

1 US ARMY CORPS OF ENGINEERS

2 NORTHWESTERN DIVISION

3 OMAHA, NEBRASKA

4

5 IN RE: MISSOURI RIVER STUDY

6

7 TRANSCRIPT OF PROCEEDINGS

8 BE IT REMEMBERED that on Tuesday, November 13, 2001,

9 the US Army Corps of Engineers met in a Public

10 Hearing at 7:00 p.m. at the Radisson Hotel & Suites,

11 200 North Fourth Street, St. Louis, Missouri, 63102,

12 at which time the above entitled cause came on for

13 hearing before Colonel David Fastabend, Hearing

14 Officer.

15

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17

18

A P P E A R A N C E S

19 CHAIRMAN: COLONEL DAVID FASTABEND

20

21 TEAM MEMBERS: LARRY CIESLIK
22 ROY MCALLISTER
23 PATTY LEE
24 ROSEMARY HARGRAVE
25 PAUL JOHNSTON
RICHARD MOORE
JODY FARHAT
BETTY NEWHOUSE
JOHN LARANDEAU

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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 COLONEL FASTABEND: Okay. If you intend
5 to get a chair, I'd recommend a chair to you, if you
6 want to go ahead and take it, we're going to get this
7 underway.

8 My name is Colonel David Fastabend and I'm
9 a member of the Armed Forces of the United States of
10 America. I introduce myself in that way for a
11 special reason tonight. A lot of us are here
12 tonight, we've got problems. We're worried about the
13 Missouri River; we're worried about whether we're
14 going to get our e-mail in our rooms tonight; we're
15 worried about our flights home tomorrow, but there
16 are other Americans other places worried about other
17 things. Right now it's about 1900 hours, it's early
18 morning, still dark over Afghanistan. You can bet
19 pretty good money there is an Air Force pilot over
20 Afghanistan right now. He's concentrating, he's
21 totally focused. He's totally focused on delivering
22 a weapon to a target. He's applying years of
23 training to do that with the best precision he
24 possibly can do. It's a tribute to the nature of our
25 culture as Americans that he is worried not only

1 about detecting an anti-aircraft missile launch, he
2 is probably worried about whether or not he's going
3 to do collateral damage. There is not many other
4 countries in this world that worry about things like
5 that.

6 There is probably a sailor on the deck of
7 an aircraft carrier. He may have been working for
8 fourteen hours. He is in one of the noisiest, most
9 dangerous environments known on the planet. He's
10 tired, he's worried about himself, he's worried about
11 his crew, he's worried that someone is going to make
12 a mistake. There is hundreds of pounds of aircraft
13 hurtling passed him about an arm's length away;
14 that's what he is worried about tonight.

15 There is probably a Marine living in less
16 space than the surface of this table. He's on a ship
17 several miles away. He's doubled up, he's cleaning
18 his weapon, he's been waiting for five weeks for the
19 word to go somewhere and he's worried that he's not
20 going to get the word. That's the way Marines are,
21 they're fabulous people, and that's what he's worried
22 about.

23 There is probably somewhere in a hilltop
24 in Afghanistan in a place we'll never know about an
25 Army Special Forces Sergeant and he's in a hole that

1 he dug in that hillside three or four days ago. He's
2 got a special canvas cover over the top of it with a
3 few inches of dirt and some snow. He's worried about
4 getting out of that hole before it gets light so he
5 can stretch his legs and go to the bathroom. He's
6 worried that when he goes off-shift, goes to sleep,
7 that the body heat in that hole is going to burn off
8 the snow and his position might go to detected. He's
9 worried that he'll miss his cave entrance he's been
10 watching for several days to make sure that something
11 important doesn't come in or out of it. That's what
12 he's worried about.

13 So we've all got things to worry about and
14 I don't want to stand here in uniform without
15 mentioning those people who are worried about,
16 believe it or not, much more important things than
17 what we're dealing with. We are dealing with a very
18 important issue, very contentious, very problematic,
19 something that's been going on for years. I know
20 everybody here as citizens of this great country is
21 committed to give it their best thoughts and the best
22 inputs and I thank you for being here.

