

ROBERTS & ASSOCIATES BY TOM ROBERTS, RPR, CCR

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US ARMY CORPS OF ENGINEERS
NORTHWESTERN DIVISION
OMAHA, NEBRASKA

IN RE: MISSOURI RIVER STUDY

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED that on Thursday, November 1,
2001, the US Army Corps of Engineers met in a
Public Hearing at 7:00 p.m., at the Holiday
Inn Riverfront Hotel, St. Joseph, Missouri, at
which time the above entitled cause came on
for hearing before Colonel David Fastabend,
Hearing Officer.

A P P E A R A N C E S

CHAIRMAN: COLONEL DAVID FASTABEND
TEAM MEMBERS: LARRY CIESLIK
ROY MCALLISTER
DOUG LATKA
PATTI LEE
ROSEMARY HARGRAVE
PAUL JOHNSON
RICHARD MOORE
JODY FARHAAT

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1 P R O C E E D I N G S

2 (Hearing commenced at 7:00 p.m.)

3

4 HEARING OFFICER: If I can have
5 your attention. If you will take a seat, we
6 will go ahead and get the proceedings under
7 way.

8 I would like to welcome all of you to
9 this evening's comment session on the Revised
10 Draft Environmental Impact Statement for the
11 Missouri River Master Manual.

12 My name is Colonel David Fastabend, I'm
13 the Commander of the Northwestern Division of
14 the Corps of Engineers. I have oversight of
15 five engineer districts and two river basins,
16 the Columbia River Basin and the Missouri
17 River Basin, and I'm glad to be here tonight.

18 I've got a team that helps me, they do
19 this project, I try to keep up with them. I
20 would like to point them out to you.

21 Rose Hargrave. Can you raise your hand?
22 She's back by the door.

23 Roy McAllister in the right rear of the
24 room. Jody Farhat in the left rear of the
25 room. Paul Johnson is right up here in the

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1 front. We have Mr. Rick Moore off to the side
2 and he will be here helping me control the
3 proceedings tonight. Patti Lee. There's
4 Patti off to the side. Mr. Doug Latka and
5 Larry Cieslik.

6 That's the Missouri River Master Manual
7 team.

8 I also have the District Engineer for
9 Kansas City district, Colonel Don Curtis, he's
10 here tonight, also.

11 Let me tell you the important part of my
12 message right up front. The Corps of
13 Engineers has a mission to conduct a fair and
14 equitable process in accordance with the
15 National Environmental Policy Act. And we are
16 fully committed to getting maximum public
17 participation in that process.

18 The Army and the Corps and the nation
19 have dealt with many, many contentious issues
20 in our history, and we are totally convinced
21 that if you have a contentious issue of the
22 nature of the issue we're dealing with with
23 respect to the Missouri River, that you can
24 develop a process that maximizes the input of
25 the parties concerned ultimately you're going

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1 to be better off. You may experience a little
2 bit of pain in getting there, but ultimately
3 you will be better off and have a better
4 chance of developing a product, developing a
5 conclusion that best achieves success.

6 There's a lot of passion about the
7 Missouri River. I will tell you the Corps of
8 Engineers is passionate about the Missouri
9 River. We've invested a lot of our reputation
10 as an institution in the Missouri. We want to
11 see all the communities along the river
12 succeed. We want to see the river succeed.
13 We're committed to that.

14 We are responsible to discharge multiple
15 purposes for the river, we're looking for
16 solutions that will do that while recognizing
17 and adhering to all laws and statutes that we
18 have to adhere to. That's what we're about
19 tonight.

20 We're going to start out with a video,
21 and then after the video, I will give you some
22 more formal comments as we open up this
23 process.

24
25 (Off the record.)

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1 (Video started at 7:10 p.m., and
2 concluded at 7:40 p.m.)

3

4 (Back on the record.)

5

6 HEARING OFFICER: The hearing
7 session will now come to order.

8 Our purpose this evening is to conduct a
9 public hearing on proposed changes to the
10 guidelines for the Missouri mainstem system
11 operations.

12 Before I proceed, I have some elected
13 officials or representatives here who I would
14 like to acknowledge. I won't try to
15 acknowledge all of the many elected officials
16 that are here, but I do want to note some.

17 In particular, we have Mr. Matt Roney who
18 is representing Senator Kit Bond.

19 We have Mr. Terry Ecker who is
20 representing Congressman Sam Graves.

21 Mr. Lowell Mohler who is representing
22 Governor Holden.

23 Mr. David Pope who is representing
24 Governor Graves.

25 And we also have here tonight Mr. Stobbs,

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1 who is our Mayor here in St. Joseph.

2 The hearing is being recorded to night by

3 Thomas Roberts of Roberts and Associates.

4 He'll be taking verbatim testimony that will

5 be the basis for the official transcript and

6 record of this hearing. This transcript with

7 all written statements and other data will be

8 made a part of the administrative record for

9 action. Persons who are interested in

10 obtaining a copy of the transcript for this

11 session or any other session can do so.

12 Persons interested in receiving a copy need to

13 indicate this on one of the cards available at

14 the table by the entrance.

15 Also, if you are not on our mailing list

16 and desire to be so, please indicate this in

17 the card.

18 Now, in order to conduct an orderly

19 hearing tonight, it is essential that I have a

20 card from everyone desiring to speak. Give

21 your name on that card and who you represent.

22 If you desire to make a statement and have not

23 filled out a card, if you would raise your

24 hands right now, we'll make sure we can

25 furnish a card to you.

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1 The primary -- we have a hand up front.

2 The primary purpose of tonight's session
3 is help ensure that we have all the essential
4 information that we will need to make our
5 decision on establishing the guidelines for
6 the future operations of the mainstem system
7 and that this information is accurate. This
8 is your opportunity to provide us with some of
9 that information.

10 We view this as a very important
11 opportunity for you to have an influence on
12 the decision, therefore, we are all very glad
13 you're here tonight.

14 I want you to remember that tonight's
15 forum is to discuss the proposed changes in
16 the operation of the Missouri River mainstem
17 system as analyzed recently in the Revised
18 Draft of the Environmental Impact Statement.
19 We should concentrate our efforts this evening
20 on issues specific to that question and should
21 refrain from discussing other general issues.

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

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

6 The Missouri River mainstem system
7 consists of Corps of Engineers constructed and
8 operate projects, so that officially this
9 makes the Corps a project proponent.

10 However, it is our intention that the
11 final decision on the future operational
12 guidelines for these projects should reflect a
13 plan that considers the views of all
14 interests, focuses on the contemporary and
15 future needs of the mainstem system and meets
16 the requirements established by Congress.

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

25 Ultimately, the final selection of a plan

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

8 Should you desire to submit a written
9 statement and do not have it prepared, you may
10 send it at a later time to the United States
11 Army Corps of Engineers, Northwestern
12 Division, headquarters in Omaha, Nebraska.
13 And we have address cards here in the back of
14 the room that will give you the information
15 you need to send that or fax it or e-mail it.

16 The official record for this hearing will
17 be open until 28 February 2002. To be
18 properly considered, any written statement you
19 submit must be postmarked by that date.

20 Before I begin taking testimony, I would
21 like to say a few words about the order and
22 procedure that will be followed. When we call
23 your name, please come forward to the lectern
24 state your name and address and specify
25 whether or not you are representing a group,

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1 an agency, an organization, or if you are
2 speaking as an individual.

3 You will be given five minutes to
4 complete your testimony. If you're going to
5 read a statement, we would appreciate it if a
6 copy would be provided to the court reporter
7 prior to speaking so that he will not have to
8 take your remarks down verbatim.

9 After all the statements have been made,
10 time will be allowed for any additional
11 remarks.

12 During the session, I may ask questions
13 to clarify points for my own satisfaction.

14 Since the purpose of this public hearing
15 is to gather information which will be used in
16 evaluating the proposed plan or alternatives
17 to the proposed plan, and since open debate
18 between members of the audience would be
19 counter-productive to this purpose, I must
20 insist that all comments be directed to me,
21 the Hearing Officer. With the exception of
22 public officials or their representatives who
23 will speak first, speakers will be given an
24 equal opportunity to comment.

25 Please remember most speakers will be

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1 limited to five minutes. And we'll be using a
2 lighted timer. When the yellow light comes
3 on, it means you have two minutes of time
4 remaining. When the red light comes on, your
5 five minutes are up. No portion of unused
6 time allotted to each speaker may be
7 transferred to any other presenter. The
8 purpose of the hearing is to permit members of
9 the public an equal opportunity to concisely
10 present their views, information or evidence.

11 At this time I will begin calling the
12 names of those who have submitted cards
13 beginning with the elected officials.

14 And let's first have the representative
15 from Senator Bond's office, Mr. Matt Roney.

16
17 (Whereupon Mr. Matt Roney read his
18 prepared statement, which is attached
19 to the transcript.)

20

21 HEARING OFFICER: Thank you, Mr.
22 Roney.

23 On the topic of request for extension of
24 the process, I would just like to explain to
25 the public we've had multiple requests that

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1 the comment period be extended. Our response
2 has been consistent, and I just recently
3 signed the response so I suspect Senator Bond
4 has not had a chance to receive it yet.

5 But basically, what we are assessing is
6 the period required by law for comment on
7 these issues is 45 days. We have a 180-day
8 comment period because the issue is more
9 complex. We are trying to maintain our
10 schedule to advance this process and we intend
11 to maintain the schedule, however, we are
12 leaving open the option of additional hearings
13 at the close of the period at which we
14 currently have hearings.

15 So there's a possibility that we'll
16 entertain additional requests for hearings in
17 the December, January time frame, still
18 working towards our 28 February 02 time to
19 close out the comment period.

20 We recognize we will probably have some
21 additional hearings and additional
22 opportunities to comment.

23

24 MR. MOORE: Amy Jordan Wooden.
25 MS. WOODEN: My name's Amy Jordan

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1 Wooden, I'm here representing US Senator Jean
2 Carnahan. I don't have a prepared statement
3 tonight, but I thought it was important to go
4 on the record as having been present at this
5 very important hearing. Senator Carnahan will
6 be submitting detailed testimony at the
7 hearing in Jefferson City, I believe next week
8 is when that will be held.

9 Again, though, I did think it was
10 important to go on record tonight, though,
11 saying that Senator Carnahan obviously
12 understands this has been a very long, a very
13 important and contentious debate, one that her
14 late husband, Mel Carnahan, fought very hard
15 for while he served as governor of the State
16 of Missouri.

17 Senator Carnahan continues that fight in
18 the US Senate, will continue to work with
19 Senator Bond on this issue and with our
20 colleagues in the House to make sure that
21 Missouri's families are protected from flood
22 waters, to make sure that Missouri's farm
23 families are not denied any option and that we
24 can continue to come up with a reasonable
25 solution that Missourians can live with.

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1 Thank you.

2

3 HEARING OFFICER: Thank you, Miss
4 Wooden.

5 MR. MOORE: Terry Ecker.

6 MR. ECKER: Terry Ecker, I'm a
7 field representative for Senator Sam Graves
8 here to provide testimony on his behalf.

9

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

13

14 HEARING OFFICER: Thank you, Mr.
15 Ecker.

16 MR. MOORE: Lowell Mohler.

17 MR. MOHLER: I'm Lowell Mohler, I
18 serve as Director of Agriculture for the State
19 of Missouri.

20

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

24

25 HEARING OFFICER: Thank you, Mr.

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1 Mohler.

2 MR. MOORE: David Pope.

3 MR. POPE: Good evening, Colonel
4 Fastabend and others here this evening, I
5 appreciate the opportunity to provide comments
6 this evening on the Revised Draft
7 Environmental Impact Statement for the
8 Missouri River Master Manual review.

9

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

13

14 HEARING OFFICER: Thank you, Mr.
15 Pope.

16 MR. MOORE: Larry Stobbs.

17 MR. STOBBS: Good evening, my
18 name's Larry Stobbs, I'm the Mayor of the City
19 of St. Joseph, Missouri, the city that has
20 been along the Missouri River for 158 years.
21 I saw your facts and figures and I've listened
22 to some of these folks here that have a great
23 staff of experts that can analyze that and
24 give you better answers than I can, so I think
25 just from a north Missourian what I'm going to

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1 propose is what we probably would not like to
2 see in your plan rather than get into specific
3 numbers, and we'll let those with a little
4 higher knowledge of this get to that.

5 We are opposed to the higher reservoir
6 levels in the upper basin because this would
7 be a detriment to the water that's committed
8 to the lower basin for several uses.

9 The navigation -- our drinking water, of
10 course, we changed about a year ago, we use
11 well water now instead of Missouri River
12 water. In the last few years we've lost water
13 twice, once because we didn't have enough
14 because the river was too low and once because
15 we didn't have any water because the river was
16 too high. In fact, it was about halfway up
17 our water plate.

18 We're familiar with those cities in
19 Missouri and in Kansas and the other states
20 that do use the Missouri River water, and I'll
21 tell you, if you've ever been without water
22 and you have to rely on the National Guard to
23 truck it in in trucks, in big tanks, you
24 appreciate the river more every day.

25 We're oppose to the rising spring -- the

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1 spring rise that could result in flooding and
2 inland drainage problems.

3 I remember just before I became mayor and
4 shortly after I did, I got to talk to the
5 Corps of Engineers about their first plan, and
6 now this is the second time, but we're kind of
7 the head waters of Lake Missouri. And if you
8 look from the air, you saw a rather large lake
9 that ran from St. Joseph to St. Louis and
10 spread out over several miles. And so we know
11 what flooding is about. It inundated a bunch
12 of our farmlands, but it also was very
13 damaging to business and industry that are
14 along the river that have been here for many,
15 many years.

16 This is something that we -- I guess I
17 was trying to think of the best way to say it
18 and, Colonel, I guess if you can get God on
19 your team, then you'll be able to figure out
20 what to let in and out, but unfortunately you
21 don't have that and that's what happened to us
22 in 1993. He had different flood plans than
23 you did and he forgot to tell you about them
24 and he injected that after you let your water
25 out and we got the results of it. So we're

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1 very opposed to something that maybe in a
2 hundred years it may not happen, but you only
3 have to live through one of those and you
4 don't want it to happen even in once in a
5 hundred years.

6 We're strongly opposed to the reduction
7 of the summer flows because of navigation in
8 particular. After 158 years, it's sad for me
9 to say, but St. Joseph is here because of the
10 river, but we never took advantage of it.

11 Now we're building a river port in St.
12 Joseph finally and I'm very proud of that.
13 And now we don't want to jeopardize our
14 ability to transport farm products and
15 manufacturing raw materials and finished
16 products from northwest Missouri down and up,
17 both, the Missouri River, and this could
18 certainly jeopardize something we've worked
19 very hard to obtain after all these years and
20 have that jeopardized.

21 I'm not so much worried about a railroad
22 monopoly or a truck monopoly, but certainly
23 both of those are taking place, and in all the
24 figures that I've seen both of these are more
25 costly than barge traffic.

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1 As we look at pollution, that has to do
2 with our environment just like the three
3 species that you're talking about in your
4 study. You talk about fuel consumption, and
5 that has to do with our foreign reliance on
6 those things, and then the fuel policy.
7 There's a lot of things that enter into this
8 that now the river is more important I think
9 today than it's been in the last 200 years to
10 this nation, and particularly the northwest
11 Missouri.

12 We believe that you should manage the
13 river to take care of the species and habitat,
14 but in a sensible manner that does not
15 jeopardize the lives and the livelihoods of
16 the citizens that live along this river and
17 rely on it, because if you look at the country
18 and the world, we're in the feed belt of the
19 world here. Corn, beans, those things that
20 the rest of world relies on eating and
21 preventing starvation, and our farmers are the
22 ones that provide that.

23 And I think that even though I believe in
24 God's creatures and want to protect them, when
25 it comes between me and a fish or a bird, I

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1 think I'm going to pick me first and I'll have
2 to do that for my constituents because we do
3 rate a little higher in the stack of things
4 that we have.

5 So I know that you have, and I'm going to
6 get the red light here in a minute which I
7 probably won't pay any attention to like the
8 rest of them did, but I'm not a senator, and
9 I'm famous for that.

10 I think that I fully understand and I
11 believe that eight years ago when I was before
12 the court at that time, that I said the same
13 thing. In being a public official and a mayor
14 of a community, and I only have 75,000 people
15 and thank God I don't have the number and I
16 don't know what your number is, but it's a lot
17 more than that, but you have to try to come up
18 with something. And I know that your intent
19 is honorable to balance that and it's going to
20 be very difficult to do. So I certainly
21 wouldn't want your job, and I know that you
22 are taking notes, you will put these things in
23 perspective.

24 So I guess we want to protect our
25 navigation. We want to protect our

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1 community's water resources. And by not
2 flooding our farmers, they are part of St.
3 Joseph just like our citizens here are, and to
4 protect the environment where we can, but
5 place it so far in advance of everything else
6 that we lose what we've worked so many years
7 to develop.

8 When I first came here in 1961, I hadn't
9 paid much attention to the Missouri River. I
10 lived on a little river called the Grand that
11 dumps in, and I thought that was God's River,
12 I always did until I got here and I found out,
13 no, the Corps of Engineers built that sucker
14 and they're responsible for it. And the more
15 I found out about it as I've gone through
16 issues over this last eight years as the
17 mayor, I find it even more interesting that
18 that truly is a man-made Corps thought
19 process. And I think you've done an excellent
20 job in the years that you started that in the
21 30s and all the way through. So just don't
22 give up what you started. And don't throw the
23 baby out with the bath water for special
24 purposes of three species that everybody seems
25 to talk about.

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1 And, unfortunately, I'm 64 years old and
2 I hate to say I've never seen one of the
3 three, so I don't know what effect it had on
4 me. Maybe it did, I don't know, but I haven't
5 seen it.

6 And so do a good job, God be with you,
7 and I hope you come up with something before
8 you and I both get so old that we'll be in a
9 rocking chair at the Veteran's home that will
10 be passed by everybody and everybody will be
11 satisfied.

12 Thank you.

13 HEARING OFFICER: Thank you,
14 Mayor Stobbs.

15 MR. MOORE: Bill Bryan.

16 MR. BRYAN: Good evening, my name
17 is Bill Bryan, I'm Deputy Chief counsel to
18 Missouri Attorney General, Jay Nixon for
19 public protection. My address is PO Box 899,
20 Jefferson City, Missouri, 65102.

21 We will file written comments at a later
22 date, this is just some preliminary
23 information would we like a little better
24 opportunity as Senator's Bond's representative
25 mentioned and we sent a letter to you as well,

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1 Colonel, to have hearings at a later date to
2 have a better opportunity to review the
3 technical information so that we can make our
4 comments.

5 But tonight I want to thank you, but
6 first I want to thank everyone who's here
7 because these meetings are -- this is
8 democracy in action. It's a real opportunity
9 to affect this important process and we're
10 really here to listen to you and see what you
11 all have to say, make sure we're doing the
12 right thing for Missouri.

13 The alternatives that the Court has
14 proposed arrived with uncertainty and risk,
15 Colonel. They compromise flood control in our
16 water supply for the sake of recreation along
17 way away from here. They gamble our great
18 river on the hope that their changes might
19 help endangered species.

20 In a few minutes my colleague, Tad
21 Kardis, who's also with our office, is going
22 to speak to you about how the alternatives
23 affect power shortages and how they cut the
24 public out of this important process. But
25 right now I want to talk to you little bit

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1 about flood control and out-of-basin
2 transfers, two important issues.

