

1 THE HEARING OFFICER: Good evening.
2 This is a public hearing on the revised draft of
3 the environmental impact statement for the Missouri
4 River Master Manual. My name is Kurt Ubbelohde,
5 Lieutenant Colonel, Commander of the Omaha Engineer
6 District for the Corps of Engineers. With me
7 tonight are members of the team that prepared the
8 revised draft environmental impact statement, Larry
9 Cieslik, Roy McAllister, Rick Moore, John
10 LaRandeau, Patti Lee, Rose Hargrave, Paul Johnson,
11 Jody Farhat and Betty Newhouse.

12 This is the third of 14 sessions from
13 Helena to New Orleans. This afternoon we conducted
14 an open house workshop. I hope that many of you
15 had the opportunity to stop by and study the
16 displays, pick up handouts and talk with the staff.
17 If you weren't able to attend, please take a few
18 moments this evening to visit the displays, they're
19 set up in the room next door.

20 Our agenda tonight will start with a short
21 video. There is a welcome from Colonel David
22 Fastiven, the Northwestern Division Commander,
23 followed by a description of the project, features
24 of the RDEIS and the major impacts.

25 We want everyone to have a common

1 understanding of the RDEIS. Copies of the summary
2 and handouts as well as the entire documents are
3 available at libraries and project offices
4 throughout the basin. Also you can get a copy by
5 writing to us or off of our website, and the
6 addresses are available in the back of the room.

7 Following the video I will give a little
8 fuller description of the comment process tonight
9 and then we'll take your comments. We'll stay as
10 long as necessary for everyone to be heard. With
11 that let's begin.

12 (Video presentation.)

13 THE HEARING OFFICER: This hearing
14 session will come to order. I am Lieutenant
15 Colonel Kurt Ubbelohde, Commander of the Omaha
16 District. I will be the hearing officer for
17 tonight's session. Our purpose this evening is to
18 conduct a public hearing on proposed changes to the
19 guidelines for the Missouri River mainstem system
20 operations. Assisting me this evening are members
21 of the team who prepared the RDEIS. I introduced
22 them a few moments ago. These folks will be
23 available after the hearing if you have any
24 questions.

25 Before I proceed I'd like to recognize the

1 following elected officials: The Mayor of Sioux
2 City, Iowa, Mr. Martin Dougherty, and the Mayor of
3 South Sioux City, Nebraska, Mr. Bill McLarty. Do
4 we have any other elected officials or
5 representatives who wish to be recognized tonight?

6 SENATOR REDWINE: Senator John
7 Redwine, state of Iowa.

8 THE HEARING OFFICER: This hearing is
9 being recorded by Mr. Colin Campbell, Cassel Court
10 Reporting, Sioux City, Iowa, who will be taking
11 verbatim testimony that will be the basis for the
12 official transcript and record of this hearing.
13 This transcript with all written statements and
14 other data will be made part of the administrative
15 record for action. Persons who are interested in
16 obtaining a copy of this transcript for this
17 session or any other session can do so. Persons
18 interested in receiving a copy need to indicate
19 this on one of the cards available at the table by
20 the entrance.

21 Also if you are not on our mailing list
22 and desire to be so, please indicate on one of the
23 cards.

24 In order to conduct an orderly hearing it
25 is essential that I have a card from anyone

1 desiring to speak that gives your name and who you
2 represent. If you desire to make a statement and
3 have not filled out a card please raise your hand
4 and we'll hand one to you at this time.

5 The primary purpose of tonight's session
6 is to help ensure that we have all the essential
7 information that we will need to make our decision
8 on establishing the guidelines for the future
9 operations of the mainstem system and that this
10 information is accurate. This is your opportunity
11 to provide us with some of that information. We
12 view this as a very important opportunity for you
13 to have an influence on this decision. Therefore,
14 I'm glad that you're all here to night.

15 I want you to remember that tonight's
16 forum is to discuss the proposed changes in the
17 operation of the Missouri River mainstem system
18 that are analyzed in the recently released revised
19 draft environmental impact statement. We should
20 concentrate our efforts this evening on issues
21 specific to that decision and should refrain from
22 discussing Corps of Engineers in general.

23 It is my intention to give all interested
24 parties an opportunity to express their views on
25 the proposed changes freely, fully and publicly.

1 It is in the spirit of seeking a full disclosure
2 and providing an opportunity for you to be heard
3 regarding the future decision that we have called
4 this hearing. Anyone wishing to speak or make a
5 statement will be given the opportunity to do so.

6 The Missouri River mainstem system
7 consists of Corps of Engineers' constructed and
8 operated projects, so that officially makes us a
9 project proponent. However, it is our intention
10 that the final decision on the future operational
11 guidelines for these projects reflect a plan that
12 considers the views of all interests, focuses on
13 the contemporary and future needs served by the
14 mainstem system and meets the requirements
15 established by Congress.

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

23 Ultimately the final selection of a plan
24 that provides the framework for the future
25 operations of the mainstem system will be based on

1 the benefits that may be expected to accrue from
2 the proposed plan, as well as the probable negative
3 impacts, including cumulative impacts. This
4 includes significant social, economic and
5 environmental factors.

6 Should you desire to submit a written
7 statement and do not have it prepared, you may send
8 it to the United States Army Corps of Engineers in
9 Omaha, Nebraska, and again the address is available
10 in the back of the room. You may also fax your
11 comments, and we can provide you that number, and
12 we can provide an e-mail address if you wish to
13 e-mail it. The official record for this hearing
14 will be open until 28 February 2002. To be
15 properly considered your written statement must be
16 postmarked by that date.

17 Before I begin taking testimony I would
18 like to say a few words about the order and
19 procedure that will be followed. When we call your
20 name please come forward to the lectern, state your
21 name and address and specify whether or not you are
22 representing a group, agency, organization or if
23 you are speaking as an individual. You will be
24 given five minutes to complete your testimony. If
25 you are going to read a statement we would

1 appreciate it if you could provide a copy to the
2 court reporter prior to speaking so that your
3 remarks will not have to be taken down verbatim.

4 After all statements have been made, time
5 will be allowed for any additional remarks. During
6 the session I may ask questions to clarify a point
7 for my own satisfaction. Since the purpose of this
8 public hearing is to gather information which will
9 be used in evaluating the proposed plan or
10 alternative to it, and since open debate between
11 members of the audience would be counterproductive
12 to this purpose, I must insist that all comments be
13 directed to me, the Hearing Officer.

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

1 their views, information or evidence. If we allow
2 one speaker to stockpile unused time of others the
3 result may be that the hearing record will be
4 unfairly tainted and others waiting to speak may be
5 discouraged from doing so.

6 I will now call on the names of those who
7 have submitted cards beginning with the elected
8 officials.

9 MR. MOORE: Bill McLarty.

10 MR. MCLARTY: My name is Bill
11 McLarty, M-C-L-A-R-T-Y. I live at 320 East 31st
12 Street, South Sioux City. I am the Mayor of South
13 Sioux City.

14 I also have the privilege of being
15 chairman of SIMPCO. SIMPCO is the Siouland
16 Metropolitan Planning Council. It is made up of 60
17 plus members, made up of city and county government
18 agencies. We do regional planning for the
19 Siouland area in the areas of transportation,
20 economic development, community development and
21 other areas of common interest.

22 With me tonight are a number of our
23 members. First we have Marty Dougherty from Sioux
24 City. We have Wes Whitehead from the city of Sioux
25 City. We have Harold Higman from Akron, John

1 Lucken from Akron, Darrel Curry from Dickson
2 County, Chuck Soderberg from LeMars, Leonard Marron
3 from Newcastle, Paul Sitzmann from Plymouth County,
4 Paul Licht from Sergeant Bluff, Ron Rapp from South
5 Sioux city, and we also have Jim Hurm, our
6 executive director.

7 First I want to thank you for this
8 opportunity to give input. The main parts of the
9 SIMPCO testimony have been presented to you in
10 writing earlier today.

11 In a way of introduction we recognize that
12 the Pick-Sloan plan and related Missouri River
13 projects have greatly altered the Missouri River
14 basins. Changes that have affected our communities
15 in a positive way include, among others, flood
16 control, navigation, reliable water supply,
17 recreation, power generation, and bank
18 stabilization. Some of the changes have had a
19 negative effect. They can be addressed in a
20 thoughtful, environmentally sound, cost effective
21 manner.

22 Streambed degradation. The impacts of the
23 riverbed degradation have been very negative on
24 wetlands, marinas, boat ramps, oxbows, water
25 supplies and indigenous species. Head cutting is

1 occurring in the tributaries causing streams to
2 deepen, which then requires bridge replacements and
3 road repairs. Spring flooding on a three-year
4 average will increase the streambed degradation
5 problems.

6 Spring rise. Allowing intermittent spring
7 flooding raises the potential for increased local
8 flooding, as well as interior drainage and
9 groundwater problems within our communities. This
10 raises the prospect for significant expenditures
11 for mitigation and reparation.

12 Hydropower. On a basin-wide perspective,
13 the spring floods will likely result in a two
14 percent loss of hydropower generation, a
15 significant reduction in renewable and
16 environmentally friendly hydroelectricity.

17 Loss of Habitat. Restoration and
18 management of reproductive habitat for the
19 endangered and threatened species should be a high
20 priority for the non-channeled river reaches and
21 selected tributaries. The loss of habitat has also
22 led a dramatic decrease in populations of other
23 indigenous species. Habitat restoration projects
24 in the channeled portions of the Sioux City reach
25 should be directed toward these non-endangered or

1 non-threatened species. A greater number of
2 species could be aided with this strategy, which is
3 outlined specifically in my written testimony.

4 Low Summer Releases would lower water
5 levels in wetlands during the critical summer
6 months. The low flows would seriously impact
7 navigation and the businesses that depend on it.
8 It would also have serious negative impacts on
9 marinas, boaters, recreation and water supply. The
10 current flow regimen has worked well in the Sioux
11 City reach.

12 Analysis Needed. Any modifications made
13 to the current regimen should be analyzed both
14 before and during the changes. The study process
15 should utilize regional and local scientists as
16 partners.

17 Creation of New Habitat. Additional
18 habitat needs to be created both on channel and off
19 channel. Our written testimony makes specific
20 recommendations on the types of habitat that are
21 needed. Projects to divert water through a system
22 of winged dams and notched dikes would allow water
23 to decrease in velocity and increase in surface
24 area, thereby improving fish and other aquatic
25 habitats. Such projects could be undertaken with

1 the current Corps' authority. Funding must include
2 monitoring by area biologists and other scientists.

3 We encourage you to take the route of
4 restoring wetlands and expanding habitat rather
5 than other more drastic approaches which can have
6 devastating effects on our communities and our
7 region. As the regional council of governments,
8 SIMPCO offers to work with you in these efforts.
9 Thank you very much for your time.

10 MR. MOORE: Martin Dougherty.

11 MR. DOUGHERTY: Good evening. I want
12 to also welcome you to Sioux City and thank you as
13 well for being here to listen to testimony from the
14 people in our area, in the Siouxland area, and also
15 for considering our views on this very important
16 subject to us here in the Siouxland region.

17 The city of Sioux City is a member of
18 SIMPCO and we are generally in support of the
19 comments that you just heard from Mayor McLarty and
20 the written comments that have been submitted. We
21 are in support of those as well. We may submit
22 additional written comments at a later date and
23 timely in your schedule.

24 I would just like to add a few other
25 things though to his comments. We believe that the

1 operation of the system has been satisfactory and
2 is not in need of major alterations. We do favor
3 the current water control plan, and we believe that
4 this plan generally offers better interior
5 drainage, protects navigation and minimizes stream
6 bed degradation and lateral bank erosion. I
7 believe it is also superior for the timing of power
8 generation.

9 I would like also to add to that something
10 that I think I have heard many times in the debates
11 over this. Oftentimes characterizing this issue,
12 although obviously it's much more complicated than
13 that, I think your information is very informative,
14 oftentimes a debate is characterized as one of
15 upstream recreation versus downstream navigation.
16 And each time I hear that kind of debate I always
17 quickly add that from the standpoint of those of us
18 here in Sioux City, that we have recreation
19 interests here as well that we think are as
20 significant as recreation interests upstream. And
21 I believe in your report you mentioned that some of
22 the plans would have serious negative impacts on
23 the recreation of the users of the Missouri River
24 in the Sioux City area, and we are very concerned
25 about that. Obviously we are also concerned about

1 navigation and potential negative impacts to the
2 economy in this area, not only in Sioux City itself
3 and businesses that operate here, but also the
4 entire region and the agricultural region that we
5 rely on here in Sioux City.

6 So our principal concerns have been stated
7 already, and we would reiterate those, and as I
8 said make reference to those that are being
9 submitted by SIMPCO.

10 And I would just close with, because I
11 know there are a lot of people here who would like
12 to speak, to underscore that we encourage you to
13 look at taking the route of restoring wetlands and
14 expanding habitats rather than taking the more
15 drastic approaches, particularly the alteration of
16 flow below Gavins Point which we believe has the
17 potential of a devastating impact on our
18 communities in our region, in Sioux City, and we
19 certainly offer to work with you on these efforts.
20 Thank you.

21 MR. MOORE: John Redwine.

22 SENATOR REDWINE: Thank you. I too
23 would like to welcome the Corps, and appreciate the
24 opportunity to give a few comments. I have a
25 number of constituents who are affected by this

1 issue. I believe that the current plan has been in
2 place and has done an admirable job for over 50
3 years, long before many of us in this room were
4 even born, when this plan was born.

5 I don't wish to return to the dramatic
6 rise and decrease in the flow of the Missouri River
7 any more than I would wish to return to the polio
8 epidemics we experienced in the early 1950s. And
9 while many people in this room's livelihood depends
10 on the Missouri River, I believe that that must be
11 considered in any change the Corps plans to make in
12 the flow of the river. Thank you.

13 MR. MOORE: Michael Wells.

14 MR. WELLS: Good evening. My name is
15 Michael Wells. I'm Chief of Water Resources for
16 the state of Missouri. I represent Steve Mahfood,
17 Director of the Missouri Department of Natural
18 Resources, on interstate water issues. Mr. Mahfood
19 serves as Missouri Governor Bob Holden's delegate
20 to the Upper Mississippi River Basin Association
21 and the Missouri River Basin Association.

22 First I want to thank you for the
23 opportunity to speak here tonight in giving the
24 state of Missouri and the public an opportunity to
25 express our views on the management of the Missouri

1 River. The state of Missouri has several
2 significant concerns about the plans currently
3 under consideration.

4 Our greatest concern is that all new plans
5 currently being considered contain consistently
6 higher water levels in the reservoirs. We have not
7 seen evidence that consistently higher reservoir
8 levels would provide any benefit to the endangered
9 species. In fact, increasing the water levels in
10 the lakes could be detrimental to many of the
11 native species living in the Missouri River system,
12 including the interior least tern, the piping
13 plover and the pallid sturgeon.

14 We are also concerned that holding
15 reservoirs higher would significantly reduce the
16 ability of the Corps to ensure that the river is
17 managed to the benefit of all the residents of the
18 basin. The Corps must have adequate flexibility to
19 respond to a wide variety of situations, both
20 anticipated and unforeseen. We believe the
21 proposed reservoir levels would limit the Corps'
22 capacity to perform this statutorily mandated role.
23 Higher reservoir levels would restrict the use of
24 water by downstream states and be extremely
25 detrimental to the future welfare of Missourians.

1 The state of Missouri opposes the spring
2 rise in the Gavins Point plans. None of the
3 alternatives including a spring rise provide
4 significant benefits to the species. This is due
5 to the fact that the majority of the Missouri River
6 below Gavins Point Dam already receives a natural
7 spring rise from tributary inflow and that the
8 degraded channel immediately below Gavins Point
9 provides little opportunity for flood plain
10 connectivity.

11 A spring rise of 17,500 cfs increases the
12 river by approximately two feet at flood stage. We
13 appreciate the fact that the Corps of Engineers
14 would not intentionally release higher flows during
15 a downstream flood event. However, due to the ten
16 to 12 days travel time from Gavins Point to St.
17 Louis, the probability of a storm event being added
18 to an artificial increase in flow is great,
19 especially during a time of the year when there is
20 already a high probability of flooding on the
21 Missouri.

22 In addition to the concerns about
23 increased risk of flooding, average river levels
24 will be as much as four feet higher in the Missouri
25 part of the river. This would subject thousands of

1 acres of the nation's most valuable agricultural
2 land in western Iowa and northwest Missouri to
3 higher groundwater levels and inadequate drainage
4 during the spring when crops are being planted.

5 We disagree with the Corps' statement in
6 the summary RDEIS that the reductions in flood
7 control benefits are insignificant. We feel that
8 the Corps has grossly underestimated the impacts of
9 an artificial spring rise on the drainage of
10 agricultural land throughout the lower basin.