23 I've got several people from Northwestern
24 Division here on the Missouri River Master Manual
25 Team and I want to point them out to you very

1 quickly. We've got Larry Cieslik in the back. Rose
2 Hargrave in the hall. Roy McAllister, left rear
3 corner there. Patti Lee by the door. Betty Newhouse
4 is outside I think right now. John LaRandeau, right
5 there in the red shirt. Paul Johnson off to the
6 right. Rick Moore is going to be helping me up here.
7 Jody Farhat. Also I've got my Deputy here from,
8 Colonel Dan Krueger, in the uniform in the back.
9 He's joined by Colonel Mike Morrow from the St. Louis
10 District. We've got Mr. Mike White, one of my
11 Deputies from the Northwestern Division. Mr. Mike
12 Barth from the Kansas City District. Larry Kilgo,
13 Don Flowers, and also from an agency Western Area
14 Power Admin, Mr. Nick Staz. (Phonetic) Did I get
15 that right? Staz, sir?

16 MR. STAZ: Yes.

17 COLONEL FASTABEND: Okay. Thank you.
18 This is the twelfth of fourteen Hearings for the
19 Missouri River Master Manual process. This afternoon
20 we conducted an openhouse workshop. I hope some of
21 you had a chance to go by. I understand we had about
22 thirty, forty people go by and check out the
23 workshop. The displays from the workshop are still
24 up so I hope during the break, if we have to go long
25 enough to take one, and I suspect this evening we

1 elected representatives I'd like to acknowledge this
2 evening. We have Congressman Kenny Hulshof who is
3 here with us. We also have Mr. John W. Smith
4 representing Governor Holden. Mr. Charles Barnes
5 representing Senator Bond. Mr. Tom Horgan
6 representing Representative Akin. Mr. Don Lucietta
7 representing Congressman Blunt, and Mr. Sando who is
8 a representative for Governor Hoeven in the State of
9 North Dakota.

10 This Hearing is being recorded by
11 Mr. Bo Kriegshauser of Kriegshauser Reporting who
12 will be taking verbatim testimony that will be the
13 basis for the official transcript and record of this
14 Hearing. This transcript with all written statements
15 and other data will be made part of the
16 administrative record for action. Persons who are
17 interested in obtaining a copy of the transcript for
18 this session or any other session can do so. Persons
19 interested in receiving a copy need to indicate this
20 on one of the cards available at the table by the
21 entrance. Also if you are not on our mailing list
22 and desire to be on our mailing list, please indicate
23 this on the card. In order to conduct an orderly
24 Hearing it is essential that I have a card from
25 anyone desiring to speak, giving your name and who

1 you represent. If you desire to make a statement and
2 have not filled out a card, if you'll raise your hand
3 right now we'll get a card over to you.

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

14 I want you to remember that tonight's
15 forum is to discuss the produced changes in the
16 operation of the Missouri River Main Stem System as
17 described in the recently released Revised Draft
18 Environmental Impact Statement. We should
19 concentrate our efforts on issues specific to that
20 decision. It is my intention to give all interested
21 parties an opportunity to express their views on the
22 proposed changes freely, fully and publicly. It is
23 in the spirit of seeking a full disclosure and
24 providing an opportunity for you to be heard
25 regarding the future decision that we have called

1 this Hearing. Anyone wishing to speak or make a
2 statement will be given the opportunity to do so.

3 The Missouri River Main Stem System
4 consists of a series of Corps of Engineers
5 constructed and operated projects, so officially that
6 makes the Corps a project proponent. However, it is
7 our intention that the final decision on the future
8 operational guidelines for these projects reflects
9 the plan that considers the views of all interests,
10 focuses on the contemporary and future needs served
11 by the Main Stem System and meets the requirements
12 established by Congress.