3 Why do we thirst for certainty on this
4 issue? Well, Colonel, our water has ebb and
5 flow between two extremes, we either have too
6 much or not enough water in Missouri. It's
7 difficult to decide which extreme concerns us
8 more, but every Missourian in this room knows
9 the dangers proposed by flooding. And,
10 unfortunately, the alternative to the current
11 water control plan do not share every
12 Missourian's appreciation for the big rivers
13 destructive capacity. Instead of providing
14 appropriate flood protection, all of the
15 alternatives to the current water control plan
16 reduce flood control for Missourians. The
17 Corps' sudden departure from its historic
18 mission is startling.

19 We remember only a few years ago that we
20 had been -- twice in the last decade, with the
21 Corps itself, we survived two of the greatest
22 floods on records. We have not forgotten.

23 Any change that might make the risk of
24 flooding more likely or more severe would be
25 tragic.

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1 In this way, in this spirit, we cannot
2 support any new flow regimen that sacrifices
3 flood control on the alternate walleye
4 fishing. So I think that is exactly what
5 these alternatives to the current water
6 control plan do, provide higher lake levels
7 for improved non-native fishing and jet skiing
8 while reducing the reservoir system's capacity
9 to store flood waters. That means more
10 nervous nights and sandbagging for us and more
11 walleye suppers upstream.

12 But the Corps promises a spring rise only
13 once every three years. Unfortunately, to us
14 all that means is that when mother nature
15 doesn't supply a spring rise, the Corps will.
16 Instead of a good spring planting season once
17 in while, we'll get three wet years in a row.

18 On the flip side, Colonel, not enough
19 water. Well, that also troubles us, though it
20 is not yet as frightening to Missourians as
21 flooding. That's because it hasn't happened
22 yet, it's only a nightmare. If upstream
23 interests have their way, we'll we faced with
24 that reality sooner than anyone in this room
25 thinks.

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1 Years ago North and South Dakota
2 interests pushed for a plan to divert water
3 from the Missouri River to supply their more
4 arid regions outside the Missouri River
5 basin. Called the Garrison Diversion, this
6 ecologically and economically unsound
7 boondoggle still survives today like a bad
8 dream that won't go away. Out-of-basin
9 transfer Missouri River water threatens
10 Missouri's future.

11 The Dakota Water Resources Act of 2000
12 breathed new life into the Garrison Diversion
13 by making the northwest area water supply
14 project possible. No longer just an
15 apparition Colonel, the threat posed by
16 out-of-basin transfer is now concrete
17 literally. That threat, that the water
18 diverted from the Missouri River in North
19 Dakota and transferred out of the basin never
20 flows through Missouri. It will never be
21 there to meet the growing needs of St. Joseph
22 or Lexington and it will never join the mighty
23 Mississippi River that rushed past the arch in
24 St. Louis.
25 Some of us speculate that this pipe dream

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1 will never come to fruition. Because of the
2 great expense associated with plumbing the
3 west, many have assumed that the Dakotas will
4 have to rely on federal funds appropriated by
5 Congress using Congress as a fire wall to this
6 kind of wasteful spending.

7 Some of the more optimistic folks have
8 not been too concerned by this threat. Well,
9 what if North Dakota had \$400 million to make
10 the Garrison Diversion real? Well, here's the
11 bad news, they do.

12 In the past year, the North Dakota
13 legislature passed a statute that appropriates
14 45 percent of North Dakota's tobacco
15 settlement proceeds, they expect it to be
16 about \$850 million total, to address the
17 state's long-term water development needs
18 including the Garrison Diversion. That means
19 North Dakota has set aside about \$382 million
20 courtesy of big tobacco to take water out of
21 the Missouri River.

22 Here in Missouri, we need to be concerned
23 not only about flooding, the river commerce,
24 we have to be concerned about a lot of things,
25 the water supply is only one.

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1 We have long been supporters of habitat
2 restoration, and I want to take a minute on
3 that, too, because it's very important to my
4 boss, Attorney General Jay Nixon, and to lots
5 of people in the State and here in this room.

6 Our perspective on this, Colonel, is that
7 it's like the movie Field of Dreams, if you
8 build it, they will come. In that movie, you
9 may remember the fellow built a ball park in
10 his corn field and Shoeless Joe Jackson came.
11 Well, if you built a habitat here, our theory
12 is that the fish and wildlife will come. If
13 you build it, they will come. But for
14 goodness sakes, don't build it in a corn
15 field.

16 We need to protect our interest that the
17 Missouri River is a reliable water supply for
18 future generations, Colonel. The combination
19 of out-of-basin transfer and so-called water
20 conservation members are a one two punch that
21 could knock out Missouri's future. We can be
22 certain as the Corps adopts one of these
23 proposed alternatives, harm will be done to
24 the people in the Missouri River basin. That
25 price is too high to pay for it's not certain

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1 that it will purchase the hope for benefits to
2 fish and wildlife. Hoping a change will be
3 positive is not enough.

4 Great civilizations depends on great
5 rivers and we must keep this river great. We
6 can do that by fighting for water management
7 strategies that make sense for Missouri and
8 other down stream states.

9 Thank you, Colonel.

10 HEARING OFFICER: Thank you, Mr.
11 Bryan.

12 MR. MOORE: Tad Kardis.

13 MR. KARDIS: Good evening, my
14 name's Tad Kardis, and I'm also with Attorney
15 General Jay Nixon's office. Colonel, I thank
16 you for opportunity of this hearing.

17 As Bill Bryan said, I will address two
18 important issues, electric power, future
19 participation in this process.

20 This process is, in part, an exchange of
21 information. True public participation
22 requires the information be laid out in an
23 objective and understandable manner, as you
24 said earlier, if you view these hearings as an
25 opportunity to learn what information you

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1 failed to provide us. Allow me to give you an
2 example.

3 You may have noticed how the Corps'
4 Revised Draft Environmental Impact Statement
5 summary expresses most of the impacts of the
6 alternatives on key uses and resources in a
7 language we can all understand, dollars.
8 However, when the Corps starts talking about
9 electric power, for some reason, it begins to
10 speak a different language. Perhaps the
11 reason that plain talk requires you just to
12 come out and say that \$15 billion dollars
13 could be lost every year under the summer low
14 flow alternatives considered by the RDEIS.
15 How can this be? Well, 25 coal fired and
16 nuclear power plants draw water from the
17 Missouri River for cooling and heat
18 dissipation. The information we're given in
19 the summary is put in a confusing chart on
20 Page 17, Figure 12. It's expressed in the
21 text and the language of megawatts and
22 megawatt hours.

23 For instance, the summary says that under
24 two of the Gavins Point alternatives which
25 provide for a summer low flow, an estimated

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1 387 megawatts of capacity and 203 million
2 megawatt hours of energy would be lost.

3 What does that mean? Well, if you do the
4 math, you convert those megawatt hours into
5 the language of dollars, the answer is that
6 the loss would exceed \$15 billion. This loss
7 of capacity would occur at the time of peak
8 demand in July and August.

9 High power use and declining capacity
10 have a familiar ring. Power consumers
11 throughout the Missouri River basin could
12 experience what happened in California this
13 summer, rolling blackouts, skyrocketing
14 utility rates as power companies scramble to
15 meet demand by purchasing power on the spot
16 market. That is an impact the public needs to
17 know about.

18 In comparison, the Missouri River
19 hydropower dams have one-sixth of the
20 generating capacity of the power plants that
21 rely on Missouri River water for cooling.
22 This federal hydropower does not turn on any
23 lights in Missouri. Moreover, it would take
24 the Missouri River hydropower dams 20 years to
25 generate the power lost in one month to the

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1 summer low flow alternatives. Missourian's
2 would suffer a disproportionate share of this
3 loss. This process must address these
4 concerns.

5 Indeed the process itself is valuable.
6 The National Environmental Policy Act or NEPA
7 requires federal agencies to prepare an EIS
8 regarding major federal actions significantly
9 effecting the quality of the environment. The
10 Corps has accepted this responsibility by
11 preparing the Revised Draft Environmental
12 Impact Statement for potential revisions to
13 the master manual. Truly a change in the
14 management of the Missouri River is a major
15 federal action, yet the Corps seems to be
16 growing weary of this process and describes
17 its master manual revision as a journey that
18 began in 1989. However, the Corps sees a way
19 to end this journey. It's name is adaptive
20 management and it is a small dark cloud on a
21 stormy horizon, all the master manual
22 alternatives included. In fact, for some
23 reason, the Corps' publications leave the
24 distinct impression the Corps thinks it has
25 employed adaptive management already.

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1 One can try to define adaptive
2 management, but it is difficult. It is
3 impossible, however, to define with any
4 certainty what will result from adaptive
5 management.

6 With adaptive management, the Corps will
7 be able to test hypotheses and explore changes
8 in the operation of the Missouri River system.
9 Indeed its language is the language of
10 uncertainty with jargon-like flexibility,
11 adapt, operational changes, on average and as
12 conditions allow. In one word, vague.

13 The Corps envisions future management of
14 the river under this new scheme with an
15 efficiency coordination team made up of
16 primarily federal biologists. In other words,
17 the United States Fish and Wildlife Service.
18 Will these decisions be subject to public
19 participation, peer review and judicial
20 review? With all this flexibility, we wonder
21 if any of us will ever have this opportunity
22 to participate in this public process again.

23 The 2002 master manual may be the last
24 master manual. In the future, the Corps can
25 simply make operational changes as new

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1 information becomes available. They may not
2 want to embark on this journey once more.
3 Instead of venturing forth on a new journey,
4 it will make river management decisions that
5 affect us here in Missouri from behind closed
6 doors.

7 The alternative to adaptive management is
8 this important process we are currently
9 participating in. What does it have to
10 offer? Only certainty, openness, fairness,
11 accountability and predictability.

12 Thank you.

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

15 MR. MOORE: Representative
16 Shields.

17 MR. SHIELDS: Thank you. And for
18 the record, you just slipped past a state
19 senator which that's kind of a big deal to
20 him.

21 Thank you. My name is Charlie Shields, I
22 represent District 28 in the Missouri House of
23 Representatives and I'm also speaking on
24 behalf of Dan Heywood who represents District
25 5 in the Missouri House and could not be here

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1 tonight.

2 It's a pleasure and I thank the Corps for
3 providing this opportunity.

4 The Corps faces a difficult balancing act
5 as you look at this problem. You're trying to
6 balance the needs of agriculture, trying to
7 balance the needs of agriculture with
8 environment and you add a third balance which
9 is that of recreation. You all do that as you
10 create a master plan for the controlled use of
11 the Missouri River.

12 Let me just touch briefly on each of
13 those three issues.

14 The first being recreation as you try to
15 reach that balance. I would argue that
16 recreation simply in that balance is a distant
17 third. It's a third because it falls far
18 short to the threat of someone's life or
19 livelihood caused by the threat of flooding
20 along the Missouri River.

21 Let me talk about environmental issues.
22 One of the things that has always concerned me
23 representing an area that is dependent on
24 Missouri agriculture and contains a large part
25 of Missouri agriculture is the perception. As

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1 of late, farmers are not interested in the
2 environment. And I always bristle at that
3 because to me farmers are our first
4 conservationists. And I always say, you know,
5 it's easy to be a conservationist when you
6 live in a condo in a city and your major
7 contribution to the Environmental Act is that
8 you choose to use recycled paper in your
9 computer printer. The real conservationists
10 are our farmers out there who make a daily
11 decision to forego income so they can do right
12 by their land.

13 In Missouri our farmers are not
14 insensitive to the needs of wildlife along the
15 river, but we believe there needs to be a
16 balance, and that balance needs to be based on
17 strong science. In August the Missouri
18 Department of Natural Resources sent a letter
19 to the Secretary of Interior, Gayle Carson or
20 Gill Morton, excuse me, questioning the
21 assertions of the biological opinion issues
22 offered by the United States Fish and Wildlife
23 Service. I would urge that the Corps strongly
24 look at the suggestions made in that letter
25 from Missouri Department of Natural

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1 Resources.

2 As the letter points out, simply the
3 science on this issue, restoring habitat and
4 the impact on those species is not complete.

5 I would also urge that the Corps look and
6 pay close attention to the work done in
7 Missouri with regard to habitat restoration
8 along the river and look at that work as an
9 alternative to some of the proposed plans
10 which in theory restore habitat in the lower
11 basin, which in reality creates habitats in
12 the upper lakes.

13 The last issue I want to address concerns
14 the needs of agriculture and the safety of our
15 citizens. These are two basic concerns, the
16 increased threat of flooding due to increased
17 spring flows and the potential loss of time
18 out of our navigation season.

19 With regard to increased flows in the
20 spring, I would simply argue that the science
21 of meteorology is not sufficient to allow the
22 Corps to predict rainfall below Gavins Point
23 to the degree necessary to assure the down
24 stream residents that they will be protected
25 from flooding. Those of us who have witnessed

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1 firsthand the loss of the '93 flood, the notion
2 of a controlled flood sponsored by the federal
3 government is a scary thing. Breaches of
4 levees, increased ground water and potential
5 loss of lives and property will be the results
6 of increased spring flows combined with
7 unanticipated heavier participation below that
8 last dam. We are very aware and cognizant of
9 the fact that it takes water ten days to get
10 from Gavins Point to the Mississippi River.
11 And once you let the water out of a dam, you
12 can't put it back in.

13 Let me address the issue of decreased
14 navigation season on this river. Our farmers
15 are faced with increased competition from
16 agriculture interests in South America. All
17 our farmers are very aware of the fact that
18 Brazil is expanding its transportation system
19 both through roads and through the increased
20 use of barge traffic along the Amazon River to
21 transport their grains to market. I would
22 also add and I would guess that they're doing
23 that with very little regard and concern for
24 the environment.

25 The absolute last thing that we should be

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1 considering is any model proposal that has the
2 potential to threaten barge traffic on both
3 the Missouri and Mississippi Rivers. We need
4 economically and environmentally sound ways to
5 get our agriculture inputs up the river and
6 get our grains down the river to our world
7 markets.

8 Let me conclude by reiterating this
9 point. This is a balancing act. But you
10 don't need to achieve that balance in the
11 wrong way. You need to achieve it by A,
12 basing your decision on good science and B,
13 not saving one endangered species and creating
14 another, and that other is the Missouri
15 farmer.

16 Thank you, Colonel.

17 HEARING OFFICER: Thank you
18 Representative Shields.

19 MR. MOORE: Senator David Klindt.

20 HEARING OFFICER: Senator Klindt,
21 I apologize for the sequence problem here.

22

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

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1 HEARING OFFICER: Thank you,
2 Senator.

3 MR. MOORE: Pat Lilly.

4 MR. LILLY: My name is Pat Lilly,
5 I'm with the St. Joseph area Chamber of
6 Commerce, 3003 Frederick here in St. Joseph.

7 By the way, welcome to St. Joseph, we
8 appreciate you being here and providing us
9 this opportunity.

10 The St. Joseph area Chamber of Commerce
11 represents a thousand plus members in the
12 community and serves as the economic
13 development agency for St. Joseph.

14 We have a concern about any plan that
15 would include a spring rise that would result
16 in adverse consequences for flood control. I
17 think it's already been discussed that those
18 of us in St. Joseph certainly have a
19 familiarity with flooding.

20 This spring rise could ultimately mean an
21 impact to farmers' crops along the rivers as
22 well as the tributaries to the river and
23 create more inland drainage problems.

24 We also are opposed, strongly opposed to
25 a reduction in summer flows that would result

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1 in a split navigation system. This would
2 likely end navigation on the Missouri River.

3 Currently in St. Joseph, the St. Joseph
4 Port Authority is constructing a new port that
5 would serve the area and act as an economic
6 stimulus.

7 Just to give you a quick example, earlier
8 this week I had an opportunity to meet with a
9 local company, and this a company that makes
10 products in St. Joseph that are distributed
11 globally. Unfortunately, because of the
12 downturn in the economy they have lost a
13 supplier of an important raw material. The
14 nature of this raw material is such that in
15 order to obtain this raw material from another
16 part of the country would be very expensive
17 from a trucking standpoint. They are
18 seriously looking at the port as a way to
19 bring in this raw material at a price that
20 they can afford to do business at.

21 So when you think of the port and when
22 you think of navigation along the river, not
23 only do we think of it is a job creator
24 potentially, but also a job saver.

25 We would advocate a balanced more common

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1 sense approach that takes into consideration
2 species habitat restoration, but that does not
3 put local economies in jeopardy and also
4 jeopardize the livelihood of so many people.

5 I appreciate the opportunity to provide
6 the testimony this evening.

7 Thank you.

8 HEARING OFFICER: Thank you, Mr.
9 Lilly.

10 MR. MOORE: Brad Lau.

11 MR. LAU: Brad Lau with the St.
12 Joseph Regional Port Authority, 3003 Frederick
13 Avenue.

14 On behalf of seven board members of the
15 St. Joseph Regional Port Authority, I would
16 like to voice our concerns and disapproval to
17 the Army Corps of Engineers proposed modified
18 conservation plan.

19 As the mayor said, after 12 years of hard
20 work, the volunteer board of the St. Joseph
21 Regional Port Authority is in process of
22 constructing a new public port facility in St.
23 Joseph just to the south of here. In fact,
24 you probably saw it if you came in on South
25 229, that large crane there.

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1 The proposed modified conservation plan
2 would have a severe impact on the port
3 authority to operate this new port in an
4 economically sound manner. This million
5 dollar facility offers the St. Joseph area an
6 important economic development tool that adds
7 an alternative and competitive transportation
8 medium for existing and new businesses, and
9 the receipt and shipping of raw materials and
10 finished goods. Because river borne
11 transportation is known to be the least cost
12 alternative for shipping, the port, the public
13 port in St. Joseph will give area businesses a
14 new competitive advantage.

15 The new port facility is the result of a
16 public funding partnership by the State of
17 Missouri and the City of St. Joseph and
18 Buchanan County. Therefore, the port
19 authority is opposed to the Corps' proposed
20 modified conservation plan for the following
21 reasons: Higher reservoir levels in the upper
22 basin lakes will lead to decreased water
23 commitments for a lower basin state, such as
24 Missouri, thereby negatively impacting
25 navigation on the river.

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1 The proposed spring rise could lead to
2 flooding, which again would negatively impact
3 navigation on the river as well as cause
4 property damages.

5 We are opposed to the reduced river flows
6 during the summer that can split the
7 navigation season, possibly ending navigation
8 on the Missouri River altogether and
9 negatively impacting the navigation on the
10 Mississippi River.

11 As the economic stability of the United
12 States and our local communities are at risk,
13 the Army Corps of Engineers should not adopt
14 new policies that will stifle or eliminate the
15 many economic opportunities associated with
16 the Missouri River. While we are not opposed
17 to species habitat restoration, we are opposed
18 to any measures involving changes to the
19 Missouri River that could potentially impact
20 the economic health of our community and other
21 communities that rely on the economic benefits
22 of the Missouri River be that in the form of
23 navigation, utility production, drinking water
24 or irrigation.

25 We urge the Corps to continue with the

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1 water control plan now in operation.

2 Thank you.

3 HEARING OFFICER: Thank you, Mr.

4 Lau.

5 MR. MOORE: Ron Blakley.

6 MR. BLAKLEY: Good evening,

7 Colonel.

8 HEARING OFFICER: Good evening.

9 MR. BLAKLEY: My name's Ron

10 Blakley and I'm the vice chairman of the St.

11 Joe Regional Port Authority, I also serve on

12 the board as the treasurer for Buchanan County

13 Farm Bureau and I serve on the advisory board

14 for the Missouri Levy and Drainage District

15 and I'm a local farmer, I'd like to go on

16 record.

