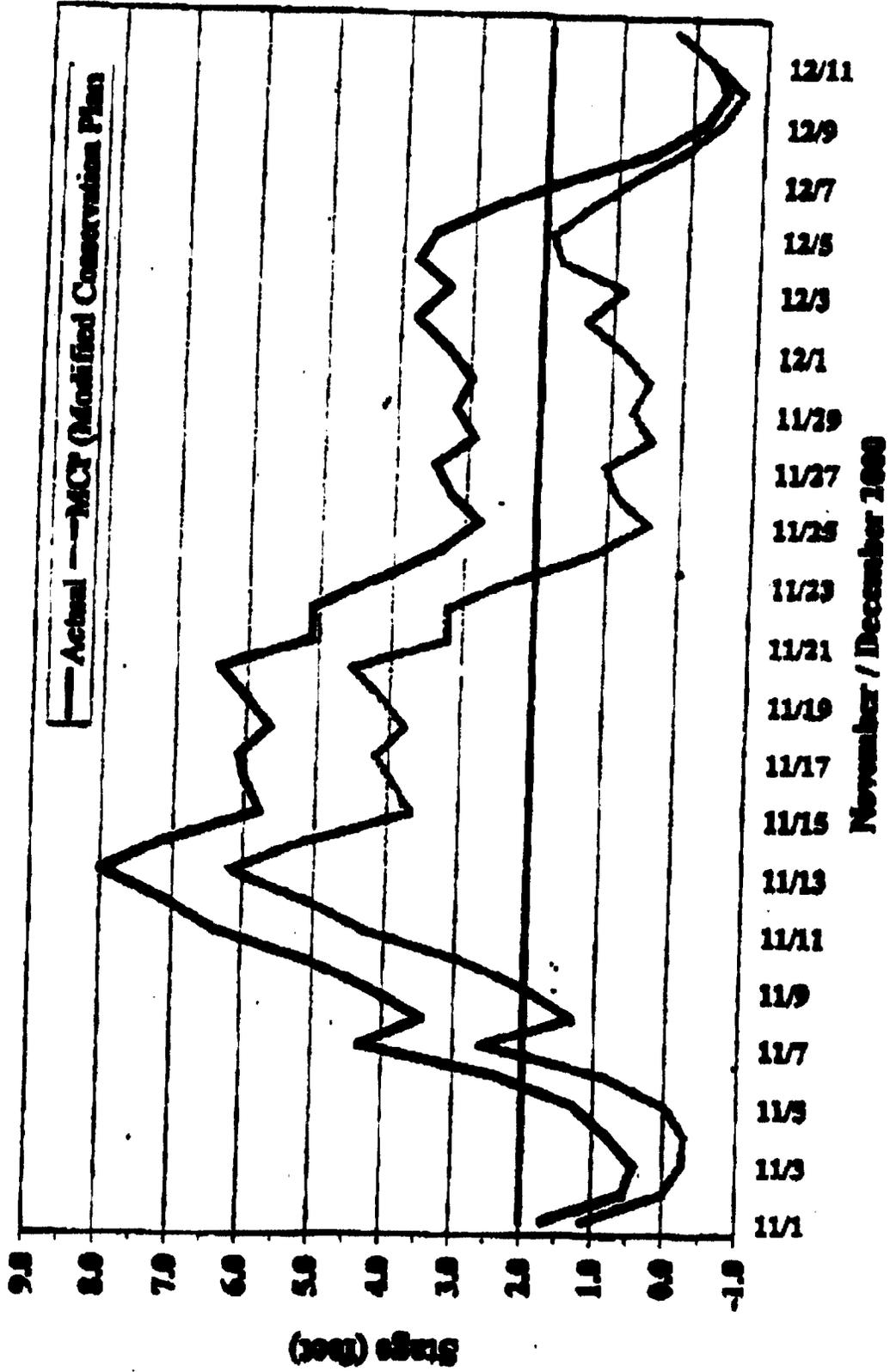
**DRAFT SUMMARY OF INDIAN WATER RIGHTS AS ENUNCIATED BY
THE MNI SOSE INTERTRIBAL WATER RIGHTS COALITION, INC.**

RESERVATION	ANNUAL DIVERSION (Acre Feet)	ANNUAL DEPLETION (Acre Feet)
Blackfeet	878,000	323,000
Fort Belknap	211,000	87,000
Crow	2,114,000	738,000
Sioux Tribes	16,686,000	8,638,000
Wind River	510,000	480,000
Northern Cheyenne	90,000	30,000
Fort Peck	1,000,000	630,000
TOTAL	21,489,000	10,926,000

“Thus Indian reserved water rights are property rights predicated on federal law and are not dependent on state substantive law. These rights are part and parcel of the prior appropriation system recognized in one form or another in all of the mainland western states. The Indian Tribes along the Missouri may well elect to utilize their *Winter's* doctrine rights to establish larger permanent pools in the mainstem or tributary reservoirs in support of recreation and fisheries development for the long-term economic stability of the tribal homelands. **The Indian Tribes along the Missouri may well elect to sell their water to industrial or municipal consumers, either within or without the basin.** The Corps avoidance of the probable development of Indian water is nearsighted and improperly creates an impression that the future will merely be a reflection of the *status quo*.”

Richard Bad Moccasin, Executive Director
Mni Sose Intertribal Water Rights Coalition, Inc.

November / December 2000 Stage Comparison Mississippi River at St. Louis, Missouri



Note: Actual stages from USGS gage data, MCF stages were calculated based on operating criteria in plan.