13 As the Hearing Officer, my role and
14 responsibility is to conduct this Hearing in such a
15 manner as to ensure the full disclosure of all
16 relevant facts bearing on the information that we
17 currently have before us. If the information is
18 inaccurate or incomplete we need to know that and you
19 can help us make this determination. Ultimately the
20 final selection of a plan that provides the framework
21 for the future operations of the Main Stem System
22 will be based on the benefits that may be expected to
23 accrue from the proposed plan as well as the probable
24 negative impacts, including cumulative impacts. This
25 includes significant social, economic and

1 environmental factors.

2 Should you desire to submit a written
3 statement and do not have it prepared, you may send
4 it to the U.S. Army Corps of Engineers Northwestern
5 Division at our office in Omaha and there is
6 information here in the Hearing room as to the
7 address, and the FAX number and the e-mail address.
8 The official record for this Hearing will be open
9 until 28, February, 2002. To be properly considered
10 your written statement must be postmarked by that
11 date.

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

1 clarify points for my own satisfaction. Since the
2 purpose of this Public Hearing is to gather
3 information which will be used in evaluating the
4 proposed plan or alternatives to it, and since open
5 debate between members of the audience will be
6 counter-productive to this purpose, I must insist
7 that all comments be directed to me, the Hearing
8 Officer.

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

21 I will now call the names of those who
22 have submitted cards beginning with the elected
23 officials and beginning with Congressman Hulshof.

24 CONGRESSMAN HULSHOF: Colonel, thank you.
25 For the record, my name is Kenny Hulshof,

1 H-U-L-S-H-O-F. It is my privilege to be here. I
2 represent Missouri's Ninth Congressional District and
3 I first want to thank you for convening this Hearing.
4 I think it's especially appropriate that we are here
5 near the confluence of the Missouri and the
6 Mississippi River. I'm privileged to represent a
7 Congressional District that includes about 216 miles
8 of river, about a 138 of the Mississippi and the
9 remaining miles along the Missouri, and what I would
10 like to do is just briefly touch on three areas:
11 Flooding, I want to talk a little bit about
12 environmental mitigation efforts, and navigation.

13 I am not -- In fact, I beg the indulgence
14 of my constituents that are here, there are votes
15 going on in Washington, D.C., tonight and I skipping
16 those votes because I felt it appropriate really to
17 be here. I'm not speaking on behalf of my
18 colleagues, Missouri Congressional Delegation,
19 Colonel, but I think as you know from the many pieces
20 of correspondence that we have made to the Army Corps
21 of Engineers, the Missouri delegation has been quite
22 united in its effort especially on the issue of a
23 spring rise or a split navigation season. It seems
24 that as the state with the largest population of the
25 eight basin states, it seems that we Missourians are

1 the ones that are being asked to sacrifice the most
2 and we really do believe that we can find a
3 compromise acceptable to all of the river
4 stakeholders and we'll continue to work toward this
5 end.

6 A couple months ago in speaking with an
7 Army Corps official regarding the upriver and
8 environmental interests, the comment was made by a
9 Corps official that the spring rise would only result
10 in some, quote, "inconvenience flooding". I'm used
11 to hearing such statements from special interest
12 groups and maybe even the U.S. Fish and Wildlife
13 Service, but to hear such comments from the Army
14 Corps was a wake-up call to me quite frankly.

15 I'm not going to offer a hypertechnical
16 analysis of why these plans won't work for Missouri.
17 I think that probably as you have been upriver you
18 have heard from Missouri business people; you have
19 heard from farmers, many of them are here tonight.
20 There has been a lot of talk among the upriver
21 interests and some of the environmental concerns that
22 claims of potential flooding have been greatly
23 exaggerated and obviously I dispute that claim.