11 We are disappointed that the river
12 enhancement flow plan proposed by the Missouri
13 Department of Conservation and endorsed by both the
14 Missouri Department of Natural Resources and the
15 Missouri River Basin Association was not presented
16 as one of the final alternatives in the RDEIS.

17 However, we are still hopeful that this
18 plan will be adopted in the final EIS. The plan
19 provides reduced flow of 41,000 cfs at Kansas City
20 from August the 1st through September the 15th.
21 This proposal would ensure that the Missouri River
22 remains a river of many uses. We believe that this
23 plan provides the optimum flow level to balance the
24 interests of the endangered species, recreation and
25 the continued support of other river uses.

1 In addition, this proposal more closely
2 matches the time of the natural hydrograph. It
3 also acknowledges the unassailable fact that June
4 and July were historically the two months of
5 highest flow due to the natural timing of the
6 mountain snow pack.

7 Proposals to depart from this current
8 Missouri River operation must also consider the
9 effects of any changes on the Mississippi River.
10 Earlier this year Governor Holden joined eight
11 other governors in requesting that the President of
12 the United States convene an inter-agency group,
13 including the Secretaries of Transportation and
14 Agriculture, to review the implications of these
15 proposals prior to implementation.

16 In a recent letter to Governor Holden,
17 Principal Deputy Assistant Secretary of the Army
18 for Civil Works Dominic Izzo indicated he would be
19 conferring with the Office of the President to
20 address this request. Because changes on the
21 Missouri River can impact the Mississippi River, it
22 is extremely important that proper consideration be
23 given to uses of both rivers.

24 The Missouri River is one of our nation's
25 most valuable natural resources. As good stewards

1 of this resource, it is critical that we protect
2 the river by making decisions regarding its future
3 in a careful and deliberate manner.

4 The state of Missouri looks forward to
5 continuing an open dialogue with the Corps as we
6 strive to reach a plan that provides the greatest
7 benefits for all. Thank you for the opportunity to
8 speak tonight.

9 MR. MOORE: Richard Spellman.

10 MR. SPELLMAN: I'm Richard Spellman.
11 My address is 705 North 57th Avenue in Omaha. I
12 have a place of residence on the Missouri River at
13 Lazy River Acres near Verdel, and I'm here as a
14 citizen, although I know Knox County Board of
15 Supervisors and the village council and they know
16 I'm here. While I'm not authorized to speak on
17 their behalf, the things I am going to say I
18 believe represent their views.

19 I'd like to have that inserted into the
20 record. It's a series of letters that I've written
21 to those and others who I see here.

22 I'd just like to thank the Corps of Army
23 Engineers very much for their candid responses to
24 me.

25 My focus is very narrow. It is the reach

1 of the Missouri River below Fort Randall Dam to the
2 area of the delta at the confluence of the Niobrara
3 River and the Missouri. I just wish to point out
4 that that reach of the river, about 35 miles, is a
5 federally designated recreation river and scenic
6 river. And the effects of the split flows that are
7 being proposed in various different ways would
8 affect this reach of the river in ways that are
9 probably different than any other reach of the
10 river, simply because the releases from Gavins
11 Point are essentially the same releases as from
12 Fort Randall Dam, and in all the material that's
13 been presented the discussion focuses on Gavins
14 Point releases. But those are all releases
15 supported by Fort Randall Dam. And in the summer
16 months when low releases are being proposed,
17 actually their releases from Fort Randall would be
18 lower because of the tributaries coming into the
19 Missouri and the Niobrara.

20 If you're looking at low summer flows
21 below Gavins Point, you're looking at much lower
22 flows, three to 4,000 cfs, in the summer months
23 which create a river which is unsafe and
24 essentially not usable for recreation purposes.

25 I would also like to make the point that

1 as you regulate the river in the proposals that
2 we're looking at, the late fall, spring releases
3 necessary to evacuate the upriver reservoirs to
4 levels that will accommodate spring and snowmelts
5 into the bigger pools suggests that there will be
6 years in which very high and damaging flood stage
7 releases will be necessary as you regulate the
8 river through the spring and summer and fall for
9 the stated purposes. You're going to have to
10 release high waters in some years to evacuate those
11 reservoirs, and down below Fort Randall Dam those
12 releases in the neighborhood of 50, 55,000 cfs are
13 flood stage releases.

14 I just would like very much for the
15 analysis to take into account this small kind of
16 forgotten reach of the river which as those who
17 have been on that reach know probably is as
18 pristine a stretch of the Missouri River as there
19 is anywhere, and it needs to be preserved and
20 maintained for its federally designated purposes.

21 Involved in this problem for this area is
22 the sediment build-up that we have experienced in
23 the tailwaters of Gavins Point, in Lewis and Clark
24 Lake and in the area where the Niobrara delta has
25 already required the United States to spend

1 millions and millions of dollars to relocate a city
2 and park to compensate farmers for the loss of
3 their land.

4 In the low summer months, in the low flow
5 summer months under the proposal, that sediment
6 build-up will only be aggravated because there will
7 be even less water to carry the sediment away. And
8 so I believe that some form of sediment
9 transportation, whether it's dredging that will
10 create sandbars or any other solution will
11 eventually be necessary in order to clear that
12 channel for its intended uses in the future.
13 Otherwise, the United States will eventually
14 acquire by purchase all of that land because it
15 will simply be inundated over time as a result of
16 the sediment building up and continuing to build up
17 and flooding that area.

18 So I think that the two forces we're
19 seeing, the split flow proposal coupled with the
20 sediment build-up, work together adversely in this
21 area in a very unique way, and I would like very
22 much for those who know this problem and understand
23 it to focus their attention on this reach of the
24 Missouri River. Thank you very much.

25 MR. MOORE: James Heisinger.

1 MR. HEISINGER: I speak as an
2 individual citizen. And I am Jim Heisinger. I'm a
3 retired biology professor from Vermillion, South
4 Dakota. I live on the bank of the Vermillion
5 River, and I kayak, canoe, photograph and get
6 spiritual nourishment if you will from the upper
7 Missouri River. I grew up on the lower Missouri.
8 And recently I bicycled across the Missouri along
9 the Lewis and Clark Trail, and have bicycled across
10 the upper Missouri. So I have a lot of experience
11 with the entire river.

12 I'm very pleased that the Corps of
13 Engineers and the U.S. Fish and Wildlife Service
14 agree with the overwhelming scientific evidence
15 that indicates that it is time to change the master
16 manual. This evidence indicates that by altering
17 the flow we can vastly increase fishing and
18 recreational opportunities and save endangered and
19 threatened species.

20 The U.S. Fish and Wildlife Service
21 indicates that optimal changes would include
22 adapted management, scientific tools, unbalancing
23 the upper reservoirs, and modify Gavins Point
24 releases. The releases include a spring rise and
25 decreased summer flow.

1 Perhaps for wildlife the most efficacious
2 of these GP plans is 2021. But that's for
3 wildlife. How best should the river flow? The
4 Corps of Engineers is certainly one of the most
5 accomplished water control agencies in the world.
6 Working with their biological staff in the Fish and
7 Wildlife Service, they can determine which GP
8 alternative does the most good and the least
9 damage.

10 I have great faith in you, the Corps of
11 Engineers. Your studies of the physical outcomes
12 of compliance with the GP alternatives indicate
13 that none of the GP alternatives have significant
14 impact on flood control. Groundwater and interior
15 drainage impacts would be largely on land already
16 impacted by current operations.

17 Efficiency of barge traffic on the
18 Mississippi would increase, would actually increase
19 enough to offset barge traffic on the Missouri if
20 it were lost, in terms of dollars.

21 All of these parameters must be carefully
22 monitored, and I'm sure you will monitor them
23 carefully. Changes in the flow must be adjusted,
24 and I'm sure you would adjust them. Adjust it so
25 that it is necessary -- so that in the end, any

1 necessary adjustments would result in both farmers
2 and environmentalists feeling that they have won.

3 I respectfully urge the Corps of Engineers
4 to obey the law and save our endangered species.
5 That action, obeying the law, will also boost the
6 financially successful recreation on the upper
7 Missouri. If you're successful all the citizens
8 will be proud of both the Corps of Engineers and
9 the U.S. Fish and Wildlife Service. Thank you very
10 much.

11 MR. MOORE: Sidney Wagner.

12 MR. WAGNER: I am Sidney Wagner, a
13 life-long resident of this area. I have lived out
14 at McCook Lake since 1964, and during this time I
15 have seen the negative effects of the streambed
16 degradation of the Missouri River. Water in front
17 of my house has dropped over five feet since I have
18 moved out there.

19 In order to maintain the water level in
20 the lake this past summer the residents of the lake
21 constructed a pipeline 7,500 long, 24 inches
22 diameter, powered by 50 and 60 horsepower electric
23 motors to lift the water ten feet up to bring it
24 into McCook Lake.

25 Over the winter when the pumps do not

1 operate the water level in the lake drops by five
2 feet. These pumps are sufficient to bring the
3 water level in the lake up to approximately 1,089
4 feet above sea level. Because of the water
5 pressure difference we cannot raise the lake any
6 higher than that right now with the pumping
7 capacity that we have. We have been talking about
8 increasing up to a 24-inch pump with about a 300
9 horsepower electric motor in order to maintain a
10 viable water level in the lake.

11 We are concerned about the habitat loss in
12 the river too. The Izaak Walton League is very
13 concerned about endangered species, and that is a
14 very important part of our function. We also note
15 the loss of large catfish in the river. We feel
16 that's due to the rapid current of the water and
17 the loss of suitable habitat, places for the fish
18 to rest. The swift current is self-cleaning. The
19 river back in the early days before it was
20 channelized was full of deadheads, logs caught in
21 the currents, the river meandered. Therefore, the
22 fish had many places to rest and seek shelter and
23 feed. The current river does not provide any of
24 that anymore.

25 As a sort of solution to the riverbed

1 degradation and provide habitat for fish, I would
2 propose that in the deepest part of the river,
3 especially along the outside of the bends where the
4 river will be up to 25 feet deep, that culverts be
5 placed in there, say about 20 feet long and maybe
6 two to three feet diameter, and that the upstream
7 portion needs to be covered with riprap to hold
8 them in place. The open end of the culvert would
9 provide habitat for the migrating catfish. It
10 would tend to hold fish and provide increased
11 recreational benefits for the people who use the
12 river. Right now if you want to catch a large fish
13 you have got to go up to the base of the dam or
14 some other place. They just aren't here anymore
15 because they can't survive in this swift current.
16 Thank you.

17 MR. MOORE: Jim Redmond.

18 DR. REDMOND: I thank the Corps for
19 holding it's hearing in Sioux City. This is one of
20 the critical spots along the river.

21 I'm Dr. Jim Redmond, conservation chair of
22 the Northwest Iowa group of the Sierra Club. I
23 have been coming to these Army Corps meetings since
24 the 1980s, and since that time little has been done
25 to keep the promises made when the Missouri was

1 channelized more than a half century ago.

2 The scientists and engineers who worked on
3 that project knew that fish and wildlife were in
4 jeopardy, that you would not destroy hundreds of
5 thousands of acres of habitat and not push some
6 species to the brink.

7 Among its other mandates, the Army Corps
8 was authorized by Congress to protect the fish and
9 wildlife of the river system. Yet only a few
10 million dollars have been spent on that portion of
11 the law when almost half a billion dollars was
12 requested for habitat loss mitigation in the 1950s.
13 Now those scientific predictions have come true
14 about jeopardizing wildlife. In addition to the
15 three protected species mentioned most often in our
16 discussions, there are many others in trouble,
17 almost a fifth of all native species of the river
18 system.

19 Nowhere in the summary of the revised
20 environmental impact statement is there a
21 description of how critical the situation is for
22 these species. Only this June at a conference with
23 Fish and Wildlife and Army Corps representatives
24 did I get a picture of how serious the situation
25 is. While the pallid sturgeon may be reproducing

1 in captivity, there are only a handful -- a handful
2 -- of female fish capable of reproducing in the
3 wild. The Fish and Wildlife Service can find no
4 juvenile pallid sturgeon in the river. None. The
5 future of this species depends on a change in how
6 the river is managed.

7 The impact statement notes that the reach
8 of the river below Gavins Point sees a better rate
9 of success among the terns and plovers even though
10 there is much more nesting habitat below Garrison.
11 The Gavins Point release option 2021 is designed to
12 have greatest effect in that reach. More rapid
13 recovery of these species will occur if the Army
14 Corps adopts a flexible flow regime.

15 None of the options calling for a spring
16 rise is radical. A spring rise once every three
17 years is far from threatening to those who have
18 grown used to the current plan. Read the
19 environmental impact statement or its summary.
20 Flood control, hydropower, navigation, protection
21 of floodplain farms continue even with the proposed
22 Gavins Point releases.

23 Would the options in the revised
24 environmental impact statement for spring rises and
25 summer lows deal a fatal blow to the barge

1 industry? No. There's still plenty of season for
2 moving tonnage. After a longstanding relationship,
3 the Army Corps is likely to continue working
4 closely with the barge industry. This transition
5 to a new master manual would require some
6 adaptation on the part of the barge industry. That
7 industry is capable of adaptation. The species are
8 not capable of adaptation. Running the river
9 primarily for barges is an insult to the people and
10 communities along the river who expect from the
11 Army Corps more recreation, more relationship to
12 the river, more habitat for the creatures we share
13 this river with.

14 The United States is attempting to be a
15 world leader. Can we lead Brazil, Indonesia or any
16 country in efforts to protect their species and
17 habitats if we go on about our business as if our
18 species had no value? Let's be witnesses to our
19 knowledge and respect for fellow creatures by
20 adopting a new master manual that relies on
21 adaptive management.

22 Maybe you can look at the death of an
23 entire species calmly, but I am sick at heart that
24 one of God's beautiful creatures disappears from
25 the earth. We may demand scientific certainty and

1 guaranteed economic development, but God's wild
2 wisdom puts ours in perspective.

3 Read the Book of Job: Is it by your
4 wisdom that the hawk soars and spreads its wings
5 toward the south? Is it at your command that the
6 eagle mounts up and makes his nest on high?

7 Mankind may be able to wipe creatures from
8 the face of the earth, but we don't have the skill
9 to bring them back once they are gone. We cannot
10 continue managing the river under the current water
11 control plan. We ignore the natural creation at
12 peril of our most basic values.

13 MR. MOORE: Casey Davidson.

14 MR. DAVIDSON: Thank you very much
15 for the opportunity to speak. My name is Casey
16 Davidson. I'm a long-time resident of Vermillion,
17 South Dakota. I don't have to go into how
18 important the river has been to myself and my life.
19 It has sustained me and kept me going through many
20 years of hardship. The wildness of it, the beauty
21 of it is unlike anything else in the world.

22 We have 50 years of experience of managing
23 the river under the current plan. We have lakes
24 that have not developed their full potential, that
25 aren't operating for the benefit of the people

1 around them. They're dry. They are not producing
2 the wildlife that they are capable of doing.

3 We have ditches downstream to support an
4 industry that has never developed. When I talk to
5 people about what they think about navigation and
6 barge traffic, their response is that well, it
7 keeps the railroads honest. And I find that hard
8 to believe when so much of our corn anyway and
9 grain goes by truck anymore.

10 We currently reenacted the return of Lewis
11 and Clark's White Grove. And out of a two-year
12 expedition that they went, to think that there's
13 only one 27-mile stretch of river that even comes
14 close to approximating what they saw is sad.

15 Downstream from Sioux City, see, we're
16 kind of spoiled in Vermillion because we have the
17 sandbars, we have the opportunity to challenge
18 ourselves on the river. I had the opportunity to
19 guide these gentlemen through dangerous streams and
20 meandering sandbars, and I had the opportunity to
21 get stuck once too. But that's a challenge.
22 That's something that you have to be able to
23 measure yourself against. It's what wildness
24 means.

25 Some of the gentlemen have talked about

1 the lakes being too shallow or the current being
2 too fast downstream. Well, we need the shallow
3 water and we do need the slower moving currents.

4 Our 50 years of experience has brought
5 some species to the brink of extinction, it's
6 maintained a status quo that has never been
7 economically proved to be viable. And I strongly
8 urge the Corps to consider changing the way in
9 which it manages the river. The flexible flow, our
10 new understanding and science should be
11 incorporated into the day to day management. We
12 have the tools now to understand and to have
13 tremendous impact on the flow of the river. And I
14 urge the Corps to read the information that we
15 have, the science that has evolved over 50 years.
16 Thank you.

17 MR. MOORE: John Davidson.

18 MR. DAVIDSON: Thank you. I'm John
19 Davidson, a resident of rural Vermillion, South
20 Dakota, and I'm here to speak, to offer general
21 comments in support of proposals that will provide
22 the maximum benefit to the wildlife resource on the
23 river. I have spent 30 years enjoying the river,
24 being on the river and observing the wildlife.