17 I would like to shift gears in regards to

18 the presentation that I have made and many

19 others have made in the past. My

20 understanding is that you have a directive

21 from Washington to review your operations in

22 regards to terrorism, as well as the president

23 has asked me and every citizen in the United

24 States to be on the lookout.

25 I want to speak to the security and the

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1 safety of the river transportation system, not
2 the economic which has been mentioned before
3 and is well stated.

4 We know the terrorists have targeted food
5 and water and transportation specifically,
6 they have said that. Therefore, the Corps
7 must take this threat seriously and must take
8 it into account in the operation of not only
9 the Missouri River, but every navigable river
10 in the United States.

11 We must not be in a situation where we
12 have a negative effect upon that system for
13 the security of our country.

14 Benefits are obvious. Large amounts of
15 goods and products are moved with a small
16 number of people, therefore, giving you more
17 control over the safety and the security of
18 the products that are being moved. It's very
19 obvious that the terrorists had in mind to
20 infiltrate and possibly use the trucking --
21 trucks and the trucking system in our country
22 as a weapon against us. That is nearly
23 impossible with transportation on the river.

24 You simply have a boat captain and a few deck
25 hands. So that must be taken into account.

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1 Also, I feel like that we are in a
2 situation where we need to move to improve our
3 systems rather than maintain the status quo or
4 possibly reduce them. I, myself, am
5 convinced, and I've been around the river and
6 farmed in the bottoms in the river, I am
7 absolutely 100 percent convinced that if we
8 have the spring flow with the split navigation
9 season, it will literally -- I'm not going to
10 say eliminate, but it will hurt navigation on
11 the Missouri River and especially, without a
12 doubt, if will affect the Mississippi River
13 and the port of St. Louis when you starve them
14 for water.

15 The other thing is that you must take
16 into account is hydroelectric production. We
17 have seen the system in California where they
18 have been short of electricity and that system
19 cannot be endured.

20 The Endangered Species Act is up for a
21 review very shortly. There's going to be a
22 definite reduction in the scope and possibly
23 even be rescinded. The present situation that
24 they're in where they have a bottomless pit in
25 regards to spending, I honestly believe will

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1 go away.

2 The other thing you must take into
3 account, national security takes precedent
4 over any law, irregardless of what it is.

5 Recreation and tourism has been and will
6 in the future be adversely affected by the
7 recent September 11th terrorist act. So,
8 therefore, when you are figuring your project,
9 you must reduce the dollar value added to
10 them. If you take this in account on the cost
11 benefit analysis, it must be adjusted
12 downward.

13 In summary, as the narrator said, needs
14 and priorities have changed. Therefore, I ask
15 you to stay with the current operation's
16 guidelines and expand your river
17 transportation operations to take away this
18 threat that our country's -- to our country's
19 food and hydroelectric supply.

20 Thank you.

21 HEARING OFFICER: Thank you, Mr.
22 Blakley.

23 MR. MOORE: Charles Scott.

24 MR. SCOTT: I have a prepared
25 statement, but I have only one copy, so I can

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1 give it to you afterwards. I'm Charles Scott,
2 I'm with the U.S. Fish and Wildlife Service
3 out of Columbia, Missouri.

4

5 (Whereupon Mr. Scott read a prepared
6 statement, which is attached to the
7 transcript.)

8

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

11 HEARING OFFICER: We've been at
12 it for about two hours, let's take a
13 ten-minute break and come back in here at
14 9:20, I'll come back at 2120.

15

16 (Off the record.)

17 (Back on the record.)

18

19 HEARING OFFICER: We're going to
20 resume the hearing. I would ask Mr. Steve
21 Kidwell to come to the podium. Is Mr. Kidwell
22 here?

23

24 MR. KIDWELL: Good evening, my
25 name is Steve Kidwell.

(Whereupon Mr. Kidwell read a prepared

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1 statement, which is attached to the
2 transcript.)

3

4 HEARING OFFICER: Thank you very
5 much, Mr. Kidwell.

6 MR. MOORE: Rex Horn.

7 MR. HORN: Thank you, General,
8 we're very glad to have you and rest of
9 gentlemen here, I'm from Omaha, been here
10 several times and we go by first name.

11 In fact, we support the airport out here,
12 and we have people over there fighting tonight
13 that if you have a spring rise, we will flood
14 the airport, they will come and get you from
15 over there, we won't bother you here.

16 And another thing that we have had is the
17 Missouri River flows into the Mississippi
18 River, the Mississippi River flows into the
19 Gulf of Mexico, and out from -- in the Gulf of
20 Mexico, they have what they call a dead sea
21 out there eight miles long or 75 miles long
22 and eight miles wide and they claim it is
23 caused by the insecticides and herbicides

24 flowing down the river from Missouri, Ohio,
25 all of the states up here. When we have high

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1 water, the river runs eight miles an hour
2 instead of four miles an hour by here and we
3 feel that we are going to want to talk to the
4 environmental organization and ask them to cut
5 down on the flows so we can cut down on the
6 flow of the water and decrease, help them out
7 some on their dead sea. Now, I say that will
8 not do it all, but it will do a lot of it.

9 We have five million voters in Missouri.
10 Now, last year before the election, I stood up
11 down there on one of the Army trips that told
12 them that two million people in Missouri would
13 be benefitted by better control of the river,
14 and we had some of our U.S. Senators develop
15 the -- to pass a law in the U.S. Congress to
16 decrease the spring flow and President Clinton
17 vetoed it.

18 Now, you'll see what has gone on here
19 this evening and we most certainly are not in
20 favor of spring flow. Anything you could help
21 us -- I know that you have a difficult
22 position and with what you had to work -- the
23 privileges you've had to work with. All of
24 you and your associates here have good power,
25 but we sure would appreciate cheaper power

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1 from -- in Missouri come off the river here
2 instead of shipping it over to Washington
3 state.

4 Thank you.

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

7 MR. MOORE: Brooks Hurst.

8 MR. HURST: Thank you, Colonel,
9 and I would like to thank the Corps for coming
10 here and allowing us to give this testimony.

11 My name is Brooks Hurst and I live in
12 Tarkio, Missouri, a soybean and corn farmer
13 from Tarkio. I farm roughly 3,700 acres with
14 my two brothers and my father.

15 Tonight I'm representing Missouri Soybean
16 Association and the Coalition to Protect the
17 Missouri River. I'm president of the Missouri
18 Association, a membership organization of
19 nearly 1,500 soybean farmers from across the
20 state. I farm along the Tarkio River, a
21 tributary of the Missouri River and it's about
22 30 miles along the Tarkio to get to the
23 Missouri and flooding is a problem for my
24 operation.

25 The proposed spring rise would make

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1 potential flooding more severe. Anytime the
2 Missouri River floods, the Tarkio River
3 floods. When the Missouri River rises not
4 even to the flood stage, the Tarkio River
5 floods. With approximately 1,200 bottomland
6 acres, I cannot afford to have flooding on my
7 land especially unnecessary flooding like the
8 Corps of Engineers is recommending.

9 The Corps plans to use sound data and
10 research. They do not have all of the facts.
11 Economic studies do not consider the secondary
12 tributary flooding such as the Tarkio River.
13 This increased flooding on the Missouri River
14 and its tributaries results in the depletion
15 of some of our most productive agriculture
16 lands, not to mention the increased spring
17 flow will result in the flooding of our homes
18 and communities endangering both our
19 livelihood and our safety.

20 Missouri agriculture already experienced
21 nature at it worst with the floods of 1993 and
22 '95. Why do we need to put our agricultural
23 bounty in danger again? It's impossible for
24 us to support any alternatives that proposes a
25 3.3 to 4.4 spring flood, spring rise and

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1 suggests further risk to our crops.

2 Beside the flooding the proposed spring
3 rise summer flow would have a negative impact
4 on navigation. A spring rise because of
5 summer flow, would substantially hinder barge
6 traffic on the Missouri River. In 2000 we
7 exported over \$405 million in soybeans and
8 soybean products. Therefore, benefitting
9 producers and overall Missouri economy and now
10 the Corps is threatening this valuable
11 economic resource.

12 As a representative of Missouri's over
13 24,000 soybean farmers, we do not support the
14 spring rise summer flow. We are forced to
15 support the current water control plan as the
16 only viable alternative proposed.

17 The potential consequences of increased
18 flooding are prevalent and disastrous. The
19 so-called controlled flooding is an
20 unthinkable option that threatens thousands of
21 acres in Missouri. It would allow the river
22 to flood areas that are key to agriculture
23 production. Perhaps before any changes are
24 made to the flow of the Missouri River, the
25 Corps should look at the total ramifications

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1 of this poor river management. Not only does
2 it affect all farmers along the Missouri River
3 and its tributaries, but it also affects our
4 community and our economy as a whole.

5 Thank you once again for allowing me to
6 testify and I appreciate your being here
7 tonight.

8 HEARING OFFICER: Thank you, Mr.
9 Hurst.

10 MR. MOORE: Bill Lay.

11 MR. LAY: Thank you, Colonel, for
12 the opportunity to make a presentation. My
13 name is Bill Lay, I live at 402 Highway 5 and
14 240, Fayette, Missouri. I am representing
15 myself. I have lands in the Missouri River
16 bottom and I am a member of the Missouri Levy
17 and Drainage District Association.

18 I have been interested in the low -- the
19 complaints regarding the low summer flows.
20 Basically, the people have said we don't like
21 the low summer flows because they will
22 interfere with navigation. Now, my basic
23 concern is flooding. And I am addressing my
24 remarks generally towards flooding. I don't
25 like the low summer flows because of

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1 flooding.

2 Number one, if -- the Missouri River is a
3 delicately -- I mean, the Missouri River
4 system is a delicately balanced system which
5 get a certain amount of water in each year and
6 discharges it. The folks in Omaha look at the
7 amount of water that they're going to have for
8 the year and they set a base flow. Each year
9 the base flow depends on the amount of water.

10 Now, if you're holding up the discharges
11 two and a half or three months a year,
12 you're -- say you're holding up 10, 15,000,
13 CSF during that period, you're going to have
14 to get rid of that water someplace else. You
15 might get rid of the water in the spring when
16 you're adding 10 or 15 -- 15 or 20,000 or CSF
17 on the deal so you might have another 3 or
18 4,000 to add to that by virtue of the summer
19 flow. Or you may put it all in the September
20 through December so that you can get it out of
21 the -- get it out and get down to the base of
22 the pool.

23 In either case, you're going to have --
24 you're probably not going to have much
25 flooding during the summertime when you got

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1 your low flows, but you could be pushing it up
2 over during the other times. And you can't do
3 anything between December and March because
4 it's too cold, ice. Larry's just not going to
5 let a lot of water out during that period of
6 time. And so this is -- I mean, the summer
7 drops. Sure, they will hurt navigation, but
8 they're going to hurt me farming and hurt on
9 flood control.

10 You know, higher water might go over my
11 levy, it will probably go over my drain, and
12 if it goes over my drain, that may back it up
13 in the fields. The problem is, when they are
14 deciding they're going to give us more water
15 is when we're getting ready to plant crops and
16 it's hard to plants crops in the mud. You
17 know, that's the problem, and we'll take the
18 water out during the summertime when we need
19 water for the crops. Dry them up because of
20 the thing.

21 So it's inconsistent. The plan is
22 inconsistent with agriculture certainly, and I
23 want you -- I wanted you to have that.

24 Now, in Omaha 10,000 CSF amounts to about
25 two feet of water in the channel or in the

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1 flooding situation. Down in Boonville, it's
2 not as important admittedly, but it's 10,000
3 will amount to about a foot. Now, a foot of
4 water can amount to -- may not amount to much
5 when we're down low on the levy, but when it
6 gets close to the top of levy, a foot can be
7 sort of bad for us. This is -- I know we're
8 down in Boonville where it's not going to
9 be -- we're not in too bad shape, but we could
10 get in bad shape. We want you to take care of
11 us if you can.

12 Somebody talked about the fact that we
13 can in the spring, figure out whether we're
14 going it have a high flood year or a low flood
15 year, a high inflow or low inflow. Now, I
16 don't think -- I've discussed with fellows in
17 Omaha and they are really not too anxious to
18 tell me whether we're going to have a low
19 flood year or a high flood year in the March
20 or April meetings, they're rather cagey about
21 whether it's going to be high or low.

22 Now, you remember -- I'm remember in
23 1993, I came up to a meeting and it was dry
24 and they knew they weren't going to have any
25 water, and Dwayne just assured us that he

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1 wasn't going to have -- we were going to be in
2 trouble that year and we were in trouble until
3 July. And after July, we had no trouble with
4 water. Dwayne was able to fill up his
5 reservoirs.

6 I think if you're telling somebody that
7 you can tell in March or April when you start
8 that flow out what's going to happen for the
9 year, I don't think it's very easy to do,
10 that's what I'm complaining about.

11 We have talked about the pallid sturgeon
12 and how we're having trouble keeping them
13 around. Now, we have suggested that possibly
14 game fish might eat little pallids. Now, I've
15 been assured by your fellows, your biologists,
16 they cut up a lot of those game fish and
17 haven't found any pallid sturgeons in their
18 stomach, but I -- I'm not real sure whether
19 this other stuff we're talking about that's
20 going to be so expensive for us, if we're
21 really worried about the pallid sturgeon, we
22 ought to look into what game fish might do.

23 I've suggested they get one of these form
24 deals, water patrols, put in some pallid
25 sturgeons and some game fish to see what

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1 happens. They say that's not a valid
2 experiment. But, you know, that's one of the
3 things we're talking about.

4 Now we're talking about adaptive
5 management which is suppose to be good. Now,
6 possibly the best thing you're doing with
7 adaptive management, you're not letting
8 farmers get into the board to mess up what the
9 decisions are, you're doing it with government
10 people. And maybe that's fine, but of course,
11 we all would like to be there to help them
12 with the adaptive management, that's part of
13 it.

14 I assume when we're talking about
15 adaptive management we're talking about either
16 a 15,000 CFS flow or a 20,000 CFS flow, those
17 being the high and the low on the adaptive
18 management situation. Do you have a parameter
19 in there so that they can't just put it as
20 high as they want to or drop it as low as they
21 want to. And on the lower, you're talking
22 about twenty-eight five or 21,000 CFS. Are we
23 running the parameters on this adaptive
24 management? I've heard adaptive management is
25 a wonderful thing, but I haven't heard

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1 anything about parameters, and I certainly
2 hope we have some parameters on the thing. Of
3 course, I'm not really interested in adaptive
4 management, but if you do have it, that's --
5 you've got to have some parameters.

6 Let's look at I-70 which runs between St.
7 Louis and Kansas City. Now, we know that that
8 highway is in awful shape. We don't have
9 money to replace it. They are talking about
10 tremendous destruction plan for that highway,
11 but they don't have funds in the Highway
12 Department to replace it. Now, if we take out
13 navigation on the Missouri River so that we're
14 not running between St. Louis and Kansas City,
15 that means you're going to have to have more
16 big trucks on the highway, and big trucks on
17 the highway taking these heavy loads is going
18 to put our highway in trouble.

19 I'll close, I'm sorry. Thank you.

20 HEARING OFFICER: Mr. Lay, I
21 appreciate your comments, and you were so
22 intriguing I gave you a huge break on the
23 time. I didn't have the heart to stop you.

24 MR. MOORE: Bill Griffith.

25 MR. GRIFFITH: Good evening,

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1 Colonel, my name is Bill Griffith, I'm a
2 resident of Leavenworth, Kansas, I'm a native
3 of Kansas.

4 I moved to Leavenworth about eight years
5 ago and began to learn a lot more about the
6 Missouri River at that time. I saw the end of
7 the 1993 flood and have followed closely the
8 master manual process.

9 As a father of three, I've cherished the
10 few recreational opportunities we're afforded
11 on the lower river such as excursion out to a
12 rare sand bar and taking a hike up at the
13 natural hardwoods up at Fort Leavenworth.

14 As a history buff, I'm enthralled by the
15 voyage of discovery as one of the earlier
16 speakers had mentioned and other colorful
17 tales of life along the Missouri and look
18 forward to the excitement of the upcoming
19 bicentennial of the Lewis and Clark expedition
20 as do many others.

21 As chairman of the Sierra Club's national
22 river committee, I thrill to potential
23 biological diversity the Missouri will give us
24 if we make sound management decisions and
25 change the decades old manual designed for a

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1 far different time.

2 That potential is shackled as of now has
3 led to great peril for the pallid sturgeon,
4 the least tern and the piping plover. Many
5 other fish and wildlife have seen their
6 numbers plummet as well, and the downward
7 spiral will continue if we persist along the
8 same path. I often wonder how this reflects
9 on us as care takers of the Missouri River,
10 all of us, let alone of our Earth in general.
11 Will our hubris continue by ignoring science
12 and plowing ahead with business as usual.

13 The Sierra Club supports the
14 recommendations of the Fish and Wildlife
15 Service for a spring rise and lower summer
16 flows on the Missouri River. Their
17 recommendations are based on the best
18 available science we have. To buttress that
19 statement, I'm comforted to see the Missouri
20 River's Natural Resource Committee members
21 from Montana, Kansas, Iowa, Nebraska, South
22 Dakota and North Dakota and Missouri has
23 stated publicly that the U.S. Fish and
24 Wildlife biological opinion is biological
25 sound and scientifically justified.

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1 I also read in yesterday's Kansas City
2 paper, I believe, David DeLot (phonetic), a
3 University of Missouri river ecologist, he was
4 quoted there as saying the idea of just having
5 flood plain restoration and not altering flows
6 is a very naive point of view from an
7 ecological perspective.

8 He also mentioned that there had been
9 about 130 scientific studies detailing the
10 negative impacts that can occur to fish and
11 wildlife when the river's natural flow is
12 altered. The good news he mentions is about
13 30 studies have shown how restoring the flow
14 and habitat can assist in the healing of
15 damaged rivers which also benefits humans
16 greatly.

17 The adaptive flows -- or excuse me, the
18 flexible flows in conjunction with adaptive
19 management practices offer the best, and in
20 all probability the only chance for pallid
21 sturgeon, least tern the piping plover and
22 other in peril species to exist with us along
23 the Missouri River.

24 The spring rise will be a conservative
25 rise in some folks' view, and as the Corps'

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1 own documents states, it will not affect any
2 new land, will be done on an average only once
3 every three years, will not be done when
4 there's already higher water flows and will
5 not be the cause of catastrophic floods on the
6 lower river. And I do believe I bring some
7 sensitivity to this matter as my family does
8 own some river bottomland.

9 The spring rise should help other fish
10 species rebound as well. The State of
11 Missouri used to have a thriving commercial
12 fishery and is now down to one part-time
13 commercial fisherman.

14 The increase in these species will be a
15 boon for anglers, the boating industry,
16 canoeists, hunters and other recreational
17 enthusiasts. This will pump a substantial sum
18 of money into the basin assisting local
19 economies and garnering sustainable growth.

20 I find it interesting that although
21 recreation is emphasized by the Corps and
22 navigation is, recreation brings in much more
23 money. And I'd like to think about the
24 economic boost it will do if we emphasize
25 recreation some more.

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1 The lower summer flows would have the
2 added benefits of assisting recreation as well
3 as more folks get out on the river on the
4 newly created sand bars. This will bring
5 boaters, canoeists and campers down to the
6 river instead of avoiding it as they do now.
7 And I, for one, look forward to the day I can
8 take my children out on a canoe on the
9 Missouri River and not feel they're in
10 danger. Stopping to explore a stand bar or
11 finding a camp site to pitch a tent on is
12 something I would cherish as a memory, I think
13 would last me a lifetime.