24 As you and I have chatted before, I think
25 it's incumbent upon me a little bit to present the

1 worst case scenario, and I note of interest -- and I
2 appreciate the video earlier because it said that the
3 spring pulse, and again I think that's a euphemism,
4 or what somebody may call a spring pulse -- or I
5 think another way it's been referred to is a
6 hydrological modification and what that could have
7 meant, and I know the video said that, well, it
8 wouldn't have been done this year in 2001. Well,
9 suppose this scenario: Suppose the upriver
10 reservoirs had maintained a very high level through
11 the weekend -- the Memorial Day weekend, which of
12 course is quite important I'm told by recreational
13 interests. On June the 1st the Missouri River at
14 Hermann, Missouri was at 13 feet, and that's normal.
15 Due to heavy rainfall upriver, on June the 8th, seven
16 days later, the river stage was at 29 feet. That was
17 an elevation at Hermann, Missouri of 16 feet in only
18 one week. As you know, Colonel, flood stage is when
19 the channel is full, damage begins to occur and in
20 seven days the Missouri River in my District went
21 from normal levels to eight feet above flood stage.
22 Now, fortunately not a lot of damage occurred because
23 we do have adequate structural flood protection built
24 to withstand floods under the current Management
25 Plan. But I shutter to think what would have

1 happened if after the Memorial Day recess the
2 decision had been made to send that controlled pulse
3 or spring pulse down the Missouri River. As you know
4 it can't be turned off once it is sent down. That
5 man-made spring rise coupled with heavy rainfall
6 provided by mother nature would have been in my
7 estimation not only economically devastating but
8 quite frankly potentially life-threatening. And
9 while the upriver recreation industry would have been
10 congratulating themselves, shaking their hands and
11 heading off to the bank, we Missourians would have
12 been consoling ourselves holding hands and stranded
13 on our rooftops. And so I urge you through this
14 decision-making process to consider that controlled
15 flood. It's something that I cannot support.

16 I want to touch briefly -- I'm not a
17 marine biologist, I'm not a scientist, there are
18 those who provided that type of testimony, perhaps
19 they're here tonight, but I do want to make a couple
20 of points and especially I want to commend the
21 Missouri Department of Natural Resources because they
22 provided I think some scientific information that
23 really disputes the claims of U.S. Fish and Wildlife
24 regarding the pallid sturgeon and the piping plover
25 and the least tern.

1 I hope my statements here tonight will not
2 be interpreted to say that somehow I'm against these
3 endangered or threatened species. I'm in favor of
4 all of God's creatures but what I would like to say
5 is I think the Missouri DNR has made some really
6 compelling arguments. The Missouri River here, at
7 least on the lower end, on the lower river side here
8 in Missouri already have natural fluctuations that
9 resemble the natural hydrograph and despite these
10 natural high and low flow conditions, certain species
11 are still not flourishing. I think, however, I'm
12 convinced as they are convinced that some off-channel
13 mitigation efforts, perhaps some non-flow related
14 mitigation and restoration habitat efforts could be
15 done. I know clearly on the upper Mississippi some
16 great progresses have been made with the EMP
17 programs. I think similar restoration can be done on
18 the Missouri River, and again I would defer to those
19 experts in the field.

20 Finally what I would like to talk about is
21 just briefly regarding navigation, and again I point
22 not only to the fact that we're here at the
23 confluence of the Missouri and Mississippi, but I
24 bring up the fact that I'm proud to be the Co-Chair
25 of the Mississippi River Caucus. We have had a host

1 of Hearings on the challenges on the upper
2 Mississippi as well as the lower Mississippi and as
3 you know, Colonel, I think with additional Hearings
4 that are going to be on the lower Mississippi River
5 region, that the manipulation or a change in the
6 current Management Plan on the Missouri River is
7 going to have very direct consequences as far as
8 navigation along the lower Mississippi. The Inland
9 Waterway System is crucial to American agriculture.
10 I'm a farm boy, I grew up in the shadow of the
11 Mississippi River down south from Cape Girardeau
12 about thirty miles. One-third of our nation's
13 agricultural products are exported to other countries
14 and 60 percent of those commodities pass about a
15 rock's throw from here through the locks and dams at
16 Granite City and in Alton.