25 I want to thank the Corps for holding

1 these hearings. In the last week or so I've been
2 visiting the revised EIS documents in my local
3 library, and I've become keenly aware of the
4 enormous human and technical resources that the
5 Corps has brought to bear in pursuit of a solution
6 to this issue of how to revive the flows of the
7 river. And I think the Corps is entitled to a
8 great deal of credit.

9 The question I would ask or the theme that
10 I would present is whether in the times in which we
11 live it is possible for the Missouri River
12 development alone among human institutions to be
13 immune to change. If there is one theme of the
14 times in which we live it is that we prosper. In
15 order to prosper and to be secure, we have to adapt
16 to changing circumstances.

17 And I reflect upon the enormous changes
18 that have occurred since the Flood Control Act of
19 1944 was adopted. Consider when we think of river
20 transportation that since that time the St.
21 Lawrence Seaway has been constructed and opened.
22 The interstate highway system, not even
23 contemplated at the time the Flood Control Act was
24 enacted, has been constructed. Agriculture which
25 the river was intended to serve has been

1 consolidated and industrialized. It is no longer
2 the economic entity that it was in 1944. It is an
3 industrialized industry fully capable of asserting
4 its own interests. Railroads have invested
5 heavily. As I drove down here tonight I passed a
6 brand new grain elevator, and beside it was a unit
7 train being filled to the hilt with corn. It's
8 quite clear at least from where I sit in the upper
9 basin that our commodity crops are moving to market
10 on trains, not on barges.

11 A great wildlife industry and recreation
12 industry has evolved in the upper basin. Other
13 changes, Indian tribes virtually ignored in 1943
14 have become viable political institutions capable
15 of representing their own interests.

16 Commercial barge traffic has simply not
17 materialized as it was conceived in 1944.

18 The land east of the river in North and
19 South Dakota were not irrigated. It is important
20 for everyone to remember that the original Flood
21 Control Act projected irrigation of virtually all
22 the land on the east side of the river in the
23 Dakotas.

24 For those who enjoy the river waters in
25 the lower basin, consider how much water you would

1 have if all of that irrigation had been developed.
2 This is a change. It was something that didn't
3 happen. Other changes have occurred.

4 But we've learned from the river. We've
5 learned, for example, that the river needs to move
6 laterally. We've learned that the river needs to
7 be able to move sediment. But most importantly
8 we've learned that the river's natural flow cycle
9 and the river's wildlife, its flora and its fauna,
10 are the same thing. They cannot be separated. You
11 cannot have one without paying attention to the
12 other.

13 So in conclusion I would simply point out
14 that we live in a time of great change. The river
15 has been exposed to change. And the people seem to
16 want change. People value the river. People value
17 the river's wildlife. And people want the river to
18 be part of their life. And so I support the Corps
19 in its proposals for change and urge maximum
20 benefits for wildlife and wildlife protection.
21 Thank you.

22 MR. MOORE: Randy Asbury.

23 MR. ASBURY: Good evening. My name
24 is Randy Asbury and I'm the executive director of
25 the Coalition to Protect the Missouri River. This

1 coalition represents a diverse group of 26
2 agricultural, navigational, utility, industrial and
3 business-related entities all of which are or
4 represent Missouri River stakeholders.

5 We support responsible management of
6 Missouri River resources and the maintenance of
7 congressionally authorized purposes of the river,
8 including flood control and navigation. We also
9 support habitat restoration for endangered or
10 threatened species to the extent that it does not
11 jeopardize humans or their sources of livelihood.

12 Let me begin by saying that our coalition
13 members are dismayed that these hearings are
14 occurring at this time. I requested, as did
15 several members of Congress, the postponement of
16 these hearings until after January 1, 2002. This
17 postponement request was made on the grounds that
18 adequate time was not available to review, analyze
19 and respond to the full and final copy of RDEIS
20 material. The denial of this request has precluded
21 citizens, public officials and stakeholders the
22 opportunity to familiarize themselves with the
23 effects of the alternatives, therefore, diminishing
24 the value of these hearings.

25 It is equally inconsistent with NEPA that

1 the Corps of Engineers has provided a formal public
2 hearing without providing the public with access to
3 the technical hydrology related to impacts on the
4 Mississippi River at least 15 days prior to the
5 public hearing.

6 Today is October 11th and we are asked to
7 present credible commentary on documentation that
8 our state received today. This statement is to
9 serve notice that our due process has been
10 abridged. Rather than wait until all the
11 documentation relevant to these alternatives be
12 made to the public, the Corps of Engineers has
13 rushed the process to meet an arbitrary determined
14 deadline.

15 A federal agency employee recently told me
16 that the social and economic impacts of river
17 management changes are meaningless to their agency.
18 He went on to state that scientific data would be
19 the only criteria taken into account by his agency
20 in river flow management recommendations. That
21 sounds like a noble plan until a closer look is
22 taken at the scientific process the Fish and
23 Wildlife Service used to arrive at the theories
24 proposed in the alternatives. Theoretical jargon
25 will not mean much to the stakeholder when he has

1 to face the harsh realities of theory gone awry
2 creating economic havoc for his family's
3 livelihood.

4 It was for these scientific shortcomings
5 that our coalition filed a 60-day notice to bring
6 citizen suit against the United States Fish and
7 Wildlife Service. We assert that the Fish and
8 Wildlife Service failed to consider the best
9 scientific and commercial data available before
10 implicitly designating critical habitat in the
11 biological opinion. The failure to consider
12 economic or other relevant impacts on flood control
13 or navigation violates the Endangered Species Act
14 and will impose significant burdens on members of
15 our coalition.

16 Given these and other shortcomings, our
17 coalition is forced to support the current water
18 control plan as the only feasible alternative
19 proposed. It is impossible for our group to
20 support any alternative that proposes a flow regime
21 that asks Missouri to take a 3.3 to 4.4 foot spring
22 rise and a negative 1.3 to 3 foot summer flow
23 reduction along with higher reservoir levels.

24 The summary also indicates negative
25 effects for inland drainage and navigation. In

1 fact, Gavins Point releases are shown to negatively
2 impact navigation 32 to 86 percent more than the
3 current water control plan. However, this
4 statistical impact belies the real impact, which is
5 the cessation of Missouri River navigation. Put in
6 statistical terms, 100 percent reduction.

7 The effect of such negative navigation
8 impacts on the Missouri can certainly roll over to
9 the Mississippi bottleneck reach and cause major
10 disruption in Mississippi River commerce.

11 We also question the effects of flow
12 changes in the Corps' flood control and water
13 supply analysis. I find it difficult to believe an
14 extra 4.5 foot spring rise won't increase the risk
15 of flooding any significant amount. I find it just
16 as difficult to consider that utilities and
17 municipal wastewater operations won't experience
18 water quality standard problems created by
19 discharges into a lower flowing river.

20 I'm also greatly concerned with the
21 broadly written wording of the RDEIS summary that
22 states that spring and summer Gavins Point releases
23 "would be adjusted if monitoring and data analysis
24 indicate this measure is necessary for the
25 species." In other words, I must assume the

1 maximum spring rise and summer drawdown will occur
2 due to adaptive management. The far-reaching
3 authority of adaptive management on flow
4 adjustments is unacceptable.

5 I also remind you that congressional
6 actions are clear, there is little support for a
7 spring rise, and all congressionally mandated
8 purposes of the river must be maintained. Thank
9 you for this time.

10 MR. MOORE: Chad Smith.

11 MR. SMITH: I thank Colonel
12 Ubbelohde, I appreciate the opportunity. My name
13 is Chad Smith, I represent a river conservation
14 organization called American Rivers. I am based in
15 Lincoln, Nebraska. I'm a native of Nebraska.

16 I thought I would instead start with a
17 quote from a native of Iowa, in fact a former
18 resident of Sioux City, Iowa, J.N. Ding Darling.
19 For those of you who don't remember, Ding Darling
20 is the father of the federal duck stamp program.
21 Also the first director of the U.S. Fish and
22 Wildlife Service. And in an October 1944, excuse
23 me, December 1944 article in Outdoor Life, Ding
24 Darling was interviewed about the Missouri River
25 Pick-Sloan plan and said that this plan was moving

1 forward without the slightest attention to
2 biological consequences.

3 So all the way back to 1944 a Sioux City
4 resident pointed out that there could be some
5 problems that people needed to consider. And
6 unfortunately Ding Darling's worst fears have come
7 home to roost.

8 Speaking of the Fish and Wildlife Service,
9 since he was the first director, we've heard
10 tonight some criticisms of the Fish and Wildlife
11 Service and the science they have pulled together
12 and the biological opinions. I would challenge
13 anyone in this room and challenge the Corps itself
14 to come up with a more scientifically credible
15 document that outlines the needs of the biology of
16 the Missouri River. As a matter of fact, the
17 significance of that document has been confirmed by
18 the state of Iowa itself, the state of Iowa's
19 Department of Natural Resources, which is part of
20 the Missouri River natural resources committee.
21 That committee wrote a letter to the Secretary of
22 the Interior Gail Norton last May and called the
23 biological opinion scientifically sound and
24 biologically justified.

25 We as a conservation organization working

1 with folks throughout the basin are now supporting
2 the GP 2021 alternative in your document, what we
3 are calling the flexible flow alternative. The
4 reason we're supporting that is to stay consistent
5 with our message. Since the biological opinions
6 came out in support of the recommendations of the
7 Fish and Wildlife Service, because it exists as the
8 single-most scientifically credible document in the
9 recommendations for improving the biological health
10 of the Missouri River. Your own work, Colonel
11 Ubbelohde, and the team you have assembled, on this
12 revised EIS has come up with plenty of evidence to
13 support making those kinds of flow changes,
14 increased sandbar habitat, increased spawning cue
15 for fish on the river, increased physical habitat
16 for native fish, increased shallow water habitat.
17 Those are just a few of the examples.

18 Your team has also provided evidence to
19 show that we can make these flow changes without
20 unduly impacting other uses of the river. We have
21 already heard tonight that the Corps has said the
22 impact of flood control of all the flexible
23 alternatives included would be insignificant. It
24 would retain 99 percent of our current shore
25 benefits.

1 Farmers who are having problems now will
2 continue to have problems, and we need to find a
3 way to help those folks, but we're not talking
4 about flooding thousands of acres. Just a couple
5 of examples.

6 Finally let me mention the notion of
7 increased recreation and tourism benefits. What
8 we're talking about down here is really scraps of a
9 river. We're talking about a ditch between Sioux
10 City and St. Louis and a few pieces of healthy
11 river above us. If you look at the upper
12 Mississippi River they're generating something like
13 1.2 billion dollars per year in annual economic
14 benefits. We could approach or surpass that on the
15 Missouri River if we took the time and made the
16 effort to make some changes.

17 After 12 years of analysis by your agency
18 it's time to do something. We need to take a
19 positive step forward. You have spent millions of
20 our taxpayer dollars doing a tremendous job of
21 analyzing impacts, analyzing benefits and laying
22 them out for us, and we urge you to use your own
23 information to make the obvious choice to sustain
24 the long term health of the Missouri River.

25 Thanks.

1 MR. MOORE: Doug Palmer.

2 MR. PALMER: I'll pass at this time.
3 I'll submit written comments later.

4 MR. MOORE: Kevin Kuepper.

5 MR. KUEPPER: Good evening,
6 Lieutenant Colonel. I'm Kevin Kuepper, general
7 manager of Big Soo Terminal in Sioux City. We
8 navigate on the Missouri River. We appreciate your
9 being here tonight. We also appreciate the
10 camaraderie that has developed between our company
11 and our business and the Corps of Engineers,
12 specifically the Omaha Division.

13 Siouxland depends on this river in terms
14 of the its aesthetic value as a ditch, we hate to
15 refer to it as a ditch, recreation, downstream
16 recreation, our power plant cooling capabilities,
17 and navigation. We will submit written comments
18 once we have a chance and our team has had a chance
19 to thoroughly digest the revised EIS. There is
20 some scientific information that we want to take a
21 closer look at.

22 Bottom line is we depend on this river to
23 provide a transportation mode and an equal playing
24 field for the agricultural livelihood of this area.
25 As we become more competitive or have more

1 competition with South American countries and China
2 who have increased their infrastructure and taken
3 steps to become more competitive on a world market
4 level, it is even more important that the United
5 States does the same. We cannot support at this
6 time any effort that would cause navigation to
7 cease or disrupt the service at any time during the
8 season, and we'll follow up with some comments
9 later. Thank you.

10 MR. MOORE: Peter Carrels.

11 MR. CARRELS: Thank you for the
12 opportunity to speak. My name is Peter Carrels. I
13 live in Aberdeen, South Dakota. I make my living
14 as a writer and an author writing principally about
15 environmental history. About a year ago I was
16 hired to work for American Rivers. My remarks do
17 not represent American Rivers, my colleague Chad
18 Smith can do that. I'm representing myself in this
19 case.

20 On a dissatisfaction with the status quo
21 is why we're here basically. It's why the Corps of
22 Engineers has wrestled with the problem of managing
23 the Missouri River, for the last 12 years they have
24 wrestled with this problem. It takes courage and
25 intelligence and planning to move from the status

1 quo progressively.

2 And I want to recount a story that relates
3 to the Missouri River that addresses moving from
4 the status quo and it deals with my home state of
5 South Dakota. When the Pick-Sloan plan was
6 proposed and endorsed by Congress in 1944, South
7 Dakota was to be subjected to four large dams and
8 reservoirs. And the citizens of my state were
9 naturally reluctant, apprehensive about these large
10 reservoirs that would flood hundreds of thousands
11 of acres. The federal government proposed as a way
12 to make South Dakotans more amenable to this a
13 large irrigation project that Professor Davidson
14 alluded to earlier, 750,000 acres of land in my
15 state was proposed for irrigation under the Oahe
16 irrigation projects. And it made the people in our
17 state a little less reluctant to be flooded by
18 these four major dams. And so the dams were built.
19 And then it became time to develop the irrigation
20 project. Lo and behold it was discovered that of
21 the 750,000 acres that were proposed, thousands and
22 hundreds of thousands of these acres were not
23 irrigable.

24 So by the early 1970s we were talking
25 about a 200,000-acre project. When the farmers

1 started investigating those 200,000 acres, they
2 decided they didn't want the project. South
3 Dakota's political leaders had held on stubbornly
4 to that status quo, the Oahe irrigation project.
5 Citizens of the state turned against it. And
6 eventually the political leaders in our state made
7 the right decision. They decided that because the
8 citizens had decided that there were changes that
9 needed to be done, that the status quo had to
10 change as well. And in the early 1980s the Oahe
11 irrigation project which helped make South Dakotans
12 amenable to these four large dams and reservoirs
13 was dropped. The status quo was changed.

14 And so we've got to be ready for change.
15 Change is not always bad. The status quo is what
16 we're dissatisfied with here. And I appreciate
17 what the Corps of Engineers has done in the face of
18 great adversity to try to make changes and to try
19 to propose changes, and to deal with the many
20 complex issues that you have to deal with.

21 MR. MOORE: Tony Provost.

22 MR. PROVOST: Good evening,
23 everybody. My name is Tony Provost. I'm
24 authorized by the Omaha Tribal Council of the Omaha
25 Tribe of Nebraska and Iowa to speak on and comment

1 towards this EIS. Since about the mid 1600s the
2 Omaha Tribe has been affiliated with the Missouri
3 River to sustain life and so forth, things of that
4 nature. But today I'm here to provide comments on
5 congratulating the Army Corps of Engineers, the
6 U.S. Fish and Wildlife Services, respective
7 government to government relations, giving the
8 tribes the opportunity to voice their opinions and
9 comments on this EIS, and also listening to our
10 concerns.

11 Through these things we foresee a lot of
12 cooperative agreements with both tribal agencies on
13 the government to government relations. Those will
14 come in future meetings with the Omaha Tribal
15 Council and the U.S. Army Corps of Engineers. So
16 my comments tonight are just thanking them for
17 respecting the government to government relations,
18 respecting the Omaha Tribe of Nebraska and Iowa's
19 comment now and in the future. Thank you.

20 MR. MOORE: Skip Meisner.

21 MR. MEISNER: Colonel and gentlemen,
22 and audience, my name is Skip Meisner. I've been
23 affiliated with Central for many years. We are a
24 group that has studied the Missouri River and
25 worked with the Corps of Engineers in a whole

1 variety of ways. And currently we have a committee
2 that's made up of a variety of scientists and
3 landowners and other interests that have provided
4 detailed comments and recommendations on what the
5 Corps should be doing with operations of the
6 Missouri River, and once we are able to analyze the
7 RDEIS we will submit additional comments to you.

8 We should note that Pick-Sloan plan as
9 authorized by the Flood Control Act of 1944 ended
10 in a project that we have today. Had we designed
11 the project as a society we would not have designed
12 it in the same way, but it is there. And what our
13 job to do is to make the most of it.