14 I am heartened to see that the flexible
15 flow alternatives will assist the Mississippi
16 River navigation especially 2021. The
17 Mississippi River navigation, of course, is
18 where the vast bulk of barge transportation
19 occurs, and it will be an improvement about 16
20 percent.

21 I also noted it increases hydropower
22 benefits by 2 percent overall and does support
23 Missouri River barge navigation in the
24 critical spring and fall periods.

25 And for the record, I'd like to state the

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1 Sierra Club is not opposed to the Missouri
2 River barge navigation.

3 Given the benefits to fish and wildlife,
4 the recreation industry and the increase in
5 tourism that will follow the hydropower
6 benefits and the benefits to Mississippi River
7 navigation and the high level flood protection
8 this brings, this brings added clarity to
9 using a flexible flow alternative as the best
10 ones for the Corps to implement.

11 Thank you.

12 HEARING OFFICER: Thank you, Mr.
13 Griffith.

14 MR. MOORE: Mr. Bailey.

15 MR. BAILEY: Good evening, my
16 name is B.J. Bailey, I'm a producer in Orrick,
17 Missouri. I farm in the Missouri River
18 bottoms. I'm here tonight representing the
19 Missouri Corn Growers Association and I'm on
20 the Board of Directors.

21 The Missouri Corn Growers Association is
22 a grass root organization representing corn
23 growers across Missouri. The Missouri Corn
24 Growers Association will support the current
25 water control plan because it is the only

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1 feasible alternative presented by the Corps of
2 Engineers. All other alternatives that are
3 being presented would be absolutely
4 devastating to agriculture.

5 We're opposed to higher reservoir levels
6 in the upper basin lakes. Increased reservoir
7 levels reduce water available for flood
8 control available to the lower basin.

9 Managing the Missouri River flow based on
10 these needs upstream, recreational and other
11 interests, goes against the original intent of
12 Congress to manage the river for multiple
13 interests including flood control and
14 navigation.

15 We are also adamantly opposed to the
16 reference so-called spring rise. First
17 increasing water releases with a flood or
18 decreased drainage on thousands of acres in
19 the Missouri River bottoms.

20 The Corps and the Fish and Wildlife
21 Service claim that they can curtail water
22 releases from Gavins Point if downstream
23 flooding occurs. However, it takes over eight
24 to eleven days for that water to travel from
25 Gavins Point to the mouth of the Missouri in

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1 St. Louis. Once water is released in Gavins
2 Point, it cannot be recalled.

3 Weather cannot accurately be forecasted
4 ten days in advance, therefore, this proposed
5 controlled flood could be devastating not only
6 for potential massive flooding, but also
7 delayed planting due to internal drainage
8 problems.

9 In my last 20 years of farming, we've had
10 two major floods in '84 and '93 and several
11 other minor floods through the years. If
12 three or four feet of water is added to the
13 river in the spring, it could be devastating
14 to Missouri River basin farmers.

15 It is also proposed that these increased
16 spring flows would be offset in the last
17 summer by a split navigation season. During
18 July through September, water releases would
19 fall below levels needed to maintain
20 navigation. This would end navigation in
21 Missouri.

22 As you know, barges are a low cost
23 transportation alternative for agriculture
24 commodities and inputs. As important, barge
25 transportation places competitive pressure on

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1 regional rail rates. Railroads can only raise
2 rates to the point where they can start to
3 push traffic on to alternative modes of
4 transportation. For example, barges.

5 It has been demonstrated numerous times
6 in areas throughout the country that do not
7 have access to barge transportation, rail
8 rates are higher. And their analysts, the
9 Corps estimates that barge competition reduces
10 rail rates in the Missouri basin up to \$200
11 million annually. The importance of barge
12 competition is further heightened as the rail
13 industry continues to consolidate.

14 The Missouri Rivers is also a major
15 source of water for the Mississippi River.
16 During the drought of 1988, the Missouri River
17 discharge accounted for 63 percent of the
18 water flowing past St. Louis from July through
19 October.

20 The planned flow reductions by the Corps
21 will coincide with other summer drought,
22 navigation on the upper Mississippi would be
23 interrupted costing the nation's farmers and
24 industries millions of dollars a day.

25 We also have concerns about what the

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1 Corps calls adaptive management. Through this
2 proposed adaptive management, the Corps would
3 be given considerable power to make flow
4 release adjustments. These adjustments would
5 be made primarily through considerations of
6 one interest, the endangered species. If it
7 is determined by the government agencies that
8 for the sake of these species it is needed,
9 the high spring rise, the low summer flows
10 could be implemented. We cannot assume that
11 any other alternative would be proposed and
12 accepted by the Fish and Wildlife Service.

13 They have single-mindedly always proposed
14 a spring rise, split navigation season as the
15 only alternative that would benefit the
16 species. They have not proposed any other
17 reasonable or prudent alternatives. Missouri
18 Corn Growers Association is concerned that
19 adaptive management will result in the loss of
20 public ability to be involved in decisions
21 involving flow management to the Missouri
22 River. It does not follow the law which was
23 provided by the National Environmental
24 Protection Act which allows for public input.
25 The adaptive management the Corps assumes

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1 power not given to them by Congress. Congress
2 did not intend for the Corps to assume the
3 power to implement any changes they feel are
4 necessary or want to try as an experiment.

5 In summary, a spring rise is unwarranted
6 and unscientific, it threatens farms and towns
7 and increases risk of flooding and financial
8 losses through reduced internal drainage. The
9 reduced summer flows would end navigation on
10 the Missouri, threaten barge traffic on the
11 Mississippi. There are other nonflow
12 alternatives. Missouri corn growers will
13 support nonflow species habitat reconstruction
14 alternatives as the method of addressing
15 species concerns.

16 Missouri corn growers supports the
17 current water flow control plan. We recommend
18 that the Corps keep the water plan now in
19 operation.

20 Thank you very much.

21

22 HEARING OFFICER: Thank you, Mr.

23 Bailey.

24 MR. MOORE: Tom Waters.

25

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

4

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

7 MR. MOORE: Randy Asbury.

8

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

12

13 HEARING OFFICER: We appreciate
14 your to bringing this testimony tonight, sir.
15 Thank you, Mr. Asbury.

16 MR. MOORE: Jerry Johnson.

17 MR. JOHNSON: I'm Jerry Johnson,
18 Troy, Kansas, I speak as an individual.

19 My family and I make our home north of
20 Troy, Kansas on the Missouri River where we
21 have lived for 22 years. Part of our family
22 operation includes 400 acres of tillable land
23 in the flood plain.

24 I was here this afternoon reviewing the
25 information and visiting with several of the

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1 people and have come to realize this is a very
2 complex issue with many people wanting
3 different plans. I support staying with the
4 current water control plan.

5 Because of the limited time I have. I
6 will speak of concerns that affects me and my
7 family operation most directly which is
8 interior drainage and ground water.

9 Our success depends greatly on river
10 level at critical times of the year. Flood
11 stage in St. Joseph is 17 feet. Any river
12 stage above 17 feet measured at St. Joseph
13 starts to create ground water problems on our
14 bottom land. Stages at 19 feet close our flap
15 gates and any local rain becomes ponds which
16 cannot drain until the level falls once again
17 below 17 feet.

18 Our tract varies in elevation only
19 approximately two to three feet over the
20 entire 400 acres so you can understand that a
21 river level increase of merely three to four
22 feet, which may not sound like a lot, can make
23 it very difficult and, in some years,
24 impossible to plant a crop in a timely
25 manner.

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1 Like other farmers on the river we have
2 learned to deal with mother nature and
3 occasional floods. The idea of a plan three
4 to four foot spring rise for a four-week
5 duration as the GP options call for would not
6 be in my best personal interest or in the
7 interest of local businesses.

8 It seems to me that a common sense
9 solution would be to seek out landowners
10 willing to sell or lease their land to develop
11 habitat for wildlife and enhance recreation
12 and to continue to manage the dams and
13 reservoirs for their intended purposes under
14 the current water control plan.

15 I'm encouraged by comments of our local
16 leaders and representatives of Kansas and
17 Missouri and hope they will continue to work
18 on behalf of people like myself.

19 And I thank you for the opportunity to
20 voice my opinion.

21

22 HEARING OFFICER: Thank you for
23 your comments, Mr. Johnson.

24 MR. MOORE: Robert Crouch.
25

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

4

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

7 MR. MOORE: Carl Hugh Jones.

8

9 MR. JONES: I'm Carl Hugh Jones
10 from Lincoln, Nebraska, I'm here representing
11 myself.

12 I'm sort of known as a river historian,
13 and since we have been talking quit a little
14 bit about the natural river and the spring
15 rise, I thought I would look at some of that
16 from a really historic standpoint.

17 Navigation on the Missouri River started
18 essentially in 1819, and by the 1830s, '40s,
19 it had gotten to the point where it was very
20 important to the westward expansion.

21 When the boats got ready to come up the
22 river, they only looked for one thing, no ice
23 in the river and enough water to get there.

24 This could happen anywhere from sometime in
25 February or to late March depending on the

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1 amount of snow melt and when things warmed
2 up. So there was actually a early spring rise
3 created by the snow melt on the plains. This
4 was followed by the June rise which is created
5 by the snow melt in the mountains.

6 If you're going to Fort Benton -- well,
7 from -- you know, they got there about the
8 1850s, but the -- 1832 was the first time they
9 got to the mouth of the Yellowstone, but that
10 was with the boat, the Yellowstone, and a six
11 foot draft. She didn't make it in '31, there
12 wasn't water enough to get her above Fort Peer
13 (phonetic). So it was that kind of a thing.

14 So I guess I'm saying is that there was
15 two raises in the river, the long one coming
16 down from the mountains head across to the
17 plains and its traveling there probably gave
18 it a chance to warm up so it wasn't ice
19 water. If you've ever stepped in the river
20 flowing from glaciers, you know what ice water
21 is. So that coupled with local rains would
22 give the pallid sturgeon that 60, 65 degrees
23 that they need to, as a cue, to spawn or --
24 you know, for the eggs to actually hatch.

25 So I'm looking at this and saying if it's
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1 warm water that does the trick, maybe that's
2 all we need. Instead of a spring rise, just
3 open the flood gates at Gavins Point, let it
4 come over the spillway for the 21 days, then
5 try to raise that water temperature up. We
6 don't know just what time of year these guys
7 decide to spawn. We have some idea of the
8 water temperature.

9 Now, when did improvement on the Missouri
10 River start? 1832 they started snagging, and
11 I wanted to make one little comment about the
12 creation of the six foot channel, the
13 legislation for it and for the later
14 developments.

15 Starting in the 1880s, there were
16 railroads paralleling the Missouri River from
17 St. Louis to Kansas City and those railroads
18 said if we can get through of the steamboats
19 while keeping the rates low, they'll
20 disappear. And they did disappear pretty
21 much. And then the shippers said these
22 railroads are gouging us and they went out and
23 created a situation where they could -- they
24 tried to bring back barges or steamboats.
25 They built three big ones there in the 1880s.

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1 They lasted a year or two. The railroads cut
2 the rates and the boats went to other parts of
3 the river system because they just couldn't
4 make it out on the Missouri. They
5 disappeared, the rates went back up, Kansas
6 City went through this thing again a couple of
7 more times until you get the 1904 legislation
8 that created the six foot channel. So it was
9 an up and down thing that happened. And I
10 assume because the railroads are railroads,
11 they want them to get as much profit as they
12 can and pay as much dividends as they can.
13 It's a situation that would recur if we remove
14 barge traffic from the Missouri River.

15 Back that up, you have to look at what
16 the railroads are charging people in North
17 Dakota compared to what they're paying down
18 here in the Missouri and Nebraska and Kansas.

19 Thank you.

20

21 HEARING OFFICER: Thank you, Mr.

22 Jones.

23 MR. MOORE: Captain Bill Beacom.

24 MR. BEACOM: I'm a navigator,
25 been navigating by St. Joe here for the last

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1 45 years and the one thing that strikes me
2 about all of these meetings is there is so
3 much information that it's impossible for
4 anybody to absorb even a portion of it.
5 There's so much, in fact, that the Corps
6 breaks it up into different areas and assigns
7 each person to an area so that they can
8 clarify it to the questioner.

9 The one thing that we have to do when
10 we're involved in a situation like this is to
11 make sure that we have clear convincing
12 evidence that we can trust and be able to weed
13 out disinformation and misinformation.

14 Now, I was kind of at a loss as to what
15 to use for an example of disinformation and
16 misinformation, but thankfully, I looked at
17 the American rivers table and got a good
18 example and I will quote from one of the
19 pamphlets that they're putting out tonight to
20 show you what that example is.

21 Fact. As they present it, overall
22 impacts to flood control benefits resulting
23 from any of the alternatives are considered
24 insignificant. Now, this is a quote from the
25 RDEIS booklet. But the fact is if you ask

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1 anybody that wears those overalls and it's
2 their lands that's getting flooded, it's not
3 insignificant.

4 Fact. Both ground water and interior
5 drainage impacts would largely be experienced
6 on lands that are already affected by current
7 conditions. Whoopee. That means that the land
8 that gets flooded when you get high water now
9 will get flooded when you get high water
10 then. So, you know, that's kind of a dumb
11 thing. The only difference is that under the
12 current -- the plans that are proposed it's
13 going to get flooded oftener in the spring and
14 in the fall, not just when it rains.

15 Fact. The flexible flow alternative and
16 all other flow adjustments that are outlined
17 in the RDEIS summary would still require the
18 Army Corps to maintain at least full
19 navigation flows in the springs and then back
20 the flow navigation flows by September 1st.
21 The fact is that you've taken 30 percent of
22 the productive time out of the Missouri
23 River. How many people in this room would
24 like to give up 30 percent of their income if
25 they were running a business or 30 percent of

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1 their wages if they were employed in a
2 business and could they manage to survive if
3 they did.

4 Fact. According to the RDEIS summary,
5 the flexible flow alternative actually
6 generates 2 percent more hydropower benefits
7 each year than the dam -- current dam
8 operations. Now, I think if you were paying
9 attention, even though it's very difficult to
10 absorb it all, the Corps put on the bulletin
11 board just tonight that there would be a \$30
12 million increase in utility payments by people
13 in the basin. Yes, we have storage to get 2
14 percent more, but it doesn't come at the right
15 time.

16 Fact. The MNRC supports the
17 recommendations contained in the U. S. Fish
18 and Wildlife Service. Why certainly they do.
19 It's a good old boy network, and the purpose
20 of this whole endeavor is to take the control
21 of the Missouri River away from the Corps of
22 Engineers and put it into the hands of Fish
23 and Wildlife. That's what this is all about.
24 We could solve the problems with the pallid
25 sturgeon or the birds, but nobody wants to

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1 because it's not to their advantage especially
2 if they're a fishery's biologist.

3 Fact. Spring and summer flows. Elements
4 of the historical hydrograph mimic by the
5 recommended flow changes included higher flows
6 through mid-June and lower flows from mid-July
7 through August. But they don't mention that
8 they have to get rid of the water that's left
9 over from this and they're going to have to
10 flood these bottom lands again in the fall,
11 and there's no natural hydrograph that shows
12 any time that we have had regular floods in
13 the fall.

14 Now, the Missouri River National Resource
15 Committee has said that they back up the
16 original biological opinion by U. S. Fish and
17 Wildlife, and it's even said that six peers
18 have signed on to this opinion. Their signing
19 on was nothing but answering three questions
20 on a piece of paper, and there were generic
21 questions like does water run downhill? Not
22 quite that generic, but nearly. And they
23 didn't even know that these letters were going
24 to be used. Sure they said that changing the
25 flows might change the habitat, but very few

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1 real scientists are on board with this
2 biological opinion.

3 We have to learn to evaluate the
4 information that's out there, consider the
5 course source of the information and then
6 decide whether it makes common sense.

7 HEARING OFFICER: Thank you,
8 Captain Beacom.

9 MR. MOORE: Don Jorgensen.

10 MR. JORGENSEN: Good morning,
11 Colonel.

12 HEARING OFFICER: Not quite, just
13 feels like it.

14 MR. JORGENSEN: I'm Don
15 Jorgensen, I'm a stake holder from Jefferson,
16 South Dakota, and I would like to talk a
17 little bit about some of the common
18 assumptions that are found in the RDEIS and
19 some of the alternatives and including the
20 final buyout opinion.

21 The piping plover are listed as
22 threatened, but there's a book out there, "The
23 Birds of North America," written by the
24 Audubon Society in 1917 and they list the
25 piping plover as rare. So why are we saying

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1 now that the operation of the Missouri River
2 is necessarily threatening the piping plover.

3 The least tern are termed endangered.

4 Again, the Audubon Society in 1917 states the
5 population was severely reduced by 1917

6 because excessive hunting on the east coast.

7 So once again, why is the Missouri River

8 management being held up as the villain and

9 the cause of this reduction in population.

10 Pallid sturgeon are listed as endangered,

11 but the question is do you have any real data

12 to show that?

13 Sir, I would like to go back, I'm sorry,

14 because I haven't written these out, I've just

15 got notes.

16 In reference to the piping plover not

17 only in 1917 Pearson said they were rare, the

18 only data that are shown in the final

19 biological opinion shows that the population

20 is increasing. The only quantitative data we

21 have, yet we still say the operation of the

22 Missouri River is being endangered. I do not

23 know if it is or isn't, but one thing I know

24 for sure is there's not enough data to show

25 that it is.

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1 Least tern's only quantitative data
2 showed that the population is stable. That's
3 the only data there is. And once again, it is
4 not proof that the management of the Missouri
5 River has caused this damage.

6 In reference to the pallid sturgeon,
7 there are no background data so we have very
8 little to compare to. But there's no doubt
9 that there's been huge changes on the
10 Missouri, there have been habitat changes.
11 Everybody wants the betterment of these three
12 species and other species, that's not the
13 question.

14 So what do we do about it? Well,
15 obviously, the one cure that comes up again
16 and again is the spring flow, spring rise and
17 the summer low flow. And it's been listed so
18 many times they have many, many negative
19 environmental and economic impacts.

20 The assumption is the spring rise will
21 cue the sturgeon to spawn. Well, as shown
22 tonight by your own slides, the 21-day spring
23 cue occurs about 30 percent of the time now in
24 the lower river and there's no evidence that
25 there are more pallid sturgeon. Something's

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1 wrong, but we don't know what it is, but it
2 isn't the spring rise.

3 There was a study done by Purg (phonetic)
4 in 1981. He studied the upper Missouri River
5 and the Marias. This was a very revealing
6 study. This study shows that spawning on the
7 Marias River, a major tributary, occurs after
8 the spring rise. But it does occur at 65
9 degree Fahrenheit which is apparently the
10 major temperature control and cue to
11 spawning. It does not show that the spring
12 rise is the cue to spawning.

13 A study by a gentleman named Lewis in
14 1978 that dealt with spawning of the
15 shovelnose sturgeon below Gavins Point dam and
16 Vermillion, South Dakota. That study resulted
17 in -- he showed that the data from that study
18 show that there is spawning of the pallid
19 sturgeon in the Missouri, but there's not
20 recruitment. In addition, this spawning was
21 occurring below Gavins Point Dam with no
22 spring flow. The point being, why are we
23 asking for a spring flow that already the data
24 show is not going to do the job. Why are we
25 even getting into this area, I'm not certain.

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1 Why is there no recruitment of the pallid
2 sturgeon? Well, one of the reasons is there's
3 not adequate substrata. Virtually everyone
4 who has studied the pallid and the shovelnose
5 knows that we have to have gravel and cobble
6 for the substrate for the spawning to occur.
7 Basically, below Fort Peck the Missouri
8 contains very little sand and gravel. And
9 below Gavins Point, there's only sand and
10 gravel for about the first four miles, and
11 this is an area where there's intense
12 competition from predator fish that have been
13 introduced in the reservoir system above.