17 I point out the fact that I note also from
18 the video in response it mentioned I think some 140
19 ports or terminals, and I would just say this to the
20 recreational interests for those upriver, they point
21 to the fact that the recreation and the millions of
22 dollars in recreation, and compare that to,
23 vis-a-vis, to the amount of navigation that's done on
24 the Missouri River, and yet if I were a business
25 person involved in inland waterway transportation

1 this debate has been raging for eleven years through
2 three presidential administrations, through four
3 Missouri governors and I'm not sure that with the
4 economics hanging in the balance whether or not I
5 would make any additional investment on the Missouri
6 River because of this very difficult decision that
7 you now are going to make. So I would respectfully
8 say to those upriver that I think that -- and even on
9 the Army Corps of Engineers' web page it mentions the
10 disparity between the upriver recreational interests
11 and the downriver navigation. And so I think that's
12 a little bit skewed because this debate has been
13 going on for nearly twelve years.

14 The other point I would make, now shifting
15 to the lower Mississippi region, Missouri River flows
16 are absolutely critical to Mississippi River
17 navigation. At times the Missouri provides as much
18 as 60 percent of the water flowing between St. Louis
19 and the mouth of the Ohio. Without those adequate
20 river flows the Mississippi River navigation would
21 either be seriously curtailed or perhaps completely
22 stopped.

23 Now we had the opportunity in our
24 Mississippi River Caucus to take testimony from one
25 Emmitt Neal. Mr. Neal is the Director of Marine

1 Operations for Magnolia Marine Transport Company down
2 in Vicksburg, and just a couple of quick points and
3 I'll conclude. He indicated that the split season,
4 the low summer flows, that is low flows in the
5 summer, that that alternative projects an average
6 annual cost to Mississippi River navigation of
7 forty-five million dollars. Those costs he said
8 would have to be based on channel inefficiencies and
9 it would have to be borne by Mississippi River basin
10 producers as well as shippers and consumers.

11 In fact, Mr. Neal pointed out to our
12 Caucus, Colonel, that two summers ago in August of
13 1999, Mississippi River levels at Memphis, Tennessee,
14 were critically low. Tow boats were moving as few as
15 twenty-five barges through stretches of river that
16 would normally accommodate thirty-five. Individual
17 barge capacity was reduced by hundreds of tons in
18 order to accommodate the lower water. Traffic
19 continued to move, however, largely due to the
20 Missouri River releases and in August of that year,
21 in 1999, the Corps, as you probably are familiar
22 with, was releasing water at a rate of nearly 50,000
23 cubic feet per second.

24 Under the worst case scenario, the split
25 navigation concept, the Corps, if you release water

1 at 15,000 cubic feet per second, that difference
2 equates to roughly three feet of draft, three feet of
3 water at Memphis, Tennessee. And so, again, I think
4 you'll probably hear more of that type of testimony
5 as you head down river.

6 In conclusion, again I appreciate the
7 chance that you have given me to maybe expand my time
8 a little bit, I appreciate that, I would respectfully
9 ask that you do everything within your power to show
10 to the people of Missouri as well as the upriver
11 interests that you are choosing a Management Plan
12 that doesn't put our Missourians' safety in peril by
13 implementing this controlled flood in the springtime
14 or a plan that includes the split navigation season.

15 I would adopt the statement of the video
16 that there are 30,000 homeowners in the Missouri
17 floodplain. That translates to 30,000 families and
18 countless businesses, large and small, and towns
19 large and small all along the Missouri River. We
20 cannot stand any more economic hardship, especially a
21 hardship that's caused by our own government. And
22 with that I would appreciate the opportunity to talk
23 with you and if you have any questions I would be
24 happy to answer those as well.