14 Now from the Sioux City stretch in this
15 area, the Corps has managed the river very well.
16 Flood control, navigation, on and on, power
17 generation. We do have some problems. The
18 problems here mainly are caused by degradation, the
19 lowering of the streambed as well as the surface
20 level by over ten feet since 1954. We've had
21 massive losses of woodlands and wetlands. Changes
22 in your operation are not going to change very
23 much. We need to actually create the habitat that
24 we have lost. And we have given you and will
25 continue to give you detailed recommendations on

1 how that could be accomplished.

2 We do note that the change is -- radical
3 change for this area is not supported by many, many
4 of us until it's proven that it will have the
5 desired impact. We also have in great depth
6 comments on some of the items in the draft RDEIS,
7 and we will again give those to you. I think that
8 any decision needs to be based on science and on
9 the well-being of the users of the river, and I
10 think we need to establish a good, solid monitoring
11 program so that we can adequately address what any
12 changes are in terms of the desired result. And we
13 would suggest that we use the local scientists like
14 at the University of South Dakota, Missouri River
15 Institute and others in this endeavor, and we
16 pledge our assistance to working out a solution,
17 but we should never lose sight that the Pick-Sloan
18 plan for its original purposes in the Sioux City
19 area has worked very well.

20 MR. MOORE: Clem Hurley.

21 MR. HURLEY: When I turned in that
22 card you didn't say I have to talk, you said I
23 might be able to. I have learned something
24 tonight. I've learned why we have such a tough
25 river level in Sioux City this year, because that

1 darn Wagner from McCook Lake has been stealing it
2 all.

3 I would support the Corps of Engineers,
4 the way they have been handling the river for a
5 long, long time, very complex, and after the year
6 we've had again, for me to say that probably means
7 something to you.

8 The guy in this room a couple years ago
9 told me that if the Corps of Engineers would be
10 judged, it would be by the fact that they made
11 everybody a little mad. I don't think I've talked
12 to a person on earth in the last several years who
13 has been happy with the Corps of Engineers. They
14 must be doing a dam good job. But we shouldn't be
15 talking to you I don't think. We should be talking
16 to I guess -- we should talk to God, but you guys
17 are probably a little closer to the source than I
18 am. If we don't get some snow up north, all these
19 conversations, your good counsel and your wise
20 decisions go for naught.

21 We should probably also talk to the fish
22 and game people and American Rivers people. I'm
23 frustrated with them from year to year because they
24 have the same chorus our President has had the last
25 few days, you're either with us or you're against

1 us. And in this case it's not true. I'm an
2 environmentalist. I think everybody in this room
3 is. Whether you agree with Fish and Game and
4 American Rivers or not, we all are
5 environmentalists. We have different issues, we
6 have different interests.

7 We heard someone challenge the Corps to
8 argue with the scientific studies about the
9 biological studies that were done on the river.
10 And if that were the only issue I guess it would be
11 meaningful, but there are many, many issues on the
12 management of this river. They're not just
13 biological, although we all are interested in that.
14 The people we really ought to be talking to I think
15 are the politicians up north. And as you can
16 probably tell already, I'm not much of a
17 politician. But I think they jumped on the
18 environmental band wagon and vice versa. The
19 upstream recreational interests are trying to
20 increase their revenue to their state at the lower
21 river's expense. And I really truly believe that.
22 And I think that's what's given this whole movement
23 legs. Someone mentioned that nothing's gone on for
24 ten years. It's because it hasn't had legs. Now
25 it does because the politicians believe in it,

1 because of one main issue, and I'm going to go way
2 off course with you here. I think eventually in
3 the near future what they want to do is divert
4 river water and sell it. And everybody's been very
5 kind to everybody tonight. Maybe I'm not saying
6 the right thing. You have given your opinion and
7 I'm giving mine.

8 One thing I saw during the film that was
9 presented early was that over the years the
10 people's priorities have changed. I guess I'll
11 leave you with a kind of rhetorical question. What
12 proof other than a real vocal minority do you have
13 that's true, that the public concerns as far as the
14 change along the river? Thank you.

15 MR. MOORE: Donald Jorgenson.

16 MR. JORGENSEN: Good night. I'm Don
17 Jorgenson. I'm a stakeholder, I live on the
18 Missouri River 14 miles upstream from here. I'd
19 like to comment on a few things. There's been a
20 lot of talk tonight about the barge industry. It's
21 a lot more complicated than just the barge
22 industry. And it's not about resistance to change.
23 I think virtually every single one here is willing
24 to change. I think everyone here is willing, is
25 aware of the great change of habitat that the river

1 system has sustained to make the present Missouri
2 River system. That's undeniable. Everyone
3 recognizes that there is a loss of population of
4 different wildlife. That's undeniable.

5 The question is what are we going to do
6 about it. That's the question. It isn't whether
7 we are going to change. It's whether we are
8 willing to do something.

9 It is my opinion that all of the plans
10 basically of changing the flow below Gavins Point
11 will fail. And why do I say that? Well, one thing
12 is the flooding of the habitat for the least turn
13 and piping plover every third year during the
14 mating season cannot be said other than it will be
15 discouraging.

16 Obviously it is supposedly designed to
17 scour the sandbars and make better habitat. And
18 there are probably more creative and better ways to
19 do this small acreage than by creating the spring
20 rise.

21 I'd also like to point out that existing
22 data does not support the supposition that was
23 given several times tonight that a spring rise is
24 going to provide a cue to the pallid sturgeon. As
25 you probably know in the lower reaches of the

1 Missouri there is a spring rise every year. If
2 this was the cue, the predominant cue, then there
3 would be a large population of pallid and
4 shovelnose sturgeon there. There isn't. So
5 obviously the spring rise is not a cue per se.

6 Talking a little bit more about the pallid
7 sturgeon. The spawning habitat for the sturgeon is
8 nearly absent from the Missouri River. There was
9 an extensive study by R.K. Berg of the Montana
10 Department of Fish and Wildlife in 1981 that
11 stated -- it was probably the best and most
12 exhaustive study of pallid sturgeon. The bottom
13 line of that is for five years they measured the
14 population, they measured the temperature, they
15 measured the flow, the spawning of the sturgeon is
16 tied to temperature and it's basically independent
17 of the rise in the river. Another thing that comes
18 out that virtually all the experts on the pallid
19 sturgeon say that you need rock, gravel and cobble
20 as your stratum. Basically that substrate is not
21 available in any significant degree below Gavins
22 Point Dam. So it makes no difference if we make a
23 flood there. That's not going to be the cue that
24 makes the sturgeon spawn. Secondly, even if it was
25 the cue there is the wrong substrate, they're still

1 not going to be. It is also observed by many
2 biologists that the major reproduction of the
3 pallid sturgeon and the shovelnose sturgeon is in
4 the tributaries. The cue in the main stream has
5 nothing to do with it.

6 There are many other things. One thing
7 that kind of disturbed me tonight was, I live on
8 the Missouri and I love it and I was told that I
9 was living on a ditch. I guess I have no
10 sensibilities.

11 There are so many negative environmental
12 impacts that we talk about, and the largest one is
13 degradation. Also there's impacts for summer flow.
14 Summer flow is going to lower the river level and
15 cut off many of the chutes that are connected. So
16 we're going to have less connectivity. It's also
17 going to lower the water levels in the aquifers
18 adjacent to the Missouri at the same time, and this
19 is going to result in higher pumping costs. It's
20 also going to result in the wetlands being there.

21 So I see my time is up. I'd like to just
22 sum up. It's not about change. There's some
23 serious environmental impacts that have to be
24 considered better, and let's hope that we can all
25 agree on some sort of compromise to do better.

1 Thank you.

2 MR. MOORE: Mark Versch.

3 MR. VERSCH: My name is Mark Versch,
4 and I'm representing the Winnebago Tribe of
5 Nebraska, although I'd like to have it made known
6 that this is not a formal statement from the
7 council. I just wanted to mention that the tribe
8 does not really have a preferred flow regime that
9 they endorse, but it is important to note that the
10 Tribe does have a number of aspirations for
11 properties they have along the river. There are
12 several projects that the Tribe is working on. And
13 recently they have shared some of these ideas with
14 the Corps. And we've enjoyed receiving input from
15 a number of the staff and they have been very
16 helpful, and we simply want to mention that we look
17 forward to that in the future as these additional
18 plans come to pass. Thank you very much.

19 MR. MOORE: Brian Lerohl.

20 MR. LEROHL: My name is Brian Lerohl,
21 and I see this as a competition between CWCP and,
22 oh, like GP 1528, for instance. Most of the
23 speakers tonight haven't voiced a specific concern
24 for a specific plan. A few did.

25 My interests in the Missouri are mostly

1 boating on the natural part of the river and
2 hydroelectric power, because I'm a hydroelectric
3 power consumer. Missouri and other downstream
4 states receive massive benefits from Missouri River
5 levees and the numerous dams to benefit navigation
6 on the Mississippi River. Also channelization of
7 the Missouri River through the entire state, with
8 revetments and the wing dams and so forth on almost
9 every linear mile.

10 There's already been absolutely massive
11 amounts of money spent, federal money spent that
12 benefits the state of Missouri already. I noted, I
13 heard a comment earlier that the CWCP benefited
14 hydropower, but it's actually the least beneficial
15 to hydropower.

16 The plan that I support is GP 1528, which
17 is the one that's most beneficial to hydropower.
18 It seems to be a good compromise too because it's
19 fairly beneficial to quite a few other things,
20 including environmental things, with the exception
21 of like the pallid sturgeon. In the case of fish,
22 I guess the pallid sturgeon's loss is the walleye's
23 gain. You can't have it both ways.

24 The very fact that the dams were built in
25 the first place meant that there were going to be

1 changes. And the only way probably that we could
2 ever maintain the populations of pallid sturgeons
3 would have been if the dams had never been built in
4 the first place. Now that they're here I guess we
5 have to do the best we can with them.

6 Sedimentation was not covered too much.
7 And I do not know which plan would affect
8 sedimentation the most in either the natural river
9 or the lakes. So I guess I can't comment on that
10 either way.

11 They say that barge traffic is actually a
12 duplicate resource, because if we didn't have barge
13 traffic the railroads would pick up the slack.
14 Supposedly barge traffic is slightly more
15 efficient, but it's not a major problem if the
16 railroads carried more of the traffic.

17 Regarding flood control, the downstream
18 states have already received huge benefits from
19 flood control, and the minor changes that would
20 occur if we adapted a program like GP 1528 I'd say
21 are a small loss compared to the benefits that
22 they're already receiving, so I don't think they
23 should feel too badly about that.

24 So to sum it up, I would say that the best
25 compromise to provide the most advantages to the

1 most people in this region would probably be GP
2 1528 as I understand it. Thank you.

3 MR. MOORE: Sally Puttmann.

4 MS. PUTTMANN: Good evening. I would
5 just like to say that my name is Sally Puttmann,
6 and my tenant and I operate a diversified crop and
7 livestock operation near Kingsley, Iowa, which is
8 25 miles east of Sioux City here in Woodbury
9 County. And I also served as a district director
10 for the board of directors for the Iowa Farm Bureau
11 Federation. And I along with many producers along
12 the Missouri River have participated in meetings
13 and educational sessions over the last year to
14 discuss options on management of the Missouri
15 River.

16 The Missouri River is an important thing
17 to Iowans and particularly to the farmers, and for
18 many reasons. First, farmers are concerned about
19 inland drainage and the impact it has along the
20 river and behind the levees.

21 Farm Bureau has analyzed the potential
22 impact of increased flows of the Missouri River on
23 the economies of these counties and the numbers are
24 astounding. Over 130,000 acres may see production
25 losses if the flow levels are increased. This

1 could cost the farms in the region, and when I talk
2 a region I'm talking about five counties from
3 Fremont County in the very southwest corner to
4 Monona County just south of Sioux City, and some
5 acres in this county as well. This could cost the
6 farmers in the region 13 million dollars. This
7 translates into a particular economic hit to the
8 gross regional product of five Iowa counties
9 totaling 21 million dollars in the first year
10 alone. And I say the first year, because if a
11 region loses 21 million dollars in the first year
12 from a high water loss on land, we cannot make that
13 up, and so it snowballs, it has a snowballing
14 effect as the years go by because there is not that
15 much profit in agriculture that you can make up
16 that loss which has occurred in one year's time and
17 the next year.

18 Farmers are also concerned about the
19 potential impact on navigation of the Mississippi
20 River. Now we've heard a lot tonight about the
21 navigation on the Missouri, but you want to
22 remember that the Missouri River provides almost
23 more than half of the flow of the Mississippi
24 River. And the Mississippi River is an important
25 route to access international markets for our

1 commodities. And it isn't just our commodities.
2 It's things that come up the river that we need.
3 You can drive down almost any road in Iowa and
4 imagine the impact of what it would cost per acre
5 if we limited our abilities there in the
6 commodities markets.

7 Finally, Iowans are concerned about
8 proposed changes to flows in the Missouri River
9 because of the impact it may have on power
10 generation. According to the Iowa DNR, 40 percent
11 of Iowa's generating capacity comes from the
12 Missouri River. And low flows during times of high
13 electric usage will threaten power companies'
14 ability to deliver a reliable supply of power and
15 in the end the consumers pay the cost.

16 I have several concerns with the proposed
17 management alternatives. And before I outline
18 these I just want to say that Congress has clearly
19 stated its interest in the management of the
20 Missouri River over the past several years. It's
21 on record in support of a balanced approach that
22 does not make winners or losers in the Missouri
23 River basin. The Farm Bureau is committed to a
24 balanced management approach that addresses the
25 multiple uses of the Missouri River and finds

1 workable solutions for endangered species as well
2 as for producers and anyone else who enjoys the
3 river.

4 All but one of the proposed options in the
5 river plan includes some form of spring rise. A
6 spring rise in May to the middle of June will not
7 allow producers to plant corn. That ground will
8 not dry out until July 1 or even later. And that
9 means you just plant soybeans. And if you can't
10 get your soybeans in in a timely fashion, only the
11 lower counties in Iowa could harvest those without
12 worrying that they would be caught by frost.

13 There is so much that needs to be said on
14 this subject, and there has been a lot said
15 already, but I think that we have to have a
16 balanced approach and I think there can be winners
17 for all of us in this approach, and we all have to
18 work together. And I thank you for allowing us to
19 come tonight.

20 MR. MOORE: David Leach.

21 MR. LEACH: My name is David Leach.
22 I'm the treasurer of the Iowa Corn Growers
23 Association, a commodity organization that
24 represents 6,500 corn growers across Iowa.

25 I also farm and own ground along the

1 Missouri River in Mills County. Let me say at the
2 onset that I'm not an industry, not a corporation,
3 but rather just a farmer, someone that supports a
4 family and a community.

5 Iowans should be concerned when the debate
6 over the Missouri River is characterized as a
7 simple problem, when the simple solution of one of
8 these five plans is supposed to save the fish and
9 the two birds.

10 Proposals to recreate the Missouri with
11 the spring rise and split navigation season will do
12 much more than just halt barge traffic. The spring
13 rise and increased risk of spring flooding, even in
14 the minutest amount affects my farm, my neighbors'
15 and my friends'. Potentially thousands of low
16 lying acres would be saturated, delaying or denying
17 the farmers the opportunity to plant, especially
18 taking fertile land out of production. This would
19 devastate farmers if the farm economy were strong.
20 Today when we are struggling to stay in business, a
21 spring rise would force many of us off the land,
22 and that's devastating news for western Iowa's
23 small towns.

24 As to the size, the continued viability of
25 Iowa's eight billion of agricultural economy is a

1 small price to pay to try to recreate the Missouri
2 River of yesterday, of yesteryear.

3 If it means bolstering the recreational
4 industry of neighboring states, the damage wouldn't
5 be limited just to agriculture or just western
6 Iowa. Otherwise the Missouri River levels would
7 also mean increased stress on our roadway system.
8 If you have to haul all the grain that currently
9 travels on the Missouri in semis it would take
10 14,000 semis to carry the load. That doesn't even
11 consider the amount of materials that would come
12 the other direction, salt, fertilizer. I think it
13 was like three dollars an acre just for my
14 fertilizer cost.

15 And it also doesn't include the fact that
16 if you do take transportation off the river, the
17 railroad industry has no competition and therefore
18 could raise its rates. We see that on the
19 Mississippi River sometimes when the Mississippi
20 River closes that rail rates go up quite a few
21 cents, thereby impacting my farm prices.

22 Lower levels in the summer also mean
23 hydroelectric power plants can't produce as much
24 energy, thereby forcing countless Iowa communities
25 to look elsewhere for their already overburdened

1 system.

2 Perhaps the most appropriate question is
3 should the Corps support the state's tourism
4 industry at the expense of long-term viability of
5 Iowa's economy?

6 Simple solutions to recreate the Missouri
7 will cause complex problems for everyone in Iowa.
8 So as a farmer and a member of the Iowa Corn
9 Growers Association, we do not support any plan
10 that has increased spring flows or would also split
11 the navigation season. Thank you.