14 Recently as part of the Corps studies,
15 there was a study done on the fish and the
16 physical habitat, and Gallat and others
17 (phonetic) are the author. And this data from
18 this shows that basically there is no gravel
19 between the mouth of the Missouri River to
20 Fort Peck. So this obviously is one of the
21 reasons.

22 One of the things you conclude from that
23 is possibly that the sturgeons have not been
24 successfully spawning in the Missouri River
25 for a long time, possibly thousands of years.

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1 The major success has probably been incurred
2 by spawning in the tributaries.

3 There are other things that are causing
4 this, and these things were basically ignored
5 in the final biological opinion. Support
6 fishing for the shovelnose sturgeon.

7 HEARING OFFICER: Mr. Jorgensen,
8 I'm sorry, I have to call your attention to
9 the time limit, but if you can wrap up in a
10 couple of sentences for me, please.

11 MR. JORGENSEN: Sure.
12 Conclusion, the spring rise is not required by
13 the sturgeon, the spring rise will flood the
14 tern and plover, habitat increase is needed.
15 Finally, changes are desirable, but the spring
16 rise and summer low flow are unsound both in
17 environment and in economic sense.

18 HEARING OFFICER: Thank you, Mr.
19 Jorgensen.

20 MR. JORGENSEN: You're welcome.

21 MR. MOORE: Eileen McManus.

22 MS. MCMANUS: Hi, my name's
23 Eileen McManus and I live and usually sleep at
24 8200 Walnut, Kansas City, Missouri 64114.
25 I'm a member of the Sierra Club and I

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1 chair the local Kansas City, Missouri
2 Conservation Committee.

3 I read the summary of the Missouri River
4 RDEIS that came out in August and I would
5 recommend it to our senators and
6 representative and anyone else who hasn't had
7 the chance to read it because we all need to
8 be on the same page and not inflate our own
9 personal or political agendas with rhetoric
10 and/or misleading statements.

11 I was impressed by many of the things in
12 the summary and the first being the letter
13 from Carl Strock, (phonetic) Brigadier
14 General, U.S. Army Division Engineer. He
15 stated that this summary represents many years
16 of effort by the Corps of Engineers,
17 scientists, technical staff and technical
18 experts of all levels of government. That
19 sounds like an impressive group of people to
20 me.

21 In the next sentence he says most
22 importantly, the document incorporates the
23 concerns expressed by watchful basin citizens
24 who have participated throughout this lengthy
25 process.

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1 I want to thank the Corps for taking the
2 time to have these public hearings and valuing
3 our input enough to consider in conjunction
4 with all the professional and technical
5 expertise that they already have.

6 Another thing Carl Strock stated was that
7 the Missouri River is a national treasure that
8 must be protected. And the dams are national
9 investments that should serve the contemporary
10 needs of the Missouri River basin and the
11 nation. I like that he picked the word
12 contemporary, because it emphasizes the
13 present needs and not just what the river has
14 been managed for in the past.

15 He points out that two shortcomings of
16 the current water control plan that needs to
17 be addressed are how it affects drought
18 conditions and the Endangered Species Act.

19 Several pages in the summary are devoted
20 to features of six alternatives and impacts of
21 these alternatives on the uses of the river.

22 And on Page 28, there is the table that
23 compares how the alternatives negatively or
24 positively compare to the current water
25 control plan.

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1 I support the flexible flow plan or GP
2 2021 because these flow changes are
3 recommended by the U. S. Fish and Wildlife
4 Service to avoid jeopardizing the continued
5 existence of the pallid sturgeon, interior
6 least tern and piping plover.

7 If you look at the chart, it provides the
8 most positive effect for wildlife habitat. It
9 also provides the most negative effects for
10 navigation. This isn't surprising since the
11 very thing that these species need, which is
12 fluctuating water levels for spawning cues,
13 shallow water in sand bars for nesting birds
14 is exactly what channelization of the river
15 between 1930 and 1950 got rid of.

16 But again, what are the contemporary uses
17 of the river? What is most important now?
18 When the river was channelized, the barge
19 industry was forecasted to carry 20 million
20 tons of cargo annually. Today it carries less
21 than 1.5 million tons. It's only doing 8
22 percent of the business that the river was
23 originally channelized for.

24 Although navigation is one use of the
25 river, it literally doesn't carry the weight

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1 to jeopardizing endangered species.

2 I realize that there needs to be to a
3 compromise or balance on all the uses and
4 interests, but the flexible flow alternative
5 would only be implemented once every three
6 years. And with the feature of adaptive
7 management, operational changes would only
8 occur during the right climatic conditions.

9 Such scientific management means spring
10 flows wouldn't increase during possible
11 flooding. And it will be the Corps who has
12 the expertise and the experience who will be
13 making the decisions, who have the authority
14 and flexibility to make the appropriate
15 changes.

16 In closing, I know that there are
17 unwritten variables that will influence the
18 preferred alternative as well. My hope is
19 that variables such as politics, big money,
20 special minority interests and business as
21 usual will not win out over the scientific
22 facts which can be used as a guide in doing
23 what's best economically and environmentally
24 along the Missouri River.

25 Thank you.

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1 HEARING OFFICER: Thank you, Ms.
2 McManus.

3 MR. MOORE: Greg Bryant.
4 (Not present.)

5 MR. MOORE: Mark Schweizer.

6 MR. SCHWEIZER: Good evening, my
7 name is Mark Schweizer, I'm with Amazonia Levy
8 and Grains District, Amazonia, Missouri.

9 I guess maybe I would like to speak on
10 behalf of the levy district for a little bit
11 and then personally for -- it could have
12 effect on my own operation.

13 I have approximately 6,000 acres in a
14 levy district up here just north of you about
15 six miles as part of the Pickslum (phonetic)
16 Project when it was established. We are
17 opposed to any change in the operation of the
18 river.

19 We're usually running about a 15 -- 14,
20 15 foot river in the spring right now. We
21 have a lot of problems with drainage the way
22 the river is being operated right now.

23 Another four foot on it would just devastate
24 our operation as far as our drainage system
25 and stuff up there. We seem to have a lot

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1 more problem with increasing every year in the
2 last ten or fifteen years as far as the
3 drainage problems that we have due to
4 increased building and construction and paving
5 and stuff like that that doesn't soak up any
6 water it and comes off a lot faster, it all
7 comes to the river. You add another four foot
8 to that it's going to make it impossible for
9 our drainage system to operate at all. I
10 would think that would kind of be a design
11 problem or a design error in the Pickslum
12 Projects in itself if you start changing that
13 around and it will make it impossible for the
14 levy district to operate that way. Several
15 levy districts have installed pumps already
16 for the problems that we have right now, let
17 alone putting another three to four foot on
18 the river. So we are opposed to the changes
19 that you're proposing.

20 On a personal note, my family farms about
21 2,000 acres in two of the bottoms along the
22 river here. We cannot afford a crop loss
23 every three years. There's a potential, a
24 very real potential of that. Not possible
25 potential, but a real potential of that.

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1 Commodity prices aren't very good to begin
2 with and, you know, we're still trying to
3 recover from the '93 flood. We can't handle
4 one every three years. So not only is it an
5 incumbrance to my family as far as an income
6 on those floods like that or the potential of
7 it, if we want to call it potential, looks to
8 me like it's a reality if we do it. Put the
9 equity in my ground and stuff is going to go
10 to practically nothing by the time we get a --
11 if it's not profitable for me to farm, it's
12 not going to be profitable for somebody else
13 to buy it, then my whole livelihood is gone
14 not only as a potential to earn income, but my
15 equity that I have in my ground and stuff will
16 be gone for anything to try and do something
17 else with along the way.

18 Those are just my concerns, I'll be brief
19 since it's late. Thank you very much.

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

22 MR. MOORE: Roger Blaske.

23 MR. BLASKE: Won't take me long.

24 I'm Roger Blaske, president of Blaske Marine,
25 Inc., a barge and tow boat operator on the

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1 Missouri River, and I am not anti-environment,
2 but the Fish and Wildlife Services is stating
3 in their GP proposals is let's change the flow
4 in the Missouri River and see if that helps
5 the endangered species.

6 I believe we should improve habitat
7 through engineering and see if that works
8 rather than destroying an industry that is
9 environmentally friendly, produces employment
10 and whose economic benefits are not fairly
11 represented.

12 The only proposed plan that can provide
13 service for all the users and wildlife is the
14 current water control plan with a sense of
15 engineering and habitat restoration.

16 Thank you.

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

19 MR. MOORE: Mike Smith.

20

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

24

25 HEARING OFFICER: Thank you, Mr.

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1 Smith.

2 MR. MOORE: Melissa Blackley.

3 MS. BLACKLEY: My name's Melissa
4 Blackley, I'm a member of the Ozark chapter of
5 the Sierra Club of Missouri and I'm also an
6 officer in the Thomas Hart Benton group of the
7 Sierra Club here in Kansas City.

8 The Missouri is a natural resource and
9 public resource, a natural flowing living
10 resource for which many species are
11 dependent. Humankind is just beginning to
12 realize our interdependency with all other
13 creatures and natural processes. As we have
14 recognized our interdependence with the
15 natural world, public priorities have
16 changed.

17 The Endangered Species Act is one way the
18 public has expressed their recognition of a
19 responsibility to preservation and coexisting
20 in the natural world. It's an expression of
21 public priorities that must be considered in
22 the management of the Missouri River.

23 The Endangered Species Act is the law.
24 And if Senator Bond and Representative Graves
25 and other elected officials would like to

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1 change the law, they're in a good position to
2 do so. In the meantime, I would expect that
3 we would support the law.

4 The flexible -- much has been debated
5 tonight about the cost of change to the flow
6 of the Missouri. The only cost we're
7 discussing are economic costs. What are the
8 long-term costs of loss of species and habitat
9 and natural places to our society and our
10 world? The flexible flow alternative is a
11 reasoned approach incorporating sound science,
12 I believe, to effect changes in the flow of
13 the Missouri to responsibly include the public
14 priorities of habitat restoration, species
15 preservation and respect of natural
16 processes.

17 The flexible flow alternative is a
18 compromise that re-evaluates the management of
19 the Missouri River to balance all public
20 priorities, not just the most vocal economic
21 interests.

22 I would like to thank the Corps for
23 considering all public priorities in the
24 management of the Missouri as a national
25 public resource.

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1 Thank you.

2 HEARING OFFICER: Thank you, Miss
3 Blackley.

4 MR. MOORE: Blake Hurst.

5 MR. HURST: My name is Blake
6 Hurst, I'm a farmer from Weston, Missouri.
7 Ecstatic to be the Ramada cleaning crew to
8 this podium. I wish to welcome you to the
9 State of Missouri. It occurs to me as a long
10 suffering Missouri football fan that this is
11 the only time we have to bring a group of
12 people in from Nebraska and beat on them for
13 three hours, four hours.

14 I'm speaking tonight from Missouri Farm
15 Bureau, the state's largest general farm
16 organization. And again, I'm a farmer from
17 Tarkio, Mexico, Missouri.

18 The Farm Bureau strongly opposes the flow
19 changes now being considered. While we remain
20 hopeful that a balance can be achieved with
21 the exception of the current plan, any options
22 are acceptable.

23 Many people in this room have been
24 involved in this issue since its inception.
25 What started out as drought management has

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1 evolved into a referendum on the Endangered
2 Species Act, an opportunity to significantly
3 expand mitigation program and another piece of
4 the puzzle in eliminating river commerce
5 altogether.

6 Today, unfortunately, we find ourselves
7 arguing in several different states and
8 Congress and even courtrooms. The U.S. Fish
9 and Wildlife Service cites the Endangered
10 Species Act, that's the reason of its
11 origination. According to them, there is but
12 one very skeptic way to avoid a jeopardy
13 opinion. The more we see it, it's hard to
14 believe. But I suppose it was hard to believe
15 for those who lost their farms and irrigation
16 water and in the irrigation district, too, but
17 for now that's the law.

18 But it is somewhat ironic that Congress
19 has voted on several occasions in support of
20 language of prohibiting the Corps from
21 implementing a spring rise. In fact, Congress
22 has now said the Corps must maintain all
23 authorized uses of the Missouri River. The
24 U.S. agriculture economy remains extremely
25 weak. The federal government has had to step

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1 in for four consecutive years with emergency
2 economic assistance.

3 The Bush administration has indicated
4 that we must be more involved in global
5 markets. Missouri farmers already export 25
6 to 30 percent of our annual production. We
7 need to be more competitive. If that's the
8 case, shouldn't we be doing everything
9 possible to enhance river commerce not only on
10 the Missouri, but other rivers such as the
11 Mississippi. Why are we even considering
12 changes that would likely terminate navigation
13 on the Missouri. Our farmers already know the
14 impact of higher flows in the spring. Ask
15 anyone who was flooded in '93 or '95 or even
16 this spring. The fact is we already have a
17 spring rise and don't need or want man-made
18 floods.

19 Some officials talk about the need for
20 adaptive management. Like the old song,
21 there's nothing more than nothing left to say,
22 and we're concerned that this leaves little
23 room for public input.

24 In closing, Colonel, we're not opposed to
25 any change, but let's focus on the real

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1 problem and consider all the alternatives. We
2 believe there are alternatives that could
3 enhance the environment and habitat without
4 major system modifications, without massive
5 new land acquisition programs, without
6 significant increases in energy cost and
7 without controlled flooding. For this reason,
8 we have no choice but to oppose alternates
9 currently under consideration.

10 Thank you.

11 HEARING OFFICER: Thank, Mr.
12 Hurst.

13 MR. MOORE: Omar Miller.
14 (Not present.)

15 MR. MOORE: Greg Bryant.
16 (Not Present.)

17 HEARING OFFICER: As much as I
18 hate to ask this question, is there anyone
19 else that would like to make a comment? Come
20 on up, sir.

21 MR. HODGES: I was wondering if I
22 was going to get to be last. My name is Greg
23 Hodges, and actually I'm speaking for myself.
24 Although I've served five times as the
25 chairman to the agri-business community of the

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1 chamber, I'm a long-term boat club member and
2 a former Aggie. I'm an instructor at Missouri
3 Western.

4 As I prepared my five minutes of
5 comments, my initial intent was to talk about
6 spring flooding and how low summer river
7 levels threaten pleasure boating on the lower
8 river and will be devastating to full season
9 navigation.

10 After over 20 years boating this section
11 of the river, I can confidently say that
12 flooding does not give more sand bars, it just
13 gives you muddy disgusting ones to pull your
14 clean boat up on.

15 Obviously, in times of drought changes
16 are required, but a three-foot summer drop
17 will make many ramps unusable, leave most
18 docks high and dry. Lake Contrary, which is a
19 major recreational area for the county, will
20 be little more than a mud hole once you drop
21 the water table out from under it. And I
22 don't want to even get into the amount of
23 damage it's going to do to the outboard units
24 on these boats.

25 I also started to say something about how
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1 unfortunate it was that these hearings were
2 scheduled during fall harvest and making it
3 difficult for rural folks to show up en mass
4 to protect their economic interests. I could
5 talk about the demise of firms that build and
6 maintain Missouri flood control structures,
7 how the one remaining firm has only been hired
8 in recent years to tear down diversion dams.
9 I have a copy of that article if you would
10 like it.

11 I could have talked about all kinds of
12 negative economic impacts of the proposed
13 alternatives, loss of tax base, that is, damp
14 bottom ground being taken out of production.
15 As cropping seasons are shortened, loss of the
16 barge as a shipping alternative for crops.
17 And the low amount of barge traffic is really
18 irrelevant, it's the fact that you have a
19 threat of another source to ship those crops
20 out that keeps the transportation rates in
21 line and supports farm prices.

22 Of course, there's the threats to the
23 utility companies and their businesses that
24 are dependent on reliable water supplies.

25 I could take about how the logic behind

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1 spring and fall floods to promote the three
2 endangered species has more holes in it than
3 grandma's colander.

4 There are many ways to create new habitat
5 that are much more efficient than some of the
6 natural habitat that we've lost.

7 My concern is that the Corps has lost
8 sight of it's original charge to protect the
9 public from flooding and to promote river
10 navigation.

11 One final comment. There seems to be a
12 misconception that only folks above the dams
13 use water for recreational boating. The St.
14 Joseph Yacht Club has nearly a hundred member
15 families, the Watheena Club approximately 40,
16 the Flat Head Fishing Club of St. Joseph about
17 60, and add to that the hundreds of people
18 that use public access at Nodaway Island and
19 McArthur Drive. The growth and recreational
20 use over the past last ten years has just been
21 phenomenal. I'm adamantly opposed to the
22 proposed changes.

23 Thank you.

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

ROBERTS & ASSOCIATES BY TOM ROBERTS, RPR, CCR

1 Would anyone else here this evening care
2 to make a comment?

3 (No response.)

4 HEARING OFFICER: In closing, I
5 would like to remind you that the hearing
6 administrative record will be open to 28
7 February 2002 for anyone wishing to submit
8 written facts or electronic comments. Also,
9 if you want to be on our mailing list or
10 receive a copy of the transcript, you need to
11 fill out one of the cards available at the
12 table by the entrance.

13 I want to thank all of you for your
14 participation, for your patience, for your
15 endurance. I think it reflects the passion
16 that you have in this issue, we understand
17 that and we appreciate it.

18 If there are no further comments, this
19 hearing session is closed.

20

21 (Hearing concluded at 10:55 p.m.)

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ROBERTS & ASSOCIATES BY TOM ROBERTS, RPR, CCR

1 STATE OF MISSOURI)

2) ss

3 COUNTY OF PETTIS)

4 I, Thomas Roberts, Certified Shorthand
5 Reporter and Notary Public of the State of
6 Missouri do hereby certify there came before
7 me the speakers concerning the matters in this
8 cause.

9 I further certify that the foregoing
10 transcript is a true and Corps transcript of
11 my original stenographic notes.

12 I further certify that I am neither
13 attorney or counsel, nor related to any party
14 to said action, nor otherwise interested in
15 the outcome thereof.

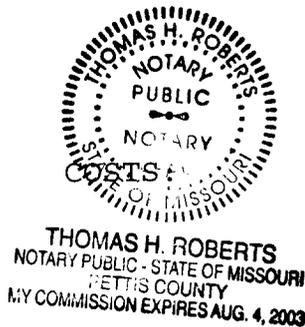
16 IN WITNESS WHEREOF, I have hereunto set my
17 hand and affixed my Notarial Seal this 16th
18 day of November, 2001.

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Thomas H Roberts

THOMAS ROBERTS

DUE FROM: Corps



Testimony for Congressman Sam Graves

I would like to start by thanking the Corps of Engineers for hosting these public hearings. I believe that it is very important for people who live and work along the river to have an opportunity to voice their opinion on this very important issue. As the Congressman representing St. Joseph Missouri, I will not support any Missouri River flow plan that includes a spring rise.

The Missouri River brings great benefits to the people and economy of Northwest Missouri. Nearly 300 miles of the Missouri River runs through the 6th District, and I have joined the fight to preserve navigation and flood control on the River. I am confident that the Corps of Engineers can work with other interested parties to develop a management plan that enhances the aquatic habitat, promotes sound flood control, maintains river commerce and preserves the diverse uses of the Missouri River. The River is a vital part of our economy as well as a significant source of drinking water in Northwest Missouri.