12 MR. MOORE: James Farnik.

13 MR. FARNIK: Good evening, sir, thank
14 you for this time. I am here to represent myself.
15 My name is Jim Farnik. I'm from Creighton,
16 Nebraska. My wife and I own and operate a small
17 retail and repair business. We rent a lot and own
18 a cabin located on the Nebraska side of the
19 Missouri River one mile above the Bon Homme, South
20 Dakota, county line. We also have a piece of
21 property that borders the Niobrara River ten miles
22 above the mouth in Knox County that is being
23 inundated by purple loosestrife, cattails,
24 sediment, high groundwater.

25 I submitted a seven-page opinion to the

1 Corps of Engineers of the 22-page summary
2 preliminary revised draft environmental impact
3 statement released in August of 1998 for public
4 comment.

5 If there was ever a need for concern, the
6 70-mile reach between Fort Randall and Gavins Point
7 Dam is the beneficiary of four million ton of
8 sediment annually, with a total since closer of
9 about 200 million ton over the past 46 years. It
10 has destroyed over 20 miles of old Missouri River
11 floodplain along Knox County, and about that much
12 on the South Dakota side as well.

13 Statements printed in the final General
14 Management Plan, page 77, for the Missouri National
15 Recreational River, South Dakota, Nebraska 59-mile
16 segment states that 76 percent of the Missouri
17 River within the tern's range is channelized or
18 impounded, leaving 24 percent of the habitat
19 altered due to changes in water temperature and
20 flow caused by dam operations.

21 As time goes by it is going to become more
22 difficult to achieve project purposes and also
23 deliver for this tern, plover and sturgeon. It is
24 as if these species have no other alternative to
25 nest or spawn other than within this 24 percent of

1 what has been designated by river watchers as one
2 of America's most endangered rivers.

3 It seems unnecessary to pursue an agenda
4 in an environment that seems to have so much
5 inconsistency, so much instability and so much
6 uncertainty. Disrupting business interests, barge
7 traffic, agriculture, recreation and other
8 interests with any of these alternatives should not
9 even be an option.

10 Summer flows that get down to 25 and
11 21,000 cubic foot per second below Gavins Point Dam
12 will be a disaster for many resources. Accesses,
13 recreation and fishing, et cetera, below Fort
14 Randall Dam will be dramatically affected because
15 Fort Randall releases will be lower than that.

16 Massive sandbars exposed during the warm
17 weather will begin to establish growth, and blowing
18 sand in winter and summer are stopped in these
19 growth areas. Clean nesting bars across from the
20 Bon Homme County line that were roped off for
21 nesting birds in 1998 have three-foot cottonwood
22 trees growing on them today.

23 Sandbar growth is establishing itself for
24 miles above that area. A river that becomes full
25 of islands is not a healthy river.

1 It becomes more difficult to be positive,
2 cooperative and participate when the agenda is in
3 your face with the law, the acts, and the species
4 that seem to intimidate rather than find common
5 ground for all of us to stand on. Even though I
6 will do no harm to these species I find it more
7 difficult to appreciate them. On all the occasions
8 whether it deals with designated river management
9 plans, recreation, personal water craft or altering
10 the flows, we must first swallow this bird or else
11 have him rammed down our throats until we
12 understand that he rules the roost.

13 Lately it is difficult to determine who
14 the true administrators of this water control
15 project are. Is it the Corps of Engineers, is it
16 National Park Service, is it the U.S. Fish and
17 Wildlife Service, powerful organizations, other
18 interests, or is it this bird who leads the parade?

19 The National Environmental Policy Act and
20 Endangered Species Act, along with other acts
21 administered by Congress, have in my opinion tied
22 the hands of the Corps of Engineers as well as
23 other interests. This agency of engineers is
24 supposed to have jurisdiction by law on the
25 Missouri River.

1 The greatest elements of destruction
2 affecting this water control project and all of its
3 resources and its species is sediment, high
4 groundwater and purple loosestrife.

5 Based on the figures taken from the
6 59-mile segment final general management plan for
7 the piping plover, least tern and pallid sturgeon,
8 these species are hardly on the brink of
9 extinction.

10 The adaptive management strategy to alter
11 the flow pattern from Gavins Point Dam every three
12 years to monitor change and unravel this scientific
13 uncertainty is going to require some long-term
14 testing to establish any kind of consistency to
15 facilitate a management approach.

16 In order shape an adaptive management
17 strategy for the Missouri River basin, the Agency
18 Coordination Team, the Missouri River Basin
19 Association and the National Academy of Sciences,
20 U.S. Fish and Wildlife Service and others will need
21 to include the sediment and problems associated
22 with it in the future. Failing to do so will
23 result in management strategies without the ability
24 to adapt.

25 Let us not burden other interests along

1 this river with long-term monitoring and evaluation
2 for the sake of short-term results while ignoring
3 the long-term consequences to this water control
4 project.

5 I hope for the sake of all interests a
6 sound decision can be established based on facts
7 and reality. The alternatives listed in the latest
8 30-page summary or those in the 1998 22-page
9 summary will have no better or greater positive
10 impact upon the rivers and species between the
11 70-mile reach than the present current water
12 control plan that's in place today. Thank you.

13 MR. MOORE: Kyle Harrison.

14 MR. HARRISON: My name is Kyle
15 Harrison, and I'm representing Lafarge North
16 America this evening, a worldwide leader in
17 construction materials. I'm the manager of the
18 Omaha cement terminal. Lafarge is strongly
19 committed to providing high quality products and
20 safeguarding our environment.

21 River transportation has been a vital link
22 in our supply chain and the most efficient,
23 environmentally friendly form of transportation
24 that we can employ in our midwest and west central
25 regions.

1 Lafarge North America operates a cement
2 manufacturing facility at Sugar Creek, Missouri.
3 From our plant we have barged cement upstream to
4 Omaha for almost 36 years. The river has been a
5 vital supply line for us. We are currently
6 increasing the production capacity of our Sugar
7 Creek plant from approximately 500,000 tons
8 annually to over 900,000 tons in order to meet the
9 strong consumer demand for Portland cement in the
10 Kansas City and Omaha areas. We need to get our
11 products to Omaha, and river transportation is the
12 best way to do it. Our manufacturing processes
13 also require a variety of bulk raw materials and
14 fuel: Clay, slag, clinker, gypsum and coal to name
15 a few. Lafarge currently transports approximately
16 350,000 tons of raw materials into our plant at
17 Sugar Creek, and would like to increase this
18 amount. These materials are transported by barge
19 in an efficient and environmentally friendly
20 manner. River transit also serves to keep rail and
21 truck transportation rates more competitive, and
22 that is good for everybody.

23 Lafarge North America has recently
24 invested over \$300,000 in the barges used to
25 transport cement to Omaha. Lafarge North America

1 would like to invest more capital funds in the
2 barges, unloading and loading facilities located
3 along the Missouri River.

4 The Army Corps of Engineers' activities
5 directly impacts these types of capital
6 expenditures. It is extremely difficult to justify
7 and to commit capital dollars to a supply chain
8 that has a questionable future.

9 Utilizing the current master water control
10 manual allows for suitable time in the navigation
11 season to ship enough tons of cement to meet the
12 consumer demand. Barging materials is the most
13 cost effective way to move products. The number of
14 miles one ton can be carried per gallon of fuel is
15 514 miles for barges, 59 miles for trucks and 202
16 miles by rail car. It takes approximately 160
17 trucks or 40 rail cars to move the tonnage that we
18 get on just two barges. Trucking equal amounts of
19 material consumes three to four times more fuel
20 than if barged. Railing material consumes twice as
21 much fuel. The cost savings from using the
22 navigable waterways are passed on to the public
23 through lower cost products used to build our
24 cities' and towns' infrastructures, allowing for
25 safer roads and bridges at a lower cost for

1 taxpayers. What's better for America? More trucks
2 congesting roads, airborne emissions, and consuming
3 more fuels?

4 MR. MOORE: Nancy Carlsen.

5 MS. CARLSEN: Thank you for the
6 opportunity to comment on the draft environmental
7 impact statement for the master water control
8 manual. I appreciate your years of study and your
9 attempt to manage the river with sensitivity to a
10 wide variety of issues and concerns.

11 And I would like to thank the Fish and
12 Wildlife Service for its biological opinion.

13 My name is Nancy Carlsen and I live in
14 Vermillion, South Dakota. I am a fifth generation
15 Clay and Union County resident with a BA from the
16 University of South Dakota and a master's from
17 Purdue in 1970. I am an abstracter and title
18 examiner by profession.

19 I live along one of the two remaining
20 stretches of the Missouri in South Dakota which
21 would be recognized by the Arikira or by Lewis and
22 Clark. It is a 59-mile stretch of semi-wild river
23 bottom and riparian habitat. And I would like to
24 speak to you today from the perspective of a lover
25 of the remaining wildness of the Missouri River and

1 to focus on effects on the 59-mile stretch between
2 Yankton and Ponca designated under the Wild and
3 Scenic Rivers Act.

4 My family has a complex history with the
5 river. A relative by marriage drowned around the
6 turn of the last century and my grandparents feared
7 the river. My sister was conceived during the time
8 our dad drove truck while building the Fort Randall
9 Dam, and he worked on land titles for the Corps of
10 Engineers between the building of Oahe. My uncles
11 lost many sections of ranch land to Lake Francis
12 Case. I spent teenage summer days water skiing on
13 Lewis and Clark and Lake Francis Case, and spent
14 many college summer days on the white sands of the
15 wild stretch near Elk Point. I have boated the
16 entire Missouri in South Dakota up to Oahe. I was
17 privileged to share a cabin for ten years near
18 Ponderosa and, for the past three years, one near
19 Goat Island. I canoe frequently. I have
20 experienced the river and its wildlife in many
21 seasons and places, and have come to understand
22 that the river is a living entity.

23 But it was not until I worked on building
24 a title plant in Union County several years ago
25 that I really came to understand exactly what we

1 have done to the river in my lifetime. That
2 understanding developed from trying to place
3 property ownership information on maps.

4 In 1854 the southern boundary of the river
5 was surveyed from the Nebraska side as the federal
6 government continued the survey of public lands
7 begun by Thomas Jefferson. Those surveys in
8 Nebraska settled the lines of the sections,
9 townships and ranges controlled by the 6th
10 Principal Meridian. In the 1860s the federal
11 government Land Office surveys were done from the
12 South Dakota side, establishing the north meander
13 line of the Missouri River along with the sections,
14 townships and ranges controlled by the 5th
15 Principal Meridian. The imaginary lines and
16 monumented corners established by the Land Office
17 surveys 150 years ago continue to this day to
18 control the legal descriptions of land.

19 Of course the river didn't know that it
20 was supposed to stay within man's legal
21 descriptions. It continued to meander, consuming
22 land at bends, braiding, creating sandbars and
23 backwaters, and depositing land downriver as it
24 went. For example, Mulberry Point is two and a
25 half miles downriver from where it was 150 years

1 ago. Much land once in Nebraska is now in South
2 Dakota and vice versa.

3 Huge quantities of land were moved by the
4 Missouri as it went along its job of being a river,
5 draining a vast part of North America's interior.
6 Fertility of the lands was renewed by periodic
7 overland flooding. And as the river settled back
8 into its bed each time, things continued to change.
9 Many sections of bottomland forest existed until
10 recent times, as well as large areas of wetlands.

11 In addition to the original surveys, I
12 have maps showing the location of various parts of
13 the 59-mile stretch of the river from the 1880s,
14 1900s, 1940s, 1960s, '70s, '80s and '90s. When the
15 maps are considered together, there emerges a clear
16 picture of the river's natural rhythm and living
17 movements during the 150 years since the beginning
18 of non-Indian settlement.

19 Satellite photos and other aeriels show
20 the straightjacket that is channelization below
21 Ponca and the impoundments above Gavins Point,
22 further magnifying the magnificence of the
23 remaining braiding and the natural movements of the
24 59-mile stretch.

25 Even in the last 50 years, controlled by

1 dams, bank stabilization and riprap, this reach of
2 the river has continued to meander, gradually
3 changing its bed, eroding some lands, accreting
4 other lands and creating it's own still rich,
5 though diminished, ecosystem.

6 I am continually amazed at the strength of
7 the river's integrity and its ability to continue
8 doing its job under its current restraints. But
9 then it has thousands of years of experience of
10 ecosystem creation.

11 We have less experience with the dams and
12 channelization than the years I have been alive.
13 What we have done can be modified as we learn the
14 results of our actions.

15 I wish to speak for the alternative which
16 will allow the closest resemblance to the river's
17 natural flow. That must include the spring rise
18 releases from Gavins Point, mimicking the natural
19 drainage from snowmelt, and the lower summer flows
20 conducive to sandbar exposure. The endangered
21 species are harbingers of much larger ecosystem
22 decline if we do not now change our management from
23 one which takes into account only human benefits.

24 Further down the line, as siltation
25 continues from the Niobrara, it would be good to

1 consider the breaching of Gavins Point Dam. More
2 importantly, we must change our understanding to
3 one in which this entity of the river has legal
4 ownership rights in its own bed and floodplain.
5 The idea of a national park begins to approach the
6 philosophical considerations we must embrace in the
7 21st century. But for now, I would simply like to
8 support alternative GP 2021 as the closest
9 approximation of the river's natural flow, the
10 waters to be used for ecosystem restoration as the
11 river itself wills. Thank you.

12 MR. MOORE: U.S. Fish and Wildlife
13 Service.

14 MR. COLLINS: Good evening. My name
15 is Roger Collins, and I'm here this evening on
16 behalf of the U.S. Fish and Wildlife Service out of
17 Bismarck, North Dakota. Tonight I'd like to issue
18 a brief statement on the revised draft
19 environmental impact statement for the Missouri
20 River master water control manual. I'm also here
21 to listen to the comments in person from citizens
22 on this important issue.

23 The Service has primary authority for
24 oversight of our nation's rarest animals under the
25 Endangered Species Act.

1 The Missouri River is home to the
2 endangered pallid sturgeon and least tern and the
3 threatened piping plover. The decline of these
4 species tells us that the river is not healthy for
5 its native fish and wildlife, and that there needs
6 to be a change in its management to restore the
7 Missouri to a more naturally functioning river
8 system.

9 Through our national wildlife refuges,
10 national fish hatcheries, ecological services
11 offices, fisheries management assistance offices,
12 and law enforcement offices along the Missouri
13 River, the Service evaluates proposed projects,
14 raises and releases millions of fish and researches
15 the biological well-being of the river to help
16 conserve it as a valuable natural resource. A
17 healthy river provides wildlife habitat, supports
18 fishing, and makes boating an attractive
19 recreational activity.

20 Congress committed the federal government
21 to preventing extinctions by requiring federal
22 agencies to use their authorities to conserve
23 endangered and threatened species. The Fish and
24 Wildlife Service helps other federal agencies
25 ensure that actions that they take do not

1 jeopardize the continued existence of species such
2 as the pallid sturgeon, least tern and piping
3 plover.

4 During the last 12 years our agency has
5 been working with the U.S. Army Corps of Engineers
6 to modernize the management of the Missouri River
7 to help stabilize and hopefully begin to increase
8 and recover populations of these very rare animals.
9 This new approach was described recently in a
10 document called the Missouri River Biological
11 Opinion, published in November 2000.

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

18 With the biological opinion as a base, we
19 will continue to work with the Corps to evaluate
20 the six alternatives for a new master manual
21 presented in the revised draft environmental impact
22 statement.

23 Our biological opinion is based on the
24 best available science and includes nearly 500
25 scientific references. In addition, we've sought

1 out six respected scientists, big river
2 specialists, who confirmed the need to address flow
3 management as well as habitat restoration.
4 Further, the Missouri River Natural Resources
5 Committee, a group comprised of the state experts
6 on Missouri River management, endorses the science
7 in the opinion.

8 If you have read the RDEIS or summary
9 document, you understand that the GP alternatives
10 encompass the range of flows identified by the
11 Service as necessary below Gavins Point Dam to keep
12 the listed species from being jeopardized. Our
13 agency and the Corps also recognized the importance
14 of some flexibility in management that would enable
15 Missouri River managers to capitalize on existing
16 water conditions to meet endangered species
17 objectives without having to go through another
18 12-year process. We believe that the Corps has
19 done a good job of outlining the impacts, or lack
20 thereof, associated with implementing these changes
21 and that they will continue to evaluate impacts
22 associated with these changes.

23 Other management changes identified in the
24 biological opinion include a spring rise out of
25 Fort Peck Dam, an improved hatchery operation to

1 assist declining pallid sturgeon populations,
2 restoration of approximately 20 percent of the lost
3 aquatic habitat in the lowest one-third of the
4 river, intrasystem unbalancing of the three largest
5 reservoirs, and acceptance of an adaptive
6 management framework that would include improved
7 overall monitoring of the river.

8 In closing, the Service supports the
9 identified goal of the revised master manual, to
10 manage the river to serve the contemporary needs of
11 the Missouri River basin and nation.