As we all know, last year, the National Fish and Wildlife Service issued a final biological opinion regarding the Missouri River that proposed returning to the "natural flow" of the river causing higher water levels in the spring and lower levels in the fall. The artificial spring rise *may* help improve the breeding habitat of ~~four~~^{two} endangered species: lest tern, piping plover, pallid sturgeon and bald eagle. I for one am not willing to risk the livelihood of farmers and business owners to implement a tactic that may or may not save a fish.

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

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

Since I was elected, I have fought along side other members of the delegation to prevent these government-imposed floods from becoming a reality. I will continue to

work with my colleagues to stop the spring rise and split navigation season. I am committed to this issue and I am confident that working together, we should be able to find a balanced compromise that is not at the expense of landowners and farmers working along the banks of the Missouri River.

Thank you for your time and attention.

R. + D
F.

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

- ST. JOE November 1st
- KANSAS CITY November 6th
- JEFF CITY November 7th
- ST. LOUIS November 13th

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

"Col. Fastabend (or principal), members of the Corps, and my Missouri neighbors, I regret that I cannot be here tonight because the Missouri hearings have been scheduled during the middle of the week when Senate is in legislative session. Thank you for the opportunity to provide initial public testimony. More comprehensive testimony will be provided later in the comment period when I have the opportunity to review the materials in full that were just recently made available for the public for inspection.

On that point, I renew my previous request that the comment period be extended and that an additional public hearing be held in Missouri at the end of the public comment period so that experts in our State have a fair opportunity to review the hundreds of pages of technical data. As I noted previously, it has taken the Corps many years to compile the data and public comment would be much more meaningful if the public had more than a few weeks to review it.

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

In summary, I believe that government should protect people from flooding, not cause floods. It should produce more efficient transportation options, not railroad monopolies, and it should continue the clean production of hydropower, not discourage it. This is always the case but it is even more obviously the case when our economy slows and jobs are at risks and families are feeling serious economic pain. The Fish and Wildlife Service plan fails because the plan's value to fish habitat is dubious while its risk to people is very real.

The good news is that I believe this new Administration will listen to you and wants to find ways to improve fish and wildlife habitat without hurting people and property. This Administration did not start this mess, but they are left to clean it up. The President will soon have language

approved by Congress in the Energy and Water Appropriations Act for 2002 which states clearly that the Secretary of the Army 'may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the United States Fish and Wildlife Service.' It says further that, 'the Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.'

This language means two things: It means the Fish and Wildlife Service does not have a monopoly on this process and it means that the Army must maintain flood control and navigation.

In the end, I believe that the process can and will produce positive initiatives to help improve habitat for fish and wildlife and I believe that it will do so without selecting an alternative which injures people and property.

The proposition before the government is as follows: Shall this government increase your flood risk, bankrupt water transportation, leave shippers to the mercy of a railroad monopoly, and reduce energy production during peak periods of energy demand during an energy crisis because there is a chance it might help three endangered species?

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

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

The science of a river this size is extremely complex and the understanding of how everything interacts is understandably minimal. That is why you are not likely to field a group of scientists willing to bet their own jobs that the Fish and Wildlife Service alternative would restore the palid sturgeon population. They are clearly willing to bet your jobs. The Fish and Wildlife Service, like the rest of us, want there to be more palid in the river, but the Fish and Wildlife Service also wants to avoid going to court and since some have threatened to sue them if they don't propose a spring rise and summer low flow, they propose a spring rise and summer low flow.

They then attempt to market it to the public as being necessary because it is natural when in fact

it is not. The proposed summer low would occur when the historic natural high peak occurred following the upstream snow-melt period. This proposal inverts the natural hydrograph that is so often used to justify the pain of the Fish and Wildlife proposal.

We are fully aware of a natural 'spring rise' because in Missouri, we already have one. It is dangerous and it floods rural and urban communities without warning. When it rains in the spring, unregulated tributary flows swell the river from normal to flood stage in hours and this is the monster that the Fish and Wildlife Service wants us to flirt with by adding what they call 'no more than 3 feet' of water in the spring.

Until officials can accurately make 14 day weather forecasts, they are simply playing Russian Roulette with the gun barrel pointed at your heads.

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

In Sioux City, Iowa, on October 11, the Fish and Wildlife Agency testified as follows: 'Our agency, and the Corps, also recognized the importance of some flexibility in management that would enable Missouri River managers to capitalize on existing water conditions to meet endangered species objectives without having to go through another 12-year process.'

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

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

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

Seven years ago, the plan was condemned from Omaha to New Orleans by the public. I have been very critical of the Clinton Administration for trying to force this down our throats this last year, but everyone should be reminded that it was the Clinton Administration in 1994 who proposed it only to reject it subsequently.

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

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

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

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

Governor Holden and the Mississippi River Governors of Kentucky, Tennessee, Louisiana, Mississippi, Illinois, Arkansas, Wisconsin and Minnesota have written to the President earlier this year to communicate their opposition to this plan because of the impacts it will have on the Mississippi River which you will learn more about when you travel to Memphis and New Orleans.

There are nearly 100 organizations of the National Waterways Alliance from Virginia to Oklahoma to Mississippi to Minnesota to Alabama to Nebraska to Louisiana to Ohio and Pennsylvania who have written in opposition to what the Fish and Wildlife Service is trying to impose.

The American Soybean Association, National Corn Growers Association, National Association of Wheat Growers, National Grain and Feed Association and other national groups who represent farmers have written in protest of the Service proposal.

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

I believe what will happen at the end that did not happen seven years ago is that the Administration will actually identify projects and approaches that build habitat but do not injure people and property. The Bush team will work with the Congress, the States and the public to fund and implement them aggressively.

There are many ways to improve fish and wildlife habitat without hurting people and property. That should be and will be the ultimate positive approach that I believe the government will take. I believe that the upstream states, and not just Missouri, should have a role in devoting their own state resources to improve the river rather than just demand that the benefits be imported and the burdens exported. They want more water during periods of prolonged drought and so do we, but we are not hiding behind the Endangered Species Act to argue our case.

Many brave young men and women are in harm's way risking their lives as we speak to keep this country safe. At home, we must make our economy strong and we look to government to work with us, not against us, in fulfilling that mission.

I thank the public for being here tonight and I thank the Corps for being available to listen.”

rly

**MISSOURI RIVER HEARING
NOVEMBER 1, 2001
ST. JOSEPH, MISSOURI**

Thank you for this opportunity to share my thoughts and observations with you this evening.

I'm Lowell Mohler, and serve as Director of Agriculture for the State of Missouri and will be presenting this evening the State of Missouri's position on management of the Missouri River.

I'm also a grain farmer with my farm in the Missouri River basin near Jefferson City and have lived or been around the Missouri River all of my life.

This issue is of supreme importance not only to me but to all of Missouri and the entire nation, and I first want to thank you for holding this hearing to listen to the comments and concerns of the people of Missouri.

As Missouri continues to evaluate the newest data from the Corps, we will be looking to ensure that the Missouri River remains a "river of many uses," including recreation,

navigation, agriculture, hydropower, water supply, and fish and wildlife conservation. Balancing the interests of both the upstream and downstream reaches of the river is absolutely essential to achieving this goal.

Because of the vital importance of these issues, Missouri maintains that all decisions must be based on sound science. We strongly believe that if all sides of this discussion commit themselves to adherence to solutions founded on valid scientific studies, that will enable us to make substantial progress on resolving the issues that have been debated for so many years.

Contrary to some representations, Missouri is firmly committed to improving the environmental health of the Missouri River. However, we believe that there are ways to achieve these benefits while still protecting, and possibly enhancing, the lives and livelihoods of the Missourians who live on or near the banks of the Missouri River.

A significant concern to Missourians is that many of the proposals in the Revised Draft Environmental Impact

Statement (RDEIS) include plans to increase total system storage in the upper lakes. We have apprehensions that such changes would significantly reduce the ability of the Corps to ensure that the River is managed to the benefit of all residents of the basin.

The Corps must have adequate flexibility to respond to a wide variety of situations, both anticipated and unforeseen. We believe these proposed changes to storage levels in the upper lakes would limit the Corps' capacity to perform its statutorily mandated role.

Missouri has further concerns that these changes to total system storage could eventually restrict the use of water by downstream states and thus be detrimental to the future welfare of Missourians. Missouri strongly opposes any plan that would reduce the amount of usable water released to downstream states.

Furthermore, in light of the importance of the endangered species in this discussion, Missouri also suggests

that the effects of increased storage of water in the upper lakes on the endangered species be examined. Comprehensive data regarding the impact of higher levels in the upper lakes on the endangered species is not currently available, and we believe this information should be included in this dialogue.

A second key component of many of the current proposals is for a variety of reduced flows from Gavins Point Dam in the summer. The flow levels and timing of the current proposals differ significantly from the historic hydrograph. Missouri recognizes that a properly timed and proportioned reduced late summer flow will likely benefit some sections of the River's ecosystem. I thus support efforts to achieve a flow level that will help these species, while also ensuring that the long-term viability of river commerce on the Missouri River is not degraded.

Missouri believes that such a flow level exists. Our state has advocated a reduced flow of 41,000 cfs at Kansas City from August first through September fifteenth. The goal of this

proposal is to accomplish these flow conditions three of every five years in order to balance the interests of the endangered species, recreation, and the continued support of other uses of the Missouri River.

Proposals to depart from current operations must also consider the effects of any changes on Mississippi River system navigation. The entire inland waterway system depends on the supplemental flows from the Missouri River into the Mississippi. I do not support proposals that are detrimental to the long-term viability of navigation on either the Missouri River or the Mississippi River.

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

A third key component of many of the current proposals is a periodic spring rise, created by federal releases of additional water from Gavins Point Dam during May.

Missouri has serious concerns that the current proposals for expanded spring releases could have adverse effects for the bottomland farmer in Missouri, including increased flood risk, higher groundwater levels and inadequate drainage throughout the lower basin.

Additional spring releases could potentially compound the effects of large rainfall events downstream of Gavins Point, thereby increasing the risk of unanticipated flow levels in downstream states. The dangers of such a spring rise are increased because water from Gavins Point Dam takes approximately 10 days to reach St. Louis. Spring flooding keeps farmers out of their fields during the planting season, and higher groundwater levels reduce yields, thereby having a significant negative impact on Missouri's bottomland farming community. Missouri's agricultural community must be a top priority in this discussion, and I will strive to ensure that the agricultural community along the Missouri River remains viable and profitable in the twenty-first century.

Such concerns must be weighed against the fact that the lower stretches of the Missouri River, including the entire 553 miles in Missouri, already receive a natural spring rise from tributary inflow. Thus, such a change would have little impact on the riverine species living in the stretch of the river within or bordering on the state of Missouri.

One issue that has occasionally been lost because of the more contentious nature of some of the other proposals is the importance of habitat improvement projects in restoring the aquatic diversity lost to the creation of the upstream lakes, and channelization and bank stabilization efforts over the last fifty years. Missouri believes that an active program of habitat creation and restoration, augmented by appropriate alterations to late summer flows, would substantially assist the recovery of the endangered species. Our state has undertaken a number of habitat improvement projects, often in concert with the Corps, and we believe that these cost-effective and

uncontroversial efforts deserve significant investment by the federal government.

Finally, one issue of high-importance to our state, which is not currently in any proposals but has been raised at various times during this discussion, is the possibility of water transfers out of the Missouri River basin. Missouri unequivocally opposes out-of-basin transfers. Such transfers constitute economic and ecological threats given the existing demands for water within the basin and the needs of species dependent on the river for their survival.

In conclusion, Missouri is firmly committed to restoring and protecting the Missouri River - and ensuring that the river is managed for all citizens. As the evaluation process of proposed changes continues, I want to reiterate the importance of basing all decisions on sound scientific data, and further urge that all of the potential impacts and opportunities to both the Missouri and Mississippi River systems for each component of every proposal be considered. Thank you for the

opportunity to express my position on these extremely important issues, and I would be glad to respond to any questions.

**U.S. Fish and Wildlife Service
Public Comments
Missouri River Master Manual Hearing**

Good evening, my name is Charles Scott and I'm here this evening on behalf of the U.S. Fish and Wildlife Service to issue a brief statement on the Revised Draft Environmental Impact Statement for the Missouri River Master Water Control Manual. I'm also here to listen to the comments in person from citizens on this important issue.

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

Congress committed the Federal Government to preventing extinctions by requiring Federal agencies to use their authorities to conserve endangered and threatened species. During the last 12 years our agency has been working with the U. S. Army Corps of Engineers to modernize the management of the Missouri River to help stabilize and hopefully, begin to increase and recover populations of these vary rare animals. This new approach was described recently in a document called the “Missouri River Biological Opinion,” published in November 2000.

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

Our biological opinion is based on the best available science and includes nearly 500 scientific references. In addition, we’ve sought out 6 respected scientists – “big river specialists” – who confirmed the need to address flow management, as well as habitat restoration. Further, the Missouri River Natural Resources Committee, a group comprised of the state experts on

Missouri River management, endorses the science in the opinion.

If you have read the RDEIS or summary document, you understand that the “GP alternatives” encompass the range of flows identified by the Service as necessary below Gavin’s Point Dam to keep the listed species from being jeopardized. Our agency, and the Corps, also recognized the importance of some flexibility in management that would enable Missouri River managers to capitalize on existing water conditions to meet endangered species objectives without having to go through another 12-year process.

Other management changes identified in the biological opinion include a “spring rise” out of Fort Peck Dam, an improved hatchery operation to assist declining pallid sturgeon populations, restoration of approximately 20% of the lost aquatic habitat in the lowest 1/3 of the river, intrasystem unbalancing of the three largest reservoirs, and acceptance of an adaptive management framework that would include improved overall monitoring of the river.

In closing, the Service supports the identified goal of the revised master

manual - to manage the river to serve the contemporary needs of the Missouri River Basin and Nation. These needs include taking steps to ensure that threatened and endangered species are protected while maintaining many other socioeconomic benefits being provided by the operation of the Missouri River dams. The Service stands behind the science used in the opinion, and is confident that the operational changes identified in our opinion, and included in the RDEIS as GP alternatives will ensure that these rare species continue to be a part of the Missouri River's living wildlife legacy.

The Missouri River is a tremendous river, with a significant and revered heritage. Our influence has altered the river greatly. Changes are needed to modernize and restore health to the river – for the benefit of rare species and for people, too.

STATE OF KANSAS

BILL GRAVES, GOVERNOR
Jamie Clover Adams, Secretary of Agriculture
109 SW 9th Street
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KANSAS DEPARTMENT OF AGRICULTURE

U. S. Corps of Engineers

November 1, 2001

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

**Testimony by
David L. Pope, Chief Engineer
Division of Water Resources, Kansas Department of Agriculture**

Thank you for this opportunity to provide comments on the revised draft environmental impact statement for the Missouri River Master Manual Review. I am David L. Pope, Chief Engineer of the Kansas Department of Agriculture's Division of Water Resources. I am responsible for administering laws related to the conservation, management, use and control of water and water courses in Kansas. Additionally, I serve as the Governor's representative on the Missouri River Basin Association (MRBA). As a result, my staff and I have been active participants in the Master Manual Review and Update since its inception more than a decade ago.

Attached to my testimony is a copy of MRBA's November 11, 1999, recommendations for the Missouri River Master Manual Review. These recommendations were developed by the association in response to the request from the Corps of Engineers. They are based on extensive discussions between MRBA's directors, and they include input from a diverse set of basin constituents. I am pleased to see the Corps acknowledge the value of this work and incorporate most of MRBA's recommendations into the alternatives included in the revised draft EIS.

My comments tonight on the Revised Draft Environmental Impact Statement are preliminary. They will be supplemented with formal written comments after we have a chance to review the documents, hear from our constituents, and consult with other state agencies and the Governor's office.

Before I move on to our specific comments, I would like to say that I appreciate the professionalism your staff has shown, and for their help in answering questions and providing us with new insight related to the many draft documents.

Kansas' Comments

There are a number of components in all of the alternatives in the revised draft EIS that Kansas can support:

- 1) First, the needs of those who depend on the Missouri River as a water supply, such as for municipal and industrial uses, remains an extremely high priority. It appears that all alternatives being considered by the Corps in the revised draft EIS recognize this priority. As the Corps completes its work, the water supply needs of the basin must be remain a priority.
- 2) Second, the Corps' system of reservoirs on the Missouri River provide significant flood control benefits to the agricultural lands, residential areas and business districts downstream. We understand these benefits will be preserved through the continuing use of existing flood storage and flood control targets included in all of the alternatives being considered. We continue to evaluate the impacts of the various GP options to flood control benefits.
- 3) Kansas supports the revised reservoir operating criteria that MRBA recommended and the Corps included in each of its alternatives to the current water control manual. We believe these criteria represent as good a compromise as can be reached for using the reservoir system to meet the diverse needs of the upper- and lower-basin states.

Impacts on the Kansas River System

Throughout this process, we raised concerns about the impact these decisions will have on reservoirs in the Kansas River system, including Tuttle Creek, Milford and Perry. The Corps of Engineers sometimes calls on the Kansas River system to support Missouri River navigation when the Kansas City target flows are not met. This happens most frequently in the fall, and we consistently noted significant, negative impacts on these reservoirs with marginal, or virtually undetectable, benefits to navigation. We frequently requested that the cost and benefits of the system's support to navigation be given careful consideration. The Corps' position has been that a review of the Kansas River system is not within the scope of the Master Manual Review. We continue to believe that it is inconsistent for the Corps to maintain that the Kansas River is insignificant to the Master Manual Review, yet continue to assert that benefits to navigation are significant.

Although the Corps of Engineers recently initiated a study of the Kansas River system, we believe that the impact of the proposed Missouri River operation changes on Kansas River basin projects has not been sufficiently addressed in the Missouri River master manual review. For example, if higher spring flows are implemented on the Missouri River, what would be the effect on flood control storage in the Kansas projects? Similarly, if lower summer flows are

implemented on the Missouri River, what would be the effect on navigation support from, and flood control in, the Kansas River projects? These questions have not been addressed. Proposed changes in Missouri River operations should not impact operations of the Kansas River system. Since the potential impacts and benefits of continued use of the Kansas River system in Missouri River operations are not well documented, we believe that operation of the Kansas River to provide navigation support should be deleted from the master manual.

Flow Management for Endangered Species and Environmental Restoration

Kansas acknowledges that the Corps of Engineers is obligated to protect endangered species of the basin. The recovery of the endangered species and restoration of the Missouri River will require significant habitat restoration on the Missouri River and in its floodplain, which Kansas strongly supports.

With regard to flow management alternatives, the GP options are the Corps' attempt, after consulting with the U.S. Fish and Wildlife Service, to develop alternatives that protect these endangered species and work to restore the Missouri River and its floodplain. Kansas currently is reviewing the details of the various alternatives and will provide its final recommendations on the matter in its written comment on the document. The review will carefully consider the potential combinations of physical habitat restoration and flow management alternatives the Corps presented to protect endangered species.

Future Depletions

As we stated in the past, we are concerned about the potential for increasing loss of benefits in the future should substantial additional depletions to the Missouri River reservoir system's inflow occur. We believe that the cost of these increased depletions should not be borne by further reductions to releases downstream alone, but should be shared by upstream states.

Conclusion

We appreciate the opportunity to provide testimony on this complex and important issue. We trust these comments are helpful to the Corps.

MRBA

Missouri River Basin Association

November 19, 1999

BG Carl A. Strock
Northwest Division
U.S. Army Corps of Engineers
P.O. Box 2870
Portland, OR 97208-2870

Dear General Strock:

The Missouri River Basin Association (MRBA) thanks you and your staff for supporting MRBA's efforts to develop recommendations for the preferred alternative in the Revised Draft Environmental Impact Statement (RDEIS) the Corps will publish early next year. On behalf of MRBA, we are pleased to provide the following recommendations to assist in your decision.