12 These needs include taking steps to ensure
13 that threatened and endangered species are
14 protected while maintaining many other
15 socioeconomic benefits being provided by the
16 operation of the Missouri River dams. The Service
17 stands behind the science used in the biological
18 opinion and is confident that the operational
19 changes identified in the opinion, in addition to
20 subsequent discussions with the Corps, will ensure
21 that these rare species continue to be a part of
22 the Missouri River's living wildlife legacy.

23 The Missouri River is a tremendous river,
24 with a significant and revered heritage. Our
25 influence has altered the river greatly. Changes

1 are needed to modernize and restore health to the
2 river, for the benefit of rare species and for
3 people too. Thank you.

4 MR. MOORE: Cindy Kirkeby.

5 MS. KIRKEBY: I want to thank you for
6 meeting with us today to hear our views. My name
7 is Cindy Kirkeby. I am an attorney from
8 Vermillion, South Dakota, the fifth generation of
9 my family to call Clay County home. I have
10 property on the Missouri and have floated and
11 boated this great river since I was a child.

12 I am the daughter and granddaughter of dam
13 builders. I am aware of the good intent of my
14 father and my grandfather, and of all of the people
15 who built these dams on the Missouri River. And I
16 am aware of the good intent of all of you members
17 of the Corps who are trying to manage the aftermath
18 of their innocent exuberance.

19 But with all due respect, I cannot support
20 any of the Corps' proposed alternatives. I can
21 only support an alternative that seeks to set the
22 river free.

23 Nature wrote the book on this great river,
24 and any master plan that we can devise cannot
25 improve on nature's comprehensive plan.

1 We have tried to write our own book on the
2 river. But in our master plan, in our limited
3 understanding, we have narrowly focused on only six
4 categories of concern, all centered exclusively
5 upon ourselves: Flood control, human water supply,
6 power generation, irrigation, navigation and
7 recreation. We have drowned and ditched the river
8 in our efforts to protect ourselves and to promote
9 our own interests through these six categories.

10 For awhile this technique appeared to
11 work, and it appeared that we gained benefits from
12 our master plan. But as the years have gone by, it
13 has become increasingly obvious that the biological
14 integrity of this great system is eroding. Most
15 native species are in decline and some are on the
16 verge of extinction, primarily because we have
17 altered the life flow of the river.

18 We are beginning to learn that the natural
19 flow is the life-sustaining and life-enhancing
20 flow, and that the artificial flow is the life-
21 depleting and, ultimately, life-threatening flow.
22 If we begin to create a system where the artificial
23 flow emulates to the greatest extent possible the
24 natural flow, then we begin to reverse this
25 destructive process. By recognizing and honoring

1 the elegance and inherent integrity of the natural
2 river, we can learn to use our creative energies in
3 a more constructive manner.

4 It's as though we took a beautiful human
5 body that functioned perfectly and we decided that
6 we could improve upon that body by altering the
7 blood flow in favor of the six organs that we had
8 identified as being important: The head, heart,
9 lungs, stomach, liver and intestines. Since we
10 didn't know enough about how the body worked to
11 consider the needs of any other parts of the body,
12 we simply disregarded the other parts. We
13 surgically implanted valves where valves had never
14 been to alter the blood's flow and to redirect it
15 to our favored organs. And we bypassed the major
16 arteries and implanted our own tubes to provide a
17 direct flow of blood to our favored organs. You
18 know, if we did something like this today people
19 would think we were crazy. People would
20 intuitively recognize that the health of the whole
21 system is dependent upon the health of each of its
22 parts, that the very existence of the head and the
23 heart are dependent upon the well-being of the
24 billions of cells and multiple glands and numerous
25 organs of the whole body. For the life of the

1 human being, these people would demand that we
2 return the flow to its natural flow.

3 I say this is what we have done to the
4 river, one of the great arteries of this continent.
5 We have identified six ways that we wanted the
6 river to serve our species, and we have imposed our
7 will relentlessly. We were given a variety and
8 diversity, a beautiful braided river with bows and
9 eddies, islands and sandbars, and we have created
10 monocultures of huge dams and deep ditches. We
11 were given abundance and we have created lack. We
12 were given a gracious, elegant and self-
13 perpetuating vitality, large enough for all of the
14 life that was suited for it, and we have created
15 troubled waters.

16 We built these dams and ditches with the
17 best of intentions in the desire to make life
18 better for ourselves and for our families.

19 But we forgot that we were a part of
20 nature. We forgot the great cooperative venture of
21 the earth, the marvelous interdependence of all
22 living things.

23 And so we have dominated and controlled
24 the river for 50 years for the benefit of only one
25 species, human beings, and for only six purposes:

1 Flood control, human water supply, power
2 generation, irrigation, navigation and recreation.

3 Now, thanks to the Endangered Species Act,
4 we are required by law to manage the river for the
5 benefit of four additional species, pallid
6 sturgeons, piping plovers, least terns and bald
7 eagles. But we have not yet recognized that we
8 must manage the river for only one purpose, that
9 is, for the well-being of all of its creatures.

10 As we grow in understanding, we grow in
11 our ability to include more and more others in our
12 calculations of who and what is important, and to
13 see the relevance to ourselves of the well-being of
14 others.

15 Nature knows her own, and knows the needs
16 of each and provides for each. We ought to know
17 and provide as well, if we presume to replace
18 nature's comprehensive knowing with our own. I
19 believe that when we start recognizing the needs of
20 the hundreds or perhaps thousands of species in the
21 river's complex community of interrelated life, we
22 will finally realize that the only way that we can
23 provide for us all is to set the river free.

24 I urge us to begin today to broaden our
25 understanding and our commitment to all of life and

1 to model our behavior, as well as we are able to,
2 to the splendid spontaneity and ancient order of
3 the natural world.

4 MR. MOORE: William Beacom.

5 MR. BEACOM: Colonel, I'm glad we did
6 a little better job of bringing the crowds out than
7 we did up in Montana. It's William Beacom, I live
8 right here in Sioux City about 24 blocks up north
9 of here.

10 The one thing that seems to be apparent
11 when we look through the RDEIS and the manuals and
12 all this stuff, we have a great use of acronyms and
13 figures and percentages. But I think the thing
14 that we all forget is that these are very anonymous
15 but these figures represent people. And when you
16 put a .07, that means that maybe seven people don't
17 get to farm their land that year, and it affects
18 them personally. You know, the people that are on
19 the side of the environmentalists if we want to
20 choose up sides seem quick to write off the
21 navigation, we'll just write it off, we'll draw a
22 line through that one, there's no people involved,
23 they're just the 1.76-3.

24 The navigation people are in a situation
25 where if you do any of the four plans besides the

1 current water control plan or the MCP, it's a
2 question of whether we disappear or starve slowly.
3 And that's not a real good place to put ourselves.

4 The farmers, even though we've got nice
5 percentage points that says overall we don't affect
6 that many farmers, the ones you do affect you might
7 affect them critically, so that person may not be
8 able to make a living that year. So we don't want
9 to deal in numbers too much.

10 The fisheries, really when you look at the
11 overall picture they don't benefit that much. The
12 tribes get hit terribly hard. They get hit on
13 their land values. If you implement any of the
14 plans that have the up and downs in river, there
15 are cultural things that are affected by erosion
16 get banged. And then they're some of the poorest
17 people in the whole basin, and the increase in the
18 cost of electricity are going to hit them very,
19 very disproportionately to their ability to pay.
20 And we're in this situation now just like we always
21 are. We've got economic interests against
22 environmental interests, and nobody wants to give,
23 and solutions are out there.

24 The Fish and Wildlife Service was put into
25 a real box in this one. They had to come up with a

1 biological opinion that essentially has to answer
2 the question how many beans are in a jar when they
3 don't know the size of the jar and they don't know
4 the size of the beans. And they come up with a
5 whole lot of nonsense. It reminds me of a fairy
6 tale that I read my grandkids called The Emperor's
7 New Clothes. Unless you're humble and pure of
8 heart you can't see the threads that they're made
9 out of. Unless you're a scientist you really can't
10 see what the scientists are putting out there for
11 biological opinions. And the reason you can't see
12 it is because it makes absolutely no common sense
13 from any standpoint.

14 I'll outline a couple of them. The birds,
15 the piping plover, every third year they get
16 flooded out. We're going to raise the water coming
17 through the dams to create sandbars and remove
18 vegetation. But you have to have sand to create
19 sandbars and the water coming through the dams is
20 hungry water, it doesn't have any sand. And every
21 third year we put water over these same sandbars
22 and flood out the piping plovers and the least
23 terns that arrive in April and May and have already
24 built their nests, so they have to renest.

25 We've got 80 percent more territory up

1 below Garrison which the birds can easily fly to if
2 we discourage them from landing at Gavins Point,
3 but, no, we can't do that, because then the fact
4 that we can leverage the flow out of Gavins Point
5 to gain control of the river by denying the lower
6 basin states their fair share of the water wouldn't
7 be feasible.

8 Now you do the same thing with the pallid
9 sturgeon. The pallid sturgeon, yes, we've got
10 ideal flows below Bloomville. We're going to
11 duplicate everything below Bloomville up here. But
12 the problem is they're not reproducing below
13 Bloomville either.

14 So what have we got to deal with? We've
15 got a lot of things to deal with that could be a
16 problem with the pallid sturgeon. We've got
17 temperature, as another gentleman outlined, we've
18 got the gravel substrata, and we have the flow
19 regime, and all of this could be a part of this
20 cuing process. We've inadvertently stumbled on to
21 something down at the Elizabeth Bottoms and we've
22 been able to reproduce some sturgeon down there.

23 And we were talking about it last night
24 with some of the Corps people and what we need to
25 do is we need to pave the bottom of the mitigation

1 slough so they've got a place to spawn. And then
2 they can stick their eggs to something, because
3 there's not any gravel between the Platte River and
4 here. And if we do that maybe we can put some
5 clothes on the emperor that everybody can see.

6 MR. MOORE: Jim Wallace.

7 MR. WALLACE: I am James W. Wallace.

8 I reside at 505 Ash, Lakeview Iowa, 51450. I
9 represent the combined chapters of Iowa Audubon.

10 Iowa Audubon supports the best possible
11 use of the Missouri and in Iowa tributaries to
12 support the best reproduction of all endangered
13 species and all other wildlife in the basin.

14 Fifty years of Corps management has
15 completely destroyed the river and all of its lower
16 tributaries on the western slope of Iowa. It is
17 time to modify and change the river back to some of
18 its historic streambeds in Iowa and the rest of the
19 basin. It is time to restore not the spring flood
20 but the historic June rise to the Missouri River
21 basin. The plan 2021 is likely the best plan for
22 the Missouri River basin as it now stands. Thank
23 you.

24 MR. MOORE: Norma Wilson.

25 MS. WILSON: I just have a brief

1 personal statement.

2 I'm Norma Wilson. I am a resident of
3 rural Vermillion and professor of English and
4 American Indian studies at the University of South
5 Dakota. My husband and I have lived in
6 southeastern South Dakota for more than 20 years.
7 Both of our children were born in South Dakota.
8 Our family has spent many wonderful afternoons
9 canoeing the Missouri and hiking along its banks.
10 We especially enjoy the birds and other animals who
11 live along the river.

12 My husband and I plan to remain in this
13 area, and we are concerned about the river habitat
14 that threatens the survival of certain species. If
15 we are going to assume the right to control our
16 natural environment, we are ethically bound to do
17 so responsibly. The operation of the dams, which
18 control the river's flow, must be changed so that
19 the river more closely follows its natural course.
20 Species like the pallid sturgeon and the piping
21 plover are endangered by the current dam operations
22 that are designed for barge traffic, which brings
23 few economic benefits, certainly too few benefits,
24 to balance the economic damage caused by unnatural
25 flows.

1 For the benefit of our children and
2 grandchildren and the future of our river, I urge
3 the Corps of Engineers to implement the important
4 change of increasing flows from Gavins Point Dam
5 and Fort Peck Dam in the spring and reducing Gavins
6 Point Dam's flows each summer. To do otherwise is
7 to ignore the environmental damage that has already
8 been caused and that will increase if we do
9 nothing. We must act now to protect the Missouri
10 River for human beings and other animal species.

11 I want to thank the Corps for accepting my
12 testimony and for your work to conserve the life
13 along the Missouri.

14 MR. MOORE: Dean Spader.

15 MR. SPADER: I am Dean Spader. I was
16 reared on a farm with 16 brothers and sisters in
17 Oldham, South Dakota. And we now have 80
18 grandchildren, and at last count 123 great
19 grandchildren. So if you're counting numbers I
20 assure that all of my family agree with what I am
21 going to say, so all total are somewhere around
22 223.

23 I say this partly because I recall in the
24 1950s as a young boy flying with my father who was
25 a flying farmer over the Missouri River down here

1 and seeing the flooded land. In fact we still have
2 some of the eight millimeter film bouncing out of
3 the plane window of our family farm plane over the
4 entire flooded area of the Missouri River.

5 Now in those days we thought that was a
6 tragedy. As I view that film now I see it as a
7 beautiful living river. And the opposite of that,
8 I'm speaking more from my heart than any facts,
9 because I support, I came here with a whole set of
10 different intents as to what to say, but I found
11 that most of the speakers, many of the speakers
12 prior to me have said what I intended to say
13 factually, and I support testimony of Jim
14 Heisinger, Jim Redmond, Chad Smith and so on.

15 To me watching the film of the river
16 flooding is a living river, and I like the analogy
17 of a living river. And then to go downstream and
18 see the river channelized is an ugly scene for me.
19 And I understand that some people, the gentleman
20 earlier disliked the idea of being told he was
21 living on a ditch. I think it's even worse than
22 that. I think if we were to ask the Missouri
23 River, what is your experience, if it were a living
24 river, I think the Missouri River would say you
25 have put me in a straightjacket. And a river in a

1 straightjacket is no more beautiful than a human
2 being in a straightjacket. And controlling the
3 river excessively is like putting a human being in
4 a straightjacket.

5 We have channelized the river. I think to
6 some extent it is an ugly dead river right now.
7 And so the options, the minimal options that the
8 Corps has proposed to preserve the life of the
9 river I think is a must. Otherwise the river dies.
10 And 50 years from now, a hundred years from now,
11 what will our children see from our airplanes, what
12 will the river be, and what will the species in the
13 river be? Thank you.

14 MR. MOORE: Dave Branerd.

15 THE HEARING OFFICER: Is there anyone
16 else who wishes to testify?

17 MR. KUCERA: Yes, Colonel. My name
18 is Ron Kucera, I serve as deputy director for
19 policy for the Missouri Department of Natural
20 Resources. I hadn't planned to testify this
21 evening, but a couple things did come up.

22 One thing during your workshop that I'm
23 very pleased that you're providing an opportunity
24 for citizens to experience and then a couple of
25 things during testimony this evening, I thought I

1 wanted to go on the record with.

2 At the workshop my staff and I were trying
3 to find out whether or not tern and plover acreage
4 was accounted for around the reservoirs, and two of
5 your staff responded that there was not an effort
6 to attempt to account for terns and plovers. We
7 believe that's a serious oversight and that the
8 estimate of 164 acres of habitat created could end
9 up being a number that's in error. It could be
10 some number that's significantly lower than that in
11 the total plan, and we think you need to take a
12 look at that.

13 The other issue has to do with faulty
14 logic applied to adaptive management, having to do
15 with releases from the Gavins Point Dam. As one of
16 the other speakers suggested, we already have
17 significant spring rise on the lower Missouri River
18 and on the Mississippi, and there's not a response
19 from the pallid. So I think that needs to be taken
20 into account too. That's all I have, Colonel.
21 Thank you.

22 THE HEARING OFFICER: Are there any
23 others who wish to testify?

24 In closing I would like to remind you that
25 the hearing administrative record will be open

1 through 28 February for anyone wishing to submit
2 written facts or electronic comments. Also if you
3 want to be on our mailing list or receive a copy of
4 this transcript you need to fill out one of the
5 cards at the table available at the entrance.

6 If there are no further comments, this
7 hearing is closed. Ladies and gentlemen, thank you
8 for attending tonight and providing us with
9 valuable information.

10 (Concluded, 9:50 p.m.)

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REPORTER'S CERTIFICATE

I, Colin J. Campbell, Certified Shorthand Reporter, hereby certify that the foregoing was taken down by me in machine shorthand and was thereafter reduced to typewritten form; that the foregoing represents a true and complete transcript of the proceedings had in the foregoing matter.

I further certify that I am not attorney for or related to any of the parties hereto, and that I am not financially interested in this action.

To all of which I have affixed my signature this 22nd day of October 2001.



Colin J. Campbell, CSR
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September 27, 2001

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Colonel David A. Fastabend
Commander and Division Engineer
Northwestern Division
U.S. Army Corps of Engineers
220 NW 8th Avenue
Portland, OR 97208-2870

re: Missouri River Master Manual RDEIS Comment Period

Dear Colonel Fastabend:

The Coalition to Protect the Missouri River has contacted my office to request a 90-day extension of the Missouri River Master Manual Revised Draft Environmental Impact Statement (RDEIS) public comment period and to request a postponement of public hearings until after January 1, 2002. I urge you to seriously consider this request.