The submission of these recommendations does not constitute a waiver of rights by any of the Missouri River Basin States or Tribes nor does it constitute a river basin compact or equitable apportionment of the waters of the Missouri River Basin among the States. They are provided for the sole purpose of assisting the Corps of Engineers in making revisions to the Master Manual.

Although it has been difficult to balance the competing uses of the river system, MRBA believes our recommended changes to the management of the Missouri River allow both economic and environmental interests to prosper. To develop these suggestions, all the basin interests have had to make some difficult decisions in the spirit of compromise and general well being of the entire basin.

MRBA will continue to encourage input from the basin's constituents throughout the Master Manual review and update process. The Association urges the Corps and technical staff from the basin states to continue to work together to minimize adverse operational impacts in the basin.

MRBA recognizes the concerns of the Missouri River Basin Indian Tribes and supports ongoing consultations on the impacts of changes to the existing Master Manual on tribal cultural and economic resources. In addition, one basin state, Missouri, cannot support some of the recommendations in this letter. However, Missouri will continue to support the process and participate in the Missouri River Basin Association.

Flow Management Recommendations:

Water Supply:

The existing Master Water Control Manual emphasizes the importance of operating the reservoir system to provide sufficient river flows in reaches between reservoirs and in the lower river to meet water supply needs. The Corps' preferred alternative must continue to meet these critical needs.

NOV 29 1999

KS DEPT OF AGRICULTURE
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Navigation Support Guidelines:

The flow management recommendations provided below have been revised from the draft recommendations MRBA submitted in its August 31 letter to you. These revisions reflect concerns MRBA heard from various river users, particularly navigators, and additional follow-up modeling by the Corps. Although the revised flow recommendations fall short of meeting all the needs of all river uses, they represent our best effort based on current information to find an acceptable compromise.

MRBA believes the Corps should endeavor to keep Missouri River navigation viable during a drought like the one experienced in the 1980s by:

- 1) avoiding when possible consecutive years of minimum (7.5 feet of draft) service level flows, and
- 2) maintaining when possible a navigation season length of at least 7.1 months.

The MRBA also recognizes that droughts of greater intensity and duration have occurred (e.g. drought of the 1930's) and are likely to occur in the future. Further, we recognize that flow support for navigation would have to be suspended at some point (navigation preclude value) to ensure there is adequate water reserved to meet the other authorized purposes during such an extended drought.

Using data provided by your staff, we believe the following set of water control plan guidelines would achieve the results we desire.

Navigation Service Level Check:

**8 Feet of Draft
(Full service minus 3,000 cfs)**

March 15	less than 54.5 MAF
July 1	less than 59.0 MAF

**Season Length Check:
7.1 Month Season**

July 1	less than 59.0 MAF
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Severe Drought Year Service Level¹

7.5 feet of draft (full service minus 6,000 cfs) July 1 to August 20 of following year

¹ A severe drought year is one in which there is no gain in total system storage between March 15 and July 1.

Navigation Preclude:

March 15 less than 31 MAF

Current model runs using the guidelines listed above result in a minimum System Storage level of 43 MAF during a drought similar to that experienced in the 1980's.

Evacuation of Flood Control Zone:

MRBA supports the release of excess summer and fall storage to meet the needs of downstream uses. A flow target would be added at St. Charles, Missouri to measure possible navigation impacts in the surrounding reaches. A maximum additional 5,000 cfs would be released from the Missouri River mainstem system if the St. Charles target indicates that navigation impacts will occur. The releases shall be subject to the following constraints:

1. Water shall not be drafted from the Carryover Multiple Use Zone.
2. The releases shall occur after the end of the Tern and Plover nesting period.
3. The releases shall stop at the conclusion of the Missouri River navigation season.
4. Excess storage shall be released prior to ice-in.
5. Downstream flood targets shall not be exceeded.

Given that the Corps has generally been in an evacuation mode since 1993, MRBA recommends that the Corps presents its flood storage evacuation guidelines in the RDEIS and discusses them during the public hearings that follow release of the document.

Water Depletions:

Changes to the current level of depletions of water from the Missouri River and its tributaries may have an impact on all mainstem project purposes. The MRBA Directors commit to exploring mechanisms to determine how to fairly share these impacts on project operations. The first step of this process is to establish baseline information on the current level of depletions. MRBA urges the basin's states, Indian tribes, the Corps, and other federal agencies to begin working on this task immediately.

Environmental Recommendations:

MRBA recognizes the need to recover the basin's threatened and endangered species and to prevent future listings of such species. The key to MRBA's environmental recommendations is the development of an adaptive management process to help recover the basin's threatened and endangered fish and wildlife populations.

MRBA recommends an approach to species recovery that includes the four components listed below:

1. Recovery Committee:

MRBA recognizes the need for the basin's states, Indian tribes, water users, and other interested parties to be involved in discussions among federal agencies concerning the recovery of the basin's threatened and endangered species. Other river basins facing similar issues have formed committees comprised of diverse representation from state water and fish and wildlife managers, tribal representatives, and environmental and economic interests to assist federal agencies on species recovery plans. MRBA recommends that the Corps, the U.S. Fish and Wildlife Service, and other federal agencies work with MRBA, state fish and wildlife agencies, and other water users and interests to form such a committee in the Missouri River basin. Recommendations of the committee would be subject to requirements of the National Environmental Policy Act prior to their implementation.

2. River Flows:

Unbalancing of the Upper Basin Reservoirs:

To provide benefits to sports fisheries, recreation, and endangered species in the upper three reservoirs, MRBA recommends that the Corps implement when possible, without compromising downstream flood control, an intrasystem trading of stored water (unbalanced storage) among Ft. Peck, Sakakawea, and Oahe reservoirs. MRBA acknowledges the flood control concerns of downstream interests and encourages the Corps to avoid when possible increases in the use of the Exclusive Flood Control Pool, especially in Oahe Reservoir.

Lower River Habitat Improvement and Recreation Flows:

To evacuate excess water, river flows are often significantly above full service navigation targets. To enhance wildlife and recreation in the lower river, when practical and consistent with other project purposes, the Corps should reduce releases from August 1 to September 15 to full navigation service levels (41 kcfs at Kansas City).

Fort Peck Fish Enhancement Flows:

As part of the adaptive management program, the Missouri River Basin Association recommends trial fish enhancement flows from Fort Peck Reservoir. The enhanced flows will be coordinated with the unbalancing of the upper basin reservoirs, and thus will occur approximately every third year. These higher flows will be designed to enhance the recovery of the pallid sturgeon and to provide habitat improvements for the least tern and piping plover. MRBA will also work closely with officials from the Fort Peck Indian Reservation to ensure the protection of the Tribes' cultural resources there. The enhanced flows will adhere to the following criteria:

<u>Flow Rates:</u>	22,000 cfs
<u>Timing:</u>	Begin the first week in June
<u>Duration:</u>	Two weeks
<u>Frequency:</u>	Every third year, to coincide with scheduled low water year for Fort Peck Reservoir in the Corps' unbalancing of the upper basin reservoirs.

MRBA will work with state, tribal, federal, and local officials in the next few months to:

- a) develop appropriate flood and drought control restraints to impose on the proposed Fort Peck spring rise,
- b) estimate the cost of spilling water from the dam to increase river temperatures below Fort Peck Reservoir, and
- c) develop a strategy to protect tribal cultural resources and various infrastructure developments below the dam. The effect of the enhanced flow trials will be closely monitored through the Missouri River Environmental Assessment Program (MoREAP) program (see #4 below).

MRBA also recommends that all modifications to the existing flow patterns throughout the river system be implemented on a trial basis of approximately seven years. Throughout this period, extensive monitoring will determine the success of various approaches and the need to modify efforts to recover the basin's threatened and endangered species. In coordination with this experimental spring rise, winter releases will be modified as an adaptive management approach to minimize impacts during ice-up.

Gavins Point Releases:

MRBA recognizes the controversial nature of adjustments to releases from Gavins Point Dam. MRBA recommends that the Recovery Committee investigate the benefits and adverse impacts of flow adjustments to the existing uses of the river system.

3. Habitat Acquisition and Enhancement:

MRBA generally supports efforts to acquire land or easements from willing sellers as a means of enhancing fish and wildlife habitat in the basin. MRBA sees a need for continued funding of and coordination between programs that buy land or easements from willing sellers, compensation of counties and levee districts for lost taxes or fees, and enhancing the wildlife habitat value of those lands. The habitat acquisition and enhancement activities generally fall under the following programs:

- **The Fish and Wildlife Mitigation Project:** This program was originally authorized under the Water Resources Development Act of 1986 (WRDA). MRBA recommends that this project be adequately funded (at least \$15 million per year) while keeping administrative costs to a minimum. The 1999 WRDA bill recently re-authorized the Mitigation Project and increased the acreage eligible for the program.

- Sec. 514 of WRDA 1999: This companion piece of legislation that was also authorized in the WRDA 1999 will develop projects between the banks of the river and will allow Montana and the Dakotas to participate in habitat enhancement activities in the basin. MRBA supports this program.
- The U.S. Fish and Wildlife Service Refuge System: The U.S. Fish and Wildlife Refuge System is a critical element in the recovery of the basin's endangered species, and MRBA recognizes its value and the need for its continued viability.

MRBA also recommends investigating opportunities to acquire and enhance off-channel habitat to support the basin's threatened and endangered species. Such a program might provide incentives to floodplain landowners willing to participate in fish and wildlife habitat enhancement. Other programs that help restore the basin's fish and wildlife habitat such as the Corps' 1135 Program also receive the enthusiastic support of MRBA.

4. Monitoring and Research:

MRBA recommends immediate funding and implementation of a basinwide biological and hydrologic monitoring and research program to improve overall river management and enhance the basin's fish and wildlife habitat and species recovery. The main monitoring component is the Missouri River Environmental Assessment Program developed at MRBA's request by the Missouri River Natural Resources Committee. The MoREAP program should be administered by the USGS-BRD office in Columbia, Missouri.

A related research activity is the National Academy of Sciences study of the Missouri River. This study will take approximately two years and has been designed to determine the status of scientific understanding of the Missouri River. The study will identify areas where additional research of the river system is needed and it will be used as a tool to focus MoREAP's research and monitoring activities.

Tribal Recommendations:

MRBA supports the following activities and principles regarding the Missouri Basin Indian Tribes:

- Access by the Missouri Basin Indian Tribes to low cost hydropower produced from the dams on the mainstem Missouri River.
- Funding and training to help the Tribes identify and protect their cultural resources.
- Adequate consultation with the Tribes on the Fort Peck Indian Reservation concerning the proposed spring rise from Fort Peck Dam.
- Inclusion in the Master Manual Revised Draft Environmental Impact Statement a narrative about tribal considerations.
- Continuing studies on the impacts of the selected new alternative on the Missouri Basin Indian Tribes, their respective economies, and their cultural resources.

General Carl A. Strock
November 19, 1999

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Other Recommendations:

MRBA refers the Corps and others to the Association's Missouri River Planning Recommendations document published in April 1998. The document includes a variety of ideas designed to improve the basin's overall economic and environmental conditions and was developed with input and support of constituents throughout the basin.

MRBA is currently refining those recommendations and working towards their implementation. This work will be the central focus of MRBA over the next several years, and we look forward to cooperating with the Corps, other federal agencies, and Congress in that endeavor.

MRBA also recommends exploring the development of a financial relief and/or incentive program for river interests impacted by operational changes brought on by extreme climatological conditions:

* * * *

These constitute our recommendations for the preferred alternative that the Corps will publish in its RDEIS early next year. We encourage the Corps to proceed with its planned public review process following the release of its RDEIS. We recognize that there is still much work to be done before a new Master Water Control Manual for the Missouri River system is adopted, and we thank you for giving the states and Indian tribes this opportunity to develop and express our recommendations.

Sincerely,



Bud Clinch, President
Missouri River Basin Association

Cc: Missouri River Basin Governors
Col. Meuleners, Corps of Engineers
MRBA State and Tribal Directors
MRBA Federal Representatives
Missouri River Basin State Fish and Wildlife Agencies
Missouri River Natural Resources Committee Executive Director
MRBA Congressional Delegation

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Testimony of Senator David Klindt
St. Joseph, Missouri Public Hearing
U.S. Army Corps of Engineers - Revised Draft Environmental Impact Statement
Missouri River Master Water Control Manual

November 1, 2001

It is an honor to be here tonight to represent the constituents of the 12th Senatorial District of the State of Missouri. The 12th Senate District is comprised of 16, mostly rural counties, in the far Northwest corner of our state. Among these 16 counties are Atchison, Holt and Carroll counties which border the Missouri River.

As you might imagine, the rural makeup of the area I represent relies heavily upon the agriculture economy to sustain our economic viability. As a farmer myself, I understand firsthand just how damaging the proposals being discussed for changing the management of the Missouri River would be for our state's economy. My constituents and I are concerned about several specific components of the proposals being promoted by the U.S. Fish and Wildlife Service and under consideration by the Corps of Engineers.

We in Missouri are opposed to the higher reservoir levels being proposed for the Upper Basin Lakes. Reducing the amount of water provided to the lower basin states like Missouri will have a dramatic negative impact on irrigation, navigation, drinking water systems and electric utility operations.

The current plan has worked so well that the Upper Basin lakes now boast about an \$87 million recreation industry. If it works this well, then there should be no reason for the Corps to change course and damage the economy of the lower basin states like Missouri. We rely upon the current master manual and the water flows it supports on the Missouri River to maintain our barge operations which serve as a check against monopoly style shipping rates and keep the delicate balance intact which has served the entire basin well for decades.

We in Missouri are opposed to a spring rise that will inevitably result in more flooding, more interior drainage problems, and more risk for those who live and work some of the best farm ground our state has to offer. The proposals being pushed by the U.S. Fish and Wildlife Service upon the Corps of Engineers could raise river levels in St. Joseph on average 4.4 feet higher roughly once every three years. It takes 10-11 days for the releases from Gavins Point Dam in Iowa to make their way down river to St. Louis. Since there is no way that the Corps of Engineers can accurately predict the weather over the course of a 10-11 day span, these higher river levels will increase the risk to life and limb and increase the risk of millions of dollars in additional flood damage.

We in Missouri are opposed to proposals that would reduce summer river flows creating in effect a split navigation season. This aspect of the proposals would strike a deathblow to river navigation on the Missouri River and throw our state's already troubled

Testimony of Senator David Klindt
November 1, 2001
Page Two

transportation system further out of balance. While some unreasonable environmentalists may argue that ending navigation on the Missouri River is the appropriate environmental policy, I would argue that the opposite is true. Ending navigation on the Missouri River would result in serious harm to the environment.

Taking away the environmentally friendly and efficient waterborne system of shipping our products to market would put hundreds, if not thousands of additional trucks on our state's crumbling highways and likewise many more rail cars on our overburdened rail system. It wasn't too long ago that the rail carriers couldn't meet the demand of a bin busting harvest even when the option of barge transportation was still available to meet the increased demand of a highly productive crop year. If the Corps follows through with a plan that ends navigation on the Missouri River, these problems are going to get much worse.

We should be talking about making every effort to improve our navigation system so that the burden on other forms of transportation is lessened, not increased. There is no doubt river navigation is among the least polluting and least expensive forms of transportation in most parts of Missouri and the middle United States. As such, we should promote navigation as the common sense environmentally friendly mode of transportation that it really is.

One new wrinkle among the Corps' current proposals for changing the operating plan for the Missouri River is the idea of adaptive management. In my humble opinion, "adaptive management" is a way for the Corps to get around what they deem as the pesky Missourians in the lower river basin. In effect, this new policy would give Federal biologists in conjunction with the Corps cart blanche to change any operating procedures they deem necessary. We in Missouri oppose this idea as well.

As a farmer who has relied upon the land to earn a living, I am committed to maintaining a healthy environment and conserving the natural resources that surround us. I am supportive of efforts to restore native habitat for species in need of assistance, but there has to be some common sense in place when making decisions that place men, women, and children and their livelihoods in jeopardy.

In the midst of the reams of information produced over the last 7 years, what the Fish and Wildlife Service is pushing the Corps to consider really boils down to the creation of only 164 acres in net new habitat for the piping plover and the least tern. 164 acres. Is the Corps' actually expected to go along with a proposal to create 164 acres of new bird habitat while putting at risk over 1.4 million acres of prime farmland?

Testimony of Senator David Klindt
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Page Three

Comparing this measly 164 acres against the Corps mitigation program that has resulted in the restoration of thousands of acres of wildlife habitat shows just how ridiculous the Fish and Wildlife Service position really is. There is no rational need to implement the radical plans of the Fish and Wildlife Service which would devastate agriculture and navigation when the Corps' current program for redeveloping habitat along the Missouri River is more successful in restoring thousands of acres of land. In addition, this program has broad support throughout the Missouri River Valley including the Missouri Congressional Delegation.

Soon, our state and our nation will be celebrating the 200th anniversary of the Corps of Discovery. I am sure that our friends in the environmental community will attempt to use this occasion to rewrite the history books once again. However, before we begin to ponder what life was like back in 1804, let us remember that there was one overriding mission and purpose set forth by President Thomas Jefferson for Captain Meriwether Lewis and his Corps of Discovery. President Jefferson's primary concern was the discovery of whether there existed an all-water route from the Mississippi River to the Pacific Ocean for the future development of commerce and trade in America's new territory to the west.

Well ladies and gentlemen, I am happy to report nearly 200 years later that while an all-water route may not exist all the way to the Pacific Ocean, we have enjoyed the use of a viable all-water route from the Gulf of Mexico all the way to ports in the states of Nebraska and Iowa for decades. To implement any of the proposals which would do away with this vital national resource would fly in the face of long-standing United States policy in place since President Thomas Jefferson's orders delivered to Captain Meriwether Lewis nearly two centuries ago.

I implore the U.S. Army Corps of Engineers to let history be their guide as they decide whether President Jefferson's priorities are still worth following today.



**Revised EIS for the Missouri River Master Water Control Manual
November 1, 2001 Public Meeting
St. Joseph, Missouri**

Good evening, my name is Steve Kidwell. I work for Lafarge North America. ^{JMK.} We are a worldwide leader in supplying construction materials, most notably Portland cement, concrete, aggregates, wallboard, and roofing tiles. Lafarge is strongly committed to producing high quality products safely and responsibly.

I work at the cement plant in Sugar Creek, Missouri. Our facility and property lie on the south bank of the Missouri River just east of Kansas City, Missouri. I manage all the environmental and public affairs at our location there.

Cement manufacturing has existing at this location long before Lafarge acquired the facility in 1991. In fact our property has supported limestone mining and cement manufacturing since 1907. The river has been used for raw material, fuel, or product transportation since the beginning.

Lafarge is investing heavily in this location. To meet increased demand, we are nearing the completion of a \$200,000,000 project to nearly double our annual cement production capability. Lafarge has also recently invested over \$300,000 in the barges used to transport cement to Omaha, Nebraska.

River transportation remains a vital link in our supply chain and the most cost effective, safe, and, environmentally friendly form of transportation that we can employ in our region.

As a specific example, next year Lafarge anticipates shipping up to 79 barge loads of cement to our customers. This same amount of material would require over 4000 tractor-trailers, create additional safety and noise concerns for our cities and highways, and consume 3-4 times the amount of fuel resulting increased air emissions.

These are significant environmental and quality of life impacts. And yet, I haven't even included the impact of receiving raw materials or fuels by barge.

River transit also serves to keep rail and truck transportation rates more competitive, and that is good for all industries.

^(OVER) Utilizing the current Master Water Control Manual allows for enough time in the navigation season to ship enough tons of cement to meet the consumer demand. In summary, Lafarge's supports any alternative that does not result in a split navigation season or significant reduction in the length of the navigation season.

In conclusion.

Lafarge wants to maintain the ability to ship & receive materials by barge. We believe the Mo. River provides ^{the most} ~~the~~ cost effective, safe, and environmentally sound way ~~to ship our products~~ to do this.

Lafarge supports any alternative that avoids a split navigation season or significant reduction in the length of the navigation season.

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November 1, 2001

**TESTIMONY:
ST. JOSEPH, MISSOURI PUBLIC HEARING
REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT
MASTER WATER CONTROL MANUAL
MISSOURI RIVER
REVIEW AND UPDATE
UNITED STATES ARMY CORPS OF ENGINEERS
NORTHWEST DIVISION
COLONEL DAVID A. FASTABEND, COMMANDER**

Good evening. My name is Tom Waters. I serve as Chairman of the Missouri Levee and Drainage District Association. Our Association consists of levee districts, drainage districts, businesses and individuals affected by the Missouri River and its tributaries.

Colonel Fastabend, in October of 1994, I stood before Colonel Michael Thuss, then Commander of the Missouri River Division of the U.S. Army Corps of Engineers, and presented testimony on the Draft Environmental Impact Study for the Missouri River Master Water Control Manual. Tonight, I am here to once again voice my disappointment in the alternatives the Corps of Engineers has presented for public comment.

I have with me, copies of the testimony I presented in 1994 and ask they be added to the record of this hearing. You may ask why I am requesting to have testimony that is seven years old added to the record. The answer is simple. The same testimony I presented in 1994 outlines the same feelings I have tonight. You see Colonel; despite seven years of debates, meetings, studies, comment periods, workshops and millions of the taxpayers dollars being spent, not much has changed.

Farmers are still facing alternatives containing a spring rise and low summer flows. I am submitting my 1994 testimony because the Corps did not hear clearly in 1994, when farmer after farmer stood up and told Colonel Thuss that a spring rise would increase the risk of flooding and hinder their ability to plant and raise crops. The corps did not clearly understand when hundreds of people told Colonel Thuss their livelihoods would be damaged and in some cases completely destroyed if the preferred alternative were implemented.

It is apparent to me the corps did not clearly understand because the alternatives proposed in the Revised Draft EIS contain the same spring rise and low summer flows. What is even worse is the new versions of proposed plans contain even higher spring rises. No Colonel, if the Corps would have been listening to the people who live and work along the river, I believe the revised draft EIS would have been dramatically different.

The original authorized purposes of the flood control and navigation project should have been weighed accordingly with their value to the people the reservoir system serves and protects. Instead, flood control, agriculture, navigation, municipal water supply and many of the other important economic beneficiaries of the system have been pushed aside to promote an environmental agenda. The United States Fish and Wildlife Service issued a biological opinion filled with flawed science, theories and guesses about how changes in flows might benefit the threatened and endangered species found in the river. Meanwhile, biologist and those studying the river and its species admit to not knowing if the changes in flow will bring about the desired results. Their desire to turn the Missouri River into a 2,341-mile long science experiment is not shared by those of us whose lives will be most affected.

Colonel, I will continue to oppose any plan presented by the Corps of Engineers calling for increases in spring flows above those in the current plan or summer flows which would bring about a split navigation season and an end to navigation on the Missouri River. Therefore, of the alternatives presented in the Revised Draft Environmental Impact Statement, the only alternative I can support is the Current Water Control Plan without the incorporation of the adaptive management strategy. I urge you to stop the wasteful spending of the taxpayer's money on this process and recommend the Corps continue to use the plan, which has served our country well for over sixty years.

As I read through the summary of the Revised Draft EIS, I could clearly see, more than ever, my farm and livelihood are threatened. Now is the time for you to seriously consider the economic impacts of your decision. Will the federal government continue to keep its commitment of flood protection to the communities along the river? Will farmers be allowed to continue to produce food in some of the nations most fertile lands found along the river? Will the river continue to be a source of power production and water supply for millions of homes? Will the river continue as source of transportation linking the middle United States to the rest of the world? Or will all this be thrown aside to allow biologist and radical environmentalist to conduct a biological experiment based on nothing more than theories and the eagerness to control the Missouri River?

Colonel, I take pride in producing food for a growing population of Americans. The Missouri River bottomlands contain some of the finest farmland in the world and I will continue to strive to keep the land I farm productive. In keeping with this goal, I will continue to voice my opinions relating to the management of the Missouri River and look forward to standing before you again in the coming days. Thank you.

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OCTOBER 3, 1994

TESTIMONY: KANSAS CITY, MISSOURI PUBLIC HEARING DRAFT ENVIRONMENTAL IMPACT STATEMENT MASTER WATER CONTROL MANUAL MISSOURI RIVER REVIEW AND UPDATE UNITED STATES ARMY CORPS OF ENGINEERS MISSOURI RIVER DIVISION

Good evening. My name is Tom Waters. As Secretary of the Missouri Levee and Drainage District Association, I represent levee and drainage districts along the Missouri River and its tributaries across the State of Missouri. Our organization is opposed to the recommended changes in the Master Water Control Manual and disappointed in the Corps of Engineers willingness to sacrifice the flood control and navigation uses of the mainstem reservoir system in order to improve the fishing and recreation industries in the Upper Missouri River Basin.

With the release of the Draft Environmental Impact Statement of the Missouri River Master Water Control Manual, the Corps of Engineer's Missouri River Division has completed one of the first steps of the difficult and long process of reviewing and updating the operation of the Missouri River Mainstem Reservoir System. Those working on the review and update should pay close attention to all sides of the many complicated issues involving changes in the mainstem system. The Corps actions will ultimately effect thousands of lives and businesses along the entire river system.

My comments are meant to help the Missouri River Division of the Corps of Engineers complete their study of the mainstem system and emphasize points which are important to the levee & drainage districts along the Missouri River and its tributaries. I hope the comments will be useful and taken into consideration by the Corps and those who will be making decisions which will have a great impact on those living and working in the floodplains of the Missouri River and its tributaries.

The Missouri River System is no longer a "natural" river system. Developments over the last 150 plus years have slowly changed the system. As human lifestyles have evolved, man has used his ability to improve the river system and has enhanced the useful benefits of the Missouri River.

Cities have grown along the Missouri River and tributaries increasing the runoff of rainwater and the speed of water entering the river system. Each time a housing neighborhood developed, a parking lot or street was paved, and land was covered causing water to runoff faster, the river's natural flow pattern was changed.

As development continues, not only in the floodplain but in upland areas as well, the river system changes. The river continues to become faster and carry more water. This is not "natural" and is a fact we must face and deal with. To create "natural" river flows, the flows into the system must be natural. This is no longer possible because much of the water entering the system would have naturally soaked into the soil before reaching the river or been slowed by the natural ground cover.

It is not practical to destroy the development which has changed the river. The United States government has recognized the increased river flow and uses dams, channelization, and other structural and non-structural methods to control the river flow. These developments caused the river to become even more unnatural but extremely useful for navigation, hydropower, water supply, irrigation, and recreation.

The Missouri River Division and the United States government should keep its original goal of maintaining the mainstem reservoirs as flood control and navigation projects to help compensate for the development of man's lifestyle which increases flows into the river and continues to increase the threat of flooding for those downstream.

Increased river levels in the spring keep land near the river wet when farmers need to be preparing the soil and planting their crop. The capillary action of the ground water from a high river pulls water up into soil which normally would be dry in the spring. Drainage outlet pipes need to be open in the spring to help drain water from the normal spring rainy season. A high river in the spring could cause the outlet flood gate to be covered and hold back water which would normally be released into the river. This process would increase the risk of flash-flooding and keep land covered with water longer following heavy spring rains.

Flash-flooding on smaller tributary rivers is already a problem in many areas. Higher Missouri River levels weaken the tributaries' ability to carry

water away from high risk flash-flood areas. The Missouri River Division needs to better identify how the changes in the Master Water Control Manual will effect Missouri River tributaries and the farmland in the floodplain. Changes in the river flow effect thousands of acres of land several miles in either direction from the river itself. These consequences need to be recognized by all parties involved in the decisions regarding the Missouri River flows.

There are many acres of wetlands located away from the banks of the river which are greatly effected by the river. Ponds and blue holes left by floods in the past rise and fall with the river and may be located several miles from the actual river bank. These wetland areas provide wildlife habitat and are home to a wide range of fish and wildlife. The Corps study should include these areas, located away from the river and protected by levees, when calculating the wetlands and riparian habitats of the Missouri River.

The Corps study should include nesting habitat along tributaries and possible structural alternatives which could provide habitat for the birds and other fish and wildlife along the Missouri River System. Fish and wildlife have the ability to adapt to many different alternatives. The principal function of the mainstem projects should remain flood control and navigation.

The primary environmental resource of the Missouri River System is the water. It is the water which provides the life blood of much of the Midwest. The water provides power for homes and business in the floodplain and upland areas. The water feeds the crops in the highly productive soil found in the floodplains. The water carries products to and from the Midwest as it connects the center of our country with ports throughout the world. The water is supplied to city and rural water systems for millions to drink and use in their everyday life. As one of our nations greatest natural resources, the water in the Missouri River System should be used wisely and in a manner which best serves the people of our country.

The people of United States have a valuable resource which has served as the backbone of the Midwest economy and continues to feed the nation's growth. How the Missouri River water is handled will play a great role in the future of the Midwest economy and the lives of millions of people. The changes recommended in the preferred alternative would place fish and wildlife above all other beneficiaries of the Missouri River. This is not a good plan.

The original purposes of the mainstem projects were flood control and navigation. The Corps should keep this the highest priority throughout its study. As choices are considered which would weaken the flood control system, those downstream from the mainstem reservoirs watch closely with the hope their livelihoods will be protected and not overshadowed by special interest groups willing to sacrifice human lives and jobs for the benefit of fish and wildlife.

The Missouri Levee and Drainage District Association is opposed to changes in the Missouri River Master Water Control Manual. The current manual has worked well for many years and should be used to continue to operate the mainstem reservoirs in a manner which will benefit all parties involved. The preferred alternative is clearly one-sided to benefit the fishing and recreation industries of the States in Upper Missouri River Basin. Downstream interest need to be better represented in the Corps study and flood control and navigation must remain the highest of all priorities when considering changes.

My comments are respectfully submitted on behalf of the Levee and Drainage Districts across the State of Missouri along the Missouri River and its tributaries. Lives and property of the people in these areas could be dramatically changed by the preferred alternative found in the Draft Environmental Impact Statement. Our voices must be heard and opinions considered.

Thank you for the opportunity to testify and best of luck as you reconsider the impacts of your study.

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OCTOBER 12, 1994

**TESTIMONY:
ST. JOSEPH, MISSOURI PUBLIC HEARING
DRAFT ENVIRONMENTAL IMPACT STATEMENT
MASTER WATER CONTROL MANUAL
MISSOURI RIVER
REVIEW AND UPDATE
UNITED STATES ARMY CORPS OF ENGINEERS
MISSOURI RIVER DIVISION**

Good evening. My name is Tom Waters. I am the Secretary for the Missouri Levee and Drainage District Association. Our association consist of levee districts, drainage districts, businesses and individuals affected by the Missouri River and its tributaries from Omaha, Nebraska to Saint Charles, Missouri.

Colonel Thuss, on October 3, I presented formal testimony in Kansas City on behalf of our Association. Tonight I would like to talk about a puzzle with many pieces which create a picture of decline and despair for millions of people effected by the Missouri and Mississippi Rivers.

The past year has been an educational experience for me as I have studied the various pieces of this large puzzle designed to, in the words of some improve and enhance our environment. I have studied reports, written comments and participated in activities which have helped me better understand an agenda which if implemented could ruin my farming business and severely hinder the agricultural industry.

I followed General Gerald Galloway and the Interagency Floodplain Management Review Committee as they studied the 1993 flood and looked for ways to lessen the federal governments risk and responsibilities in the floodplain. I am following Senate Bill 2418 better known as the Baucus Bill which would chase farmers, businesses and development out of the floodplain. The United States Fish and Wildlife Service is developing the Big Muddy Fish and Wildlife Refuge where they have identified 60,000 to 100,000 acres along the

Missouri River that they plan to acquire. These programs along with the Master Water Control Manual Review and Update seem to all be related to a larger agenda to convert our floodplain from a highly productive agricultural and transportation resource to a mosquito infested swamp which would destroy the local economies along the Missouri River.

Colonel, tonight we are discussing the future of the Missouri River and those who depend on it for their livelihood. Before we look too far forward I would like you to look back into the past and think about how we got where we are today.

As a sixth generation farmer, I think about my Grandfather, Great Grandfather and his fathers who helped clear the land, fight the river and turn the floodplain into some of the world's highest producing cropland. Today, I see my role as a farmer not only as a producer but as a protector. My job is to tend the soil, keep it productive and make sure it is there for my heirs just as my fathers did before me.

The States in the Upper Missouri River Basin would lead you to believe the current Master Water Control Manual plan is destroying their recreation and fishing industry. On the contrary, the recreation and fishing industry has made tremendous strides under this plan and will continue to grow without changes in the Master Water Control Manual. The Upper Basin States suffered through a drought just as the Lower Missouri River Basin States suffered the effects of flooding. In both instances the current Master Water Control Manual worked as designed. There exist a balance in the current plan which would be lost if the new changes proposed by the Corps of Engineers were to be implemented.

The Corps of Engineers could come up with a plan which would dramatically improve the barge industry or a plan which would improve the agricultural benefits of the river all at the expense of the Upper Basin States. We are not asking for this. We simply ask that the Corps keep the current plan of operations. The proposed plan is one-sided and clearly provides greater benefits to the Upper Basin at the expense of the Lower Basin. We would lose the balance and the economy of the Midwest would suffer.

Colonel you are in a unique position. The final picture of the puzzle has yet to be determined. We are asking you to send a message to your superiors, their superiors and leaders in the House, Senate, and Administration who support these plans. Put the brakes on and slow these changes. Pass the word that you will not bow to the pressures of environmental and special interest groups willing to sacrifice human lives and jobs. By dismissing the proposed Master Water Control Manual changes you can help change the puzzle from a hazy picture of policy reversal which would mean the end of the barge industry on the Missouri River and the decline of Missouri agriculture into a picture of

development, progress and growth.

Our forefathers dreamed of a river which would be a transportation link between the Midwest and the world. They worked hard to improve the river and the floodplain making it a source of food for the world. Today we must carry on their goals and keep the floodplain productive and growing. We must continue to be a forward thinking nation and strive to protect the work of our past generations.

Colonel Thuss, as new pieces of the puzzle are uncovered I will work hard to protect the economy, people, and land in the floodplain. Please do the same.

Thank you.

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November 1, 2001

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

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

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

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

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

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

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

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

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

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Statement of Robert W. Crouch
November 1, 2001

My name is Robert Crouch. I reside at 12350 Donovan Drive, St. Joseph, Missouri. I currently chair the Agribusiness Committee of the St. Joseph Area Chamber of Commerce.

I am a certified public accountant, and have an MBA degree with an emphasis in transportation finance from Indiana University. I am the managing member of Crouch Farms, LLC., a crop and livestock farm in north eastern Kansas.

I have participated in the preparation of cost studies for the Waterways Freight Bureau, and have more than 25 years experience working in transportation, agriculture and finance as a manager and consultant.

I have read the Summary Revised Draft Environmental Impact Statement, and am of the opinion that all four of the proposed alternatives fail to achieve the mandated objectives of flood control and transportation, and that the economic analyses are flawed.

Each alternative would result in higher spring and lower summer river levels than are now being experienced. The spring rise at St. Joseph would be increased between three and four feet depending upon the alternative, and there would be a loss of agricultural production due to poor interior drainage and increased flooding. The summary information indicates negligible economic losses from the exaggerated spring rises. The Iowa Farm Bureau recently performed a study of the potential impacts inside the levees in the five Iowa counties that would be directly affected by changes to the operating plan, and projected that these changes would cause a total annual economic loss to the state of Iowa of \$39.7 million per year, of which \$13.2 million would be the direct impact on agriculture. It is reasonable to assume that there would be a similar impact on the Nebraska side of the river, and that the losses would continue on both sides of the river all the way to St. Louis. Extrapolating from Iowa Farm Bureau's calculations would indicate a negative annual economic impact in excess of \$100 million per year, rather than the negligible effects reflected in the RDEIS summary.

The proposed alternatives would also result in split or shortened navigation seasons with the result that commercial navigation on the Missouri River would most likely disappear. The potential negative impacts from loss of navigation appear to be minimal, but it must be remembered, that the commercial barge industry on the Missouri River has been nearly eliminated by failure to comply with the navigational requirements of the law.

The American farmer is engaged in a competition for control of the world grain markets. Brazil is in the process of converting tens of millions of acres in the Matto Grasso and other areas to Soybean production and is competing effectively for the export markets of Japan and Asia. Because we have lower transportation costs, we still hold a competitive

edge with respect to these markets. South America, however, is in the process of developing and improving its inland waterway transportation system while we are allowing ours to deteriorate or curtailing its use. The loss of barge transportation as an alternative means of reaching the Gulf of Mexico would cause a reduction in the value of each bushel of grain produced in the region, and if the markets were to be lost, could result in a long range loss of production for the area.

The economic benefits that would result if the River were managed in a manner that would promote barge transportation have been ignored .

Others have addressed the potential effects lowered summer River levels on the release of cooling water from electric generating plants and other facilities making thermal discharges into the river, especially during the summer months. In view of the tightness of generating capacity, the potential loss of electric power generation during peak summer periods could also have a severe negative economic impact.

The piping plover, least tern and pallid sturgeon all exist in conditions other than those contemplated by the alternatives. If regeneration of these species is desirable, I suggest that other means of creating friendly habitat be engineered that do not require manipulation of the river levels.

I believe a plan can be developed that will maximize the economic potential of the river and its surroundings, while at the same time promoting effective wildlife management and enjoyable recreation. Without the benefits that effective commerce can provide, the wildlife and recreational aspects of the plans would be luxuries we can't afford.

Thank you.

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Testimony provided by: Mike Smith, Plant Manager -Lake Road Generating Station
UtiliCorp United Inc./Energy One
1413 Lower Lake Road
St. Joseph, MO 64504

UtiliCorp United Inc. appreciates the opportunity to provide comments to the U.S. Army Corps of Engineers concerning the alternative operating plans for the Missouri River Master Water Control Manual. Detailed written comments will be provided at a later date.

UtiliCorp United Inc. (Energy One) respectfully requests the Corps of Engineers fully consider the impacts of the alternative operating plans on electric generating facilities that utilizes the Missouri River water in the process of generating power. Of primary concern is the impact of reduced river flow during the summer months when customer demands are at their highest. Energy One currently owns and operates the Lake Road Electric Generating facility in St. Joseph, Missouri. The largest unit at this facility, unit 4-6, utilizes the Missouri River as the sole source for once through cooling. Unit 4-6 has previously experienced forced outages when the river flow was too low to allow the facility to intake required cooling water from the Missouri River. In addition, unit 4-6 has experienced numerous occasions when generation levels had to be lowered to maintain compliance with thermal discharge limits included in the station's NPDES (National Pollutant Discharge Elimination System) permit.

Energy One supports species habitat restoration, however we are concerned that the alternative operating plans will reduce the reliability of electric service.