It is my understanding that interested parties have yet to receive the full and final copies of the RDEIS from the Corps of Engineers. I believe it is a reasonable concern that stakeholders will not have enough time to analyze the documents and to prepare responses before the public hearings begin on October 9, 2001.

I urge you to give this request for a 90-day extension and for a postponement of the public hearings until next year every appropriate consideration. Thank you for your attention to this matter. With respect, I remain

Very truly yours,



IKE SKELTON
Member of Congress

IS:lb

W. TODD AKIN
2D DISTRICT, MISSOURI

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Congress of the United States
House of Representatives

Washington, DC 20515

September 28, 2001

Colonel David A. Fastbend
Division Commander
U.S. Army Corps of Engineers
North Pacific Division
P.O. Box 2870
Portland, Oregon 97208

Dear Colonel Fastbend:

I am writing to request a 90-day extension of the Revised Draft Environmental Impact Statement (RDEIS) Public Comment Period for the Missouri River Master Manual Alternatives. In addition to this extension, I also ask that any public hearings on the RDEIS be postponed until after January 1, 2002.

Several stakeholder groups, most notably, the Coalition to Protect the Missouri River, have contacted my office to express concerns about the timing of RDEIS Public Comment Period. These groups have yet to receive a full and final copy of the RDEIS, and therefore, are concerned that they will not have adequate time to analyze all the information and prepare a sufficient response prior to the start of the public hearings. A full copy of the six alternatives in the RDEIS will most likely not be made available until the first week of October, only a few days before the public hearings are scheduled to begin.

The Coalition believes that a full and complete review of the six alternatives cannot be made in a period of one week or less. I strongly concur with the Coalition's assessment. The full RDEIS contains detailed models, data and recommendations that require a thorough analysis and review before a stakeholder can formulate an informed response.

Colonel Fastbend, I strongly urge you to grant this extension and subsequent postponement of the hearings until after January 1. It is only fair that citizens and stakeholders be allowed more than a few days to review the complex documents to which they are entitled to respond.

Sincerely,



W. Todd Akin
Member of Congress

WTA:th

CC: Mr. Dominic Izzo
Principal Deputy Assistant-
Secretary of the Army(Civil Works)

United States Senate

WASHINGTON, DC 20510-2503

September 25, 2001

Colonel David A. Fastabend
Division Commander
North Pacific Division
U. S. Army Corps of Engineers
P.O. Box 2870
Portland, OR 97208-2870

Dear Colonel Fastabend:

Recently, the Coalition to Protect the Missouri River contacted my office to voice their concerns with the upcoming Public Comment Period on the Revised Draft Environmental Impact Statement (RDEIS). The Coalition is concerned that full copies of the six alternatives will not become available for their review and analysis until the week of October 1, 2001, just a week before the public hearings are scheduled to begin. In the absence of data, models and recommendations, citizens and public officials are precluded from having the opportunity to evaluate and develop informed responses to the RDEIS. I understand that it is a complex and challenging task for the Corps to finalize and distribute the massive sets of documents and delays of this nature are both foreseeable and understandable. However, since it is taking the Corps many months to prepare documents for the public comment period, in the name of fairness, citizens should be entitled certainly to more than a couple of short weeks to analyze the documents they are expected to comment on. Clearly, it diminishes the value of the hearings and workshops if people are not able to become familiar with the alternatives.

At this time, I request a 90 day extension of the Revised Draft Environmental Impact Statement Public Comment Period, and a postponement of the public hearings until after January 1, 2002.

Sincerely,



Christopher S. Bond
U.S. Senator

cc: Mr. Dominic Izzo
Principal Deputy Assistant Secretary
of the Army (Civil Works)

My name is Richard A. Spellman, 705 North 57th Ave., Omaha, Nebraska. Tele. No. 402 556 0697

I am submitting the following material into the record of this public hearing:

1. Letter to Rosemary Hargrave dated November 11, 2000
2. Letter to Mike George dated January 25, 2001
3. Letter to Ken Cooper dated August 29, 2001

These letters explain why the proposed "split-flow" regulation of the Missouri River will have tremendous adverse consequences effecting the 40 mile reach of the river below Fort Randall Dam. The damage to this area will be compounded because of the sediment build-up already in the area near Niobrara that will only be aggravated by the proposed lower summer flows.

The economic damage and adverse consequences to recreation in this area are fully discussed in these letters. The impact of the proposed "split-flow" to this area must be specifically addressed in the environmental impact statement. This is a unique and unchannalized reach of the river. The Missouri River below Fort Randall Dam to Niobrara is a federal designated recreation river and also a federal designated scenic river. It needs to be preserved. The "one size fits all" approach in the proposed "split-flow" regulation will have disastrous consequences to this area.

Finally, the proposed "split-flow" regulation will require damaging flood stage releases of 50-60 cfs from Fort Randall Dam in the late fall-early spring in those years when excess water storage in the up-river reservoirs has to be evacuated in order to have capacity for snow melt and spring rains.

Please read the enclosed material, and do not hesitate to call or write if you have any questions.



Richard A. Spellman

August 29, 2001

Mr. Ken Cooper
Deputy Omaha District Engineer
U.S. Army Corps of Engineers
106 So. 15th Street
Omaha, NE. 68102

Re: Missouri River/Niobrara River/Ponca Creek
Site Visit June 29, 2001

Dear Mr. Cooper:

As the Draft Master Manual Environmental Impact Statement ("EIS") and the Sedimentation Study involving the sediment build-up in the above area are about to be completed, I believe it is important to summarize the findings and the points of agreement made during the June 29th site visit.

First of all, I would like to thank you, Bill Mulligan, Mike George and Laura Timp for spending the entire day with Don Nelson, Nebraska Director for Senator Ben Nelson, Rayder Swanson, Supervisor, Knox County Board of Supervisors, and the others listed in the enclosed site visit agenda.

During the site visit, we addressed the issues affecting this area resulting from way the Missouri River has been operated in the past by the U.S. Army Corps of Engineers (the "Corps"), and the way the river is being proposed by the U.S. Fish and Wildlife Service (the "Service") to be operated by the Corps in the future. The first issue is the continuing build-up of sediment threatening the area. The second is the adverse consequences of the "split-flow" being proposed by the Service relating to endangered species. I am also enclosing a copy of a letter dated June 6, 2001, from Brigadier General Carl A. Strock to Senator Ben Nelson, where he commits to addressing these concerns.

Sediment Build-up.

The Ponca Creek and Niobrara River continue to deposit large quantities of sediment in the Missouri River. Unless addressed by a dredging maintenance program (which will also create more sandbars advantageous for the endangered species), the following adverse consequences will be inevitable: (i) Nebraska Highway 12 will be inundated and have to be reconstructed costing \$27 million, (ii) more flowage easements will have to be acquired, particularly along Ponca Creek and nearby populated areas along the Missouri River, (iii) backwaters of Lewis and Clark Lake will continue to fill in with sediment reducing lake capacity, (iv) hydroelectric power generation at

Fort Randall Dam cannot be maximized without causing flooding (further aggravated if low summer flows are implemented if a “split-flow” operation) and (v) one of the most scenic and recreational reaches of the Missouri River (designated as such by federal law) will become a cattail marsh and inaccessible.

Dredging will fix the problem. We were told it’s expensive, but it may be too expensive not to establish a dredging program. This is especially true when all of the factors and important priorities of Missouri River operation are evaluated (flood control, recreation, electric power generation, etc.). I have been told that years ago there was a dredge stationed in the area which was owned and operated by the Corps, but I have not verified this.

It is expected that the sedimentation study about to be completed will address many of these issues, although we were told that sediment deposition in the Missouri River from Ponca Creek may not be included in the study. A comprehensive analysis must include Ponca Creek, otherwise the Niobrara River sedimentation problem will be repeated. The Niobrara sediment problem has already caused the United States to pay millions of dollars to relocate the town of Niobrara and the Niobrara State Park, and also to acquire flowage easements over several thousand acres of ruined farm land, but only after denying liability and losing in litigation. The federal government has just completed another multi-million investment in this area by constructing Standing Bear Bridge over the Missouri River to facilitate much needed commercial opportunities and to enhance recreational activities. This time, the United States has the opportunity to fix the problem before it completely ruins this entire area and requires it to later pay for the damage.

The “Split-Flow” Proposal. The impact of the “split-flow” proposal on this area must be recognized and evaluated in the EIS, otherwise the study will be defective. As explained below and in the enclosed letter dated January 25, 2001, a “split-flow” in this area will be devastating.

This area is on the Missouri River below Fort Randall Dam and above Lewis and Clark Lake and Gavins Point Dam. The Service’s Biological Opinion recommends the “split-flow” of the Missouri River to save the endangered least tern, piping plover and pallid sturgeon, but it only addresses the river below Gavins Point Dam. It does not even mention this area above Gavins Point Dam, even though the releases from Gavins Point Dam necessary to create the “split-flow” will be virtually the same releases as from Fort Randall Dam.

The reason the “split-flow” proposal results in nearly identical releases from Fort Randal Dam and Gavins Point Dam is because Lewis and Clark Lake is a relatively very small lake compared to the up-river reservoirs, and it has little storage capacity to accommodate appreciable differences in releases. Flows from Fort Randall Dam essentially flow right through this area and Gavins Point Dam with very little variation.

The “split-flow” proposal requires very low releases from Gavins Point Dam during the summer months, and this will require even lower releases from Fort Randall Dam. This is because the Ponca Creek and Niobrara River tributaries will add 2-4,000 c.f.s. to the flow in the Missouri River. In this area, the proposed low flows will destroy the recreational value of the Missouri River in the summer. Access to the river, fishing, boating and all other recreation activities will be dangerously unsafe if not impossible. Most of the businesses and the economy in this area are largely dependent on recreation and tourism, and the adverse effects of low flows during the summer will be devastating. This was the case earlier this year until water levels were raised after flooding down river subsided.

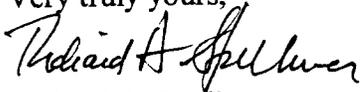
Another foreseeable consequence of the “split-flow” proposal is that releases in the fall may have to be at very high flood stages in this area. The low summer flows followed by navigational flows may necessitate flood stage releases from Fort Randall Dam in the fall before ice freezes the river in the winter. This is because the Missouri River Main Stem System must be evacuated to certain levels at the end of the year in order to have sufficient capacity reserved to impound the floodwaters from the next spring’s projected snowmelt and rainfall. This potential adverse consequence must be addressed in the EIS.

Finally, this area is a reach of the Missouri River where all three of the endangered species, especially the least tern and piping plover, are doing well. Pallid sturgeon put into the river several years ago are still being tracked, and nobody knows whether the “split-flow” will trigger reproduction. The river is not channelized like it is below Sioux City. In this area, the river flows in its natural bank, and there are natural sandbars, backwaters and an abundance of habitat for wildlife. The proposed “split-flow” will disrupt spawning patterns of game fish, and the high-low fluctuations will jeopardize the remaining cottonwood trees, habitat for the eagle. This reach of the river is exactly what is desirable, and it achieves all the priorities of the current Missouri River operation plan. The proposed “split-flow” is intended for sections of the river below Gavins Point Dam, but it will absolutely without question have disastrous consequences in this area—as the saying goes, the “split-flow” will be like “throwing the baby out with the bathwater”. It makes no sense to ruin one area to perhaps improve another area. The EIS must address all of these adverse consequences to this area if it is to be a complete analysis.

Conclusion: Brigadier General Strock promises in his letter to Senator Nelson that both of the sedimentation and “split-flow” issues will be addressed in two studies about to be completed. All of the citizens in the region (24 communities have adopted resolutions opposing the “split-flow” proposal) await fulfillment of this promise.

Please feel free to call and respond to this letter.

Very truly yours,



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(402) 556-0697

cc: Senator Ben Nelson and Don Nelson
Senator Chuck Hagel
Congressman Tom Osborne
Congressman Doug Bereuter
Former Senator Bob Kerrey
Governor Mike Johanns
Rex Amack, Director, Nebraska Game and Parks Commission

Brigadier General Carl A. Strock
Rose Hargrave
Bill Mulligan
Mike George
Laura Timp

Agenda

June 29, 2001

Inspection Visit

Missouri River from Ponca Creek to Upper End of Lewis and Clark Lake

Participants: Lt. Col. Todd Skoog, Deputy Commander, District of Engineers for Civil Works
Ken Cooper, Deputy Omaha District Engineer
Bill Mulligan, Chief of Civil Works Project Management Branch
Laura Timp, Project Manager
Mike George, Project Manager

Don Nelson, State Director, Senator Ben Nelson

Rick and Mary Hurd, Lewis & Clark South Dakota-Nebraska Preservation Association

Rayder Swanson, Supervisor, Knox County Board of Supervisors

Jim Swenson, Eastern Regional Manager, Nebraska Game and Parks Commission
Tom Motacek, Superintendent, Niobrara State Park

Betty Swanson, Niobrara Historical Society

Owners, Blue Moon Resort, Lazy River Acres

Mel Hansen, Homeowner, Lazy River Acres
Rick Spellman, Homeowner, Lazy River Acres

11:00 - Introductions and Orientation, Lodge, Niobrara State Park

12:30 - Tour of Ponca Creek and Lazy River Acres (Lunch at Spellman Cottage)
Meeting with Owners of Blue Moon Resort

2:30 - Niobrara Historical Society & Town of Niobrara

3:30 - View from Standing Bear Bridge

4:00 - View of Backwaters of Lewis & Clark Lake, Springfield, S.D.

January 25, 2001

Hand Delivered
and
First Class Mail

Mr. Mike George
Project Manager
Missouri River Biological Opinion Implementation Plan
Omaha District
215 N. 17th Street
Omaha, Nebr. 68102

Re: Comment on the Draft Implementation Plan

Dear Mr. George:

This comment will explain the damage to property, the economy and the recreational uses of the Missouri River (MR) and surrounding communities in Nebraska and South Dakota located below Fort Randall Dam (FRD) to the Lewis and Clark Lake (LCL) if the Draft Implementation Plan (Plan) becomes effective as presently drafted.

In a nutshell, the high and sustained releases from FRD proposed in the Plan of 45,000 cfs - 50,000 cfs from May 1 through June 15 (which is 15,000 cfs – 20,000 greater than normal) will flood many agricultural and riverside communities, saturate areas not actually flooded by raising subsurface groundwater tables and causing damaging bank erosion. Then, dropping releases from FRD to 12,000 cfs – 15,000 cfs for 6 weeks into July will virtually destroy the MR in this area for recreational purposes by denying access from public and private docks and landings and by making it impossible for safe boating. Also, evacuating previously flooded areas will not only drain presently existing wetlands but also strand fish to die in ponds and water holes cut off from the MR. Finally, after several weeks of releases of 32,000 cfs to resume navigation below Gavins Point Dam (GPD), there will be some years when high releases of undeterminable magnitude will occur. This period of several weeks at the end of the year poses a huge threat of flooding in this area because there is virtually no time or flexibility left before the MR freezes in the winter to be able to release enough water from the large reservoirs up river from this area to accommodate greater than normal projected snow melt and rains coming into the MR watershed the next spring.

In summary, as fully discussed below, the U.S. Army Corps of Engineers (Corps) is not in a position to implement the Plan at the present time. The serious issues and damaging consequences affecting this area as described in this letter must first be addressed in writing and solutions identified. Then, there must be ample time for all of the stakeholders in this area to review the

Corps' responses and proposed solutions, and to be able to ask questions at a public hearing to be held at a convenient location, after appropriate prior notice. The concerns of stakeholders must be taken into account in any final plan.

There is not one word of discussion in the Plan about how the proposed regulation described above will damage this area. This reach of the MR is designated as a scenic river under the Wild and Scenic Rivers Act and deserves special focus to retain its unique quality. There are wetlands, beautiful high limestone and chalk bluffs (noted several times in the Journals of Lewis and Clark), natural river banks, islands, and an abundance of wildlife in this area, including populations of the three endangered species that are the subject of the Biological Opinion (Biological Opinion) issued by the U.S. Fish and Wildlife Service (Service) on November 30, 2000.

The focus of the Biological Opinion is the MR below GPD where the endangered species are not doing very well in the channalized river. The only mention in the Biological Opinion to this area is on page 248 where feasible and available options to solve the problems are discussed (sediment transportation and head cutting at the mouths of the tributaries), and a "pilot study" in this area is recommended.

For some reason, Appendix I to the Draft Biological Opinion was not included in the final Biological Opinion. This Appendix I discussed segment 8 of the MR that is this area below FRD in part as follows:

"Human activities are prevalent in this reach including recreation, agriculture, bank stabilization projects, and housing developments. Recreational uses includes fishing, both from shore and boats, pleasure boating, jet skis, canoeing, swimming, and sunbathing. In the Niobrara Scenic River Designation Act of 1991 this 35 mile portion of the Missouri river (sic) was designated a National Recreation River. With this designation increased recreation (sic) pressure on the reach is expected. The establishment of homes and the development of agricultural tracts along the river has led to increased demands for bank stabilization projects." This discussion also acknowledges that "(b)oth the least tern and the piping plover historically nested in this river reach, and this reach continues to be important to both species."

The adverse effects in this area if the Plan is implemented are well known by the Corps. In 1976, in Barnes v. United States, 538 F.2d 865 (1976), the United States was held liable by the Federal Claims Court for millions of dollars of flooding and related damages to agricultural land in this area, and Congress had to appropriate millions of dollars to relocate the town of Niobrara, Nebraska, and the Niobrara State Park to higher ground. The Plan proposes to release sustained high flows from FRD that will again cause similar damages to land and property in this area that are not presently being

threatened under the current Master Manual. To make matters worse, the Plan also adds weeks of extremely low flows and unpredictable year end potentially high flows, which both create a new set of adverse consequences.

The cause of the damage in this area is sedimentation. LCL is a relatively small reservoir that experts agree is silting in very rapidly. The sediment deposited at the headwaters of LCL in the MR by the Niobrara River (NR) and Ponca Creek (PC) has created deltas, which have reduced the channel carrying capacity of the MR and caused the flood damage experienced in this area that led to litigation and Congressional intervention in the 1970s.

The Corps has recently studied the sedimentation problem in this area (Final Report Missouri River Fort Randall Dam to Gavins Point Dam and Ponca Creek Aggradations Assessment June 1998). In a 1994 reconnaissance report contained in this study, the author clearly recommends dredging in this area should be considered because of the benefits of being able to have high releases from FRD (in the magnitude proposed in the Plan) that would not, with an open MR channel, cause additional damage. These benefits are listed in the report to include "full power generation, a delay in the decline in recreation benefits, reduction in the amount of flooded lands purchased and a reduction in the flooding of Highway 12."

The sedimentation problem is a real issue and needs to be addressed and solved. I tried to call attention of the Corps and the Service to this situation in my letter dated November 11, 2000 (copy attached), but I received no response. There is no reference to this problem, and hence no solutions discussed, in either in the Biological Opinion issued by the Service on November 30, 2000 or in the Plan issued on December 20, 2000.

The Missouri River Restoration Act of 2000, introduced by Senator Tom Daschle of South Dakota, was enacted to address all of the fundamental sedimentation problems affecting the MR and reservoirs in the system. This study should be completed before any plan to change the regulation of the MR is implemented.

Listed below in considerable detail are all of the adverse consequences that implementing the Plan will have in this area. Again, the Corps knows this situation exists and knows that work needs to be done to address the sedimentation problem in this area. The Corps continues to try to purchase flowage easements in the area instead of addressing the issue. The Corps' failure to fully discuss this situation in the Plan almost suggests the Corps is in denial, thinking that, if this problem is ignored, maybe it will go away, or perhaps the extent of the damages will not be so bad. Ignoring the problem and purchasing flowage easements are no solutions. Nevertheless, the Corps proposes to implement the Plan, create a committee to monitor the damages and then make recommendations and seek whatever appropriations are

necessary to fix the problems. This is putting the cart way before the horse. The damages the Plan will cause in this area are already known.

I am an attorney, and I represented all of the farmers in Nebraska and South Dakota in the Barnes litigation referred to above. I also own a permanent home on the MR in the area. Besides being personally familiar with the sedimentation and hydrology in the area, I have interviewed many local residents, numerous business owners and county officials of Knox County, Nebraska, Nebraska Game and Parks personnel and representatives of the Lewis and Clark South Dakota-Nebraska Preservation Association.

As stated earlier, the Plan does not discuss this area below FRD, and it makes no mention of releases from FRD or the damage the releases will cause downstream. The Plan only discusses releases below GPD. Releases from FRD just 50 miles upstream from the headwaters of LCL closely approximate releases made from GPD, except for water added to the MR from rainfall, the NR, PC and a few smaller tributaries between FRD and LCL. Therefore, the releases from FRD will generally be slightly lower than from GPD, depending on these variable conditions between the dams.

FRD RELEASES OF 45,000 cfs - 50,000 cfs

Sustained high releases in this magnitude will cause the following damages:

FLOODING and SATURATION: Many acres of land presently being farmed will be inundated after planting in the spring. Additional acres will become non-productive because of subsurface saturation from elevated groundwater levels. Irrigation farming operations will likewise be adversely affected. The United States will be liable for these damages because this taking without compensation will be permanent as a part of the predetermined operating Plan. Also, additional compensation may have to be paid under easements already filed by the United States in the Barnes and related cases because this proposed operation is more invasive than under the Master Manual, which was the basis of determining the extent of the previous taking and compensation paid.

BANK EROSION: High sustained flows will weaken and erode miles of natural banks and chalk bluffs that characterize the MR in this area. The intentional lowering of the MR in the summer will only aggravate this erosion. This dramatic and abrupt lowering of the MR will cause previously saturated and weakened banks and bluffs to further deteriorate. The bluffs in this area are beautiful. They were noted several times by Lewis and Clark as they passed through this reach of the MR. This area was also the location of the recent I-Max film recreating their expedition for the bicentennial celebration.

RECREATION: High sustained releases of water in this area will fill the MR from bank top in South Dakota to bank top in Nebraska, or higher, and this will interfere

with recreational uses of the river. River access may still be possible in some areas, but in other areas where the water is at or over bank, access will be significantly limited. The number of locations where boaters can go ashore or enjoy a sandbar also will be reduced. Fishing will be more difficult because of the lack of suitable spots.

RIVER COMMUNITIES: There are several riverside communities along the MR where water will be in yards or threatening homes, wells, septic tanks, etc. The high school and ancillary structures in Niobrara will be adversely affected by the high ground water table.

HABITAT: The loss of habitat due to flooding will reduce upland game populations. Threatened bald eagles nest in large cottonwood trees, and there are already thousands of dead cottonwood trees in the area killed by the sustained high flows of the MR in previous years. The sustained high flows proposed in the Plan will worsen an already deteriorated situation.

AREA ECONOMY: To the extent that recreation and the natural beauty of this area are adversely effected by the sustained high flows, the businesses that support the recreation activities and tourists in the area will suffer.

ELECTRICAL POWER PRODUCTION: Releases above 44,000 cfs from FRD go over the spillway and are wasted for purposes of electrical power generation.

FRD RELEASES OF 12,000 cfs – 15,000 cfs

RECREATION: These low releases in the summer months will be **devastating to recreation** in the area. Boating on the MR will dangerous because of shallow water everywhere. Releases from FRD were this low last fall, and a person could almost walk across the MR to the other side. This is a very dangerous situation for boaters and swimmers. Access to the river by public landings and private docks will be virtually impossible in most locations. Fishing will be destroyed in many areas. The water in wetlands and backwaters will be evacuated, leaving ponds and stranded pools full of fish that will die. I personally have seen this happen before in this area under similar conditions. Needless to say, this is no way to treat a scenic river.

AREA ECONOMY: Virtually all of the businesses in this area that support a flourishing recreational season will greatly suffer. These towns include Springfield, South Dakota and the Nebraska towns of Niobrara, Verdel, Lynch and Spencer. Word will spread throughout the region that the MR is too low to use for recreational purposes. This has occurred in past years during periods of lower waters, but to cause this damage to the local economy by intentionally ruining the MR for recreational purposes right in the middle of the season is just tragic. Businesses cannot survive on this basis.

HABITAT: The proposed dramatic lowering of water levels in the MR will interfere with spawning of non-targeted wildlife such as small mouth and large mouth bass, walleye, etc. All fish, including the targeted endangered species, will be stranded in pools cut off from the MR. Then the dramatic raising of water levels a few weeks later will thoroughly confuse and disrupt the animals that depend on a relatively stable MR to build their homes.

ELECTRIC POWER PRODUCTION: Releases from FRD below 44,000 cfs do not maximize power generation.

FRD HIGH RELEASES IN THE FALL

As previously discussed, there will be an increased risk of extremely high releases from FRD in the fall because of the need to evacuate the system in the anticipation of next years inflow into the MR. The raising again of water levels in the late fall will cause a recurrence of the high spring conditions, but will have an adverse effect on the few remaining stands of large old cottonwoods in the area, the habitat for the threatened bald eagle. As mentioned above, it will be a nightmare for beavers, muskrats and similar animals with homes to build to figure out the situation.

THE BIOLOGICAL OPINION

The Service admits in the original Appendix I to the Draft Biological Opinion that the endangered birds are doing well in this area. Moreover, there is very little sediment to create sandbars for miles below FRD. This is because of degradation in the MR channel. The Corps is well aware of this, and it was also discussed in my earlier letter, which is enclosed. Without sediment to create sandbars as desired by the Service, **it makes no sense to regulate this unique stretch of the MR the same way the Service proposes to regulate the rest of the MR below GPD.** As stated earlier, most of the sediment in this area comes from PC and NR, and the neither the Biological Opinion nor the Plan discuss this fact, nor the fact that the high releases from FRD will only flood the area and cause LCL to fill up with sediment more rapidly. During lower releases, the sediment from the NR and PC will simply accumulate faster and further constrict the MR channel, so when the releases increase again, there will be more water backing up and flooding in the area.

In the immediate area of Lazy River Acres where I live, the PC is a very serious problem because sediment has built up at its mouth and is backing up the riverbed, further causing water to back up and flood the farm land between the MR and PC. Again, the Corps in the Final Report referred to above has studied and fully understands this situation, and this current situation will only be further aggravated by the Plan.

CONCLUSION TO COMMENT

It is submitted that the Corps is not in a position to implement the Plan until the serious issues and consequences discussed in this letter are addressed and the damages avoided. The damages listed in this letter are avoidable.

The Corps has never comprehensively addressed all of the issues caused by sedimentation resulting from the creation and operation of the MR Main Stem System. It must do so before implementing such a drastic change in the regulation of the MR as proposed in the Plan.

Congress has passed legislation (the Missouri River Restoration Act of 2000) to study and come up with a comprehensive understanding and solutions to the sedimentation situation. No action should be taken by the Corps to create another set of problems and uncertainties until this work is finished. In the meantime, releases from FRD must be managed to avoid creating the damages described above. Dredging in this area as stated in the Final Report referred to above, and/or sediment transportation and head cutting at the mouths of these tributaries as discussed in the original Appendix I to the Draft Biological Opinion, should be fully considered in order to reduce the continuing impacts of the NR and PC deltas in this area. Finally, soil conservation measures to reduce the sediment being deposited by these tributaries should also be considered.

Flood control remains the highest priority of the MR Main Stem System, and the Plan actually detracts from this objective. The Plan proposes to go forward, create a committee to monitor the consequences and damages when they inevitably occur, and then go to Congress for appropriations to study and fix the problems that have happened. With respect to the area discussed in this letter, this is an outrageous proposal. The problems are largely known, and the solutions are not unreasonable given the extent of the damages that will certainly result if the Plan is implemented as drafted.

Please respond in writing to the concerns expressed in this and my earlier letter. Also, please explain why it makes rational sense to proceed to implement the Plan before completing the work to fully understand and solve the sedimentation issues, particularly as they exist in the area discussed in these letters.

Thank you very much.

Very truly yours,



Richard A. Spellman
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ccs: Senator Tom Daschle
Senator Chuck Hagel
Former Senator Bob Kerrey
Senator Ben Nelson
Congressman Doug Bereuter
Congressman Lee Terry
Congressman Tom Osborne
Governor Mike Johanns
Rex Amack, Director, Nebraska Game
and Parks Commission

Ms. Rosemary Hargrave
U.S. Army Corps of Engineers
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Omaha, Nebr. 68114

November 11, 2000

Hand Delivered
and
First Class Mail

Ms. Rosemary Hargrave
Project Manager
U.S. Army Corps of Engineers
12565 West Center Road
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Re: Comment to the Missouri River Draft Biological Opinion

Dear Ms. Hargrave:

I recently spoke with Mr. Paul T. Johnston, and he advised me to submit this comment letter to you regarding the Missouri River Draft Biological Opinion (Opinion). He also indicated that you would see that my comments are considered even though the comment period has expired. Thank you for your consideration.

This comment focuses on the reach of the Missouri River (MR) which is the thirty-fifty miles of the MR below Fort Randall Dam (FRD) to the Lewis and Clark Lake (LCL). Last month, this unique and beautiful part of the MR was chosen as the site for filming some of the I-Max movie of the Lewis and Clark Expedition because it most closely resembles the magnificence of the MR in its natural and unregulated condition. The Opinion is particularly important to me because I own a year around home located in Nebraska on the MR about ten miles upriver from its confluence with the Niobrara River (NR).

Pre-FRD Situation

In April and June, when the MR was unregulated, flooding would occur from snow melt in the MR watershed. The heavy sediment deposits in the MR from the NR as well as silt carried in the MR were carried downstream during these flood conditions. The unregulated flood stage flows of the MR scoured the channel and transported downstream the NR sediment deposited in the MR. This natural process prevented the formation of a permanent delta at the confluence of the MR and the NR. These unregulated flood stage flows will never be repeated because of the extensive flood damages that would result, among many other undesirable consequences.

Current Conditions Post-FRD

When the FRD and the other dams in the MR system were closed, the reservoirs were filled by impounding water by reducing the amount of water released from the dams. The lower flows in the MR allowed the sediment from the NR to accumulate at the confluence of the MR and NR. The sediment created a delta (NR Delta) which is now permanent. The NR Delta has permanently constricted the channel carrying capacity of the MR at its confluence with the NR.

In 1967, when the Army Corps of Engineers began the planned regulated flows of the MR following the filling of the upstream reservoirs, the NR Delta caused the water to back up, flood farm lands and raise ground water tables in the area. This required Congress to appropriate millions of dollars to relocate the town of Niobrara to higher elevations. The United States was also required to pay millions of dollars to farmers in the area because of flooding and altered drainage resulting from the sustained high waters throughout the entire agricultural growing season (rather than only in April and June).

Over the years since the closure of FRD, the sediment being deposited in the MR from the NR has filled the backwater areas of the LCL. This will continue forever because there is no place for the sediment to go except to fill the reservoir and make LCL less and less useful for all of its intended purposes.

Another important consequence of post-FRD regulation of the MR affecting this particular reach of the MR is the degradation of the channel below FRD. Due to the lack of tributaries above the NR and the miles of high chalk bluffs, there is very little sediment in the MR above the NR available for sandbar creation. Any sediment that can be obtained from the high flows proposed in the Opinion will come from over bank flooding and bank erosion. Both are extremely undesirable and would cost the United States, again, millions of dollars in compensation to riparian landowners and municipalities.

The Draft Biological Opinion

The Opinion concludes that in order to save the endangered species, the entire MR would have to be regulated to replicate pre-regulation conditions. To do that, the proposal is to release considerably more water through June to create sandbars. Then the flows would be lowered to expose sandbars for nesting purposes. After nesting, the flows would be increased for navigation purposes.

The reach of the MR that is the subject of this comment would be negatively affected by the plan proposed by the Opinion. Flooding and bank erosion will occur, recreation will be disrupted and more cottonwood trees (desirable eagle habitat) will be killed. The proposed regulation in the Opinion will not enhance the habitat for the intended purposes to any significant extent, given that there is a limited supply of sediment above the NR, and there is no place for the sediment below the NR to go other than to more rapidly fill LCL.

My Comment

I express no opinion about whether the species discussed in the Opinion are in fact endangered. I also express no opinion about the effectiveness of the proposed Opinion to save these species. My opinion is limited to the subject reach of the MR. There will be tremendously adverse consequences to this area if the MR is regulated as proposed in the Opinion. Moreover, as discussed above, the hydrology and sediment characteristics in this area will prevent the creation of significant sandbars.

The only affect of the regulation proposed by the Opinion will be to cause financial damage, destroy existing habitat and accelerate the destruction of LCL.

Any change in the present regulation of the MR to accomodate the recommendations in the Opinion cannot be "one size fits all". The flows from FRD must be managed differently so as to avoid damage to the subject reach of the MR. If this is not possible because LCL has become only a pass through reservoir as a result of sediment filling the pool, then this is another problem caused by the regulation of the MR that will have to be solved if LCL is to be preserved.

One solution to the sediment build-up caused by the NR in the MR and LCL is to construct facilities to transport this sediment to below Gavins Point Dam. A solution like this will be necessary in the fairly near future in order to preserve LCL in all events, but this solution will also provide the sediment the Opinion says it needs to create sandbars in the MR below Gavins Point Dam. This solution is being evaluated and should be given very serious consideration.

Please feel free to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Spellman", written in a cursive style.

Richard A. Spellman
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Omaha, Nebr. 68132
(402) 556-0697

cc: Mr. Paul T. Johnson