25 COLONEL FASTABEND: Thank you very much,

1 Congressman.

2 CONGRESSMAN HULSHOF: Thank you, Colonel.

3 COLONEL FASTABEND: Next we'll hear from
4 Mr. Jack Smith representing Governor Holden.

5 JOHN SMITH: Good evening, Colonel
6 Fastabend. My name is John Smith and I'm the Deputy
7 Director of the Missouri Department of Conservation,
8 and on behalf of Governor Bob Holden and the State of
9 Missouri thank you for this opportunity to share
10 thoughts and observations with you this evening on
11 the topic. I very much appreciated, sir, your
12 comments regarding our armed forces men and women who
13 are in harm's way as we speak and I appreciated that
14 very much.

15 This issue is of supreme importance not
16 only to Missouri but to the entire nation and we want
17 to thank you for holding this Hearing to listen to
18 the comments and concerns of the people of Missouri.
19 As Missouri continues to evaluate the newest data
20 from the Corps we will be looking to ensure that the
21 Missouri River remains a river of many uses,
22 including recreation, navigation, agriculture,
23 hydropower, water supply and fish and wildlife
24 conservation. Balancing the interests of both the
25 upstream and downstream reaches of the river is

1 absolutely essential to achieving this goal. Because
2 of the vital importance of these issues, Missouri
3 maintains that all decisions must be based on sound
4 science. We strongly believe that if all sides of
5 this discussion commit themselves to adherence to
6 solutions founded on valid scientific studies that
7 will enable us to make substantial progress on
8 resolving the issues that have been debated for so
9 many years.

10 Contrary to some representations, Missouri
11 is firmly committed to improving the environmental
12 health of the Missouri River, however we believe
13 there are ways to achieve these benefits while still
14 protecting and possibly enhancing the lives and
15 livelihoods of the Missourians who live on or near
16 the banks of the Missouri River. A significant
17 concern to Missourians is that many of the proposals
18 in the Revised Draft Environmental Impact Statement
19 include plans to increase total system storage in the
20 upper lakes. We have apprehensions that such changes
21 would significantly reduce the ability of the Corps
22 to ensure that the river is managed to the benefit of
23 all residents of the basin.

24 The Corps must have adequate flexibility
25 to respond to a wide variety of situations, both

1 anticipated and unforeseen. We believe these
2 proposed changes to storage levels in the upper lakes
3 would limit the Corps capacity to perform its
4 statutorily mandated role. Missouri has further
5 concerns that these changes to total system storage
6 could eventually restrict the use of water by
7 downstream states and thus be detrimental to the
8 future welfare of Missourians. Missouri strongly
9 opposes any plan that would reduce the amount of
10 usable water released to downstream states.

11 Furthermore, in light of the importance of
12 the endangered species in this discussion, Missouri
13 also suggests that the effects of increased storage
14 of water in the upper lakes on the endangered species
15 be examined. Comprehensive data regarding the impact
16 of higher level in the upper lakes on endangered
17 species is not currently available and we believe
18 this information should be included in this dialogue.

19 A second key component of many of the
20 current proposals is for a variety of reduced flows
21 from Gavins Point down in the summer. The flow
22 levels and timing of the current proposals differ
23 significantly from the historic hydrodraft. Missouri
24 recognizes that a properly timed and propositioned
25 reduced late summer flow will likely benefit some

1 sections of the river's ecosystem. We thus support
2 efforts to achieve a flow level that help these
3 species while also ensuring that the long-term
4 viability of river commerce on the Missouri River is
5 not degraded. Missouri believes that such a flow
6 level exists. Our state has advocated a reduced flow
7 of 41,000 CFS at Kansas City from August 1st through
8 September 15th. The goal of this proposal is to
9 accomplish these flow conditions approximately three
10 of every five years in order to balance the interests
11 of endangered species, recreation and the continued
12 support of other uses of the Missouri River.
13 Proposals to depart from the current operations must
14 also consider the effects of any changes on
15 Mississippi River System navigation. The entire
16 Inland Waterway System depends on the supplemental
17 flows from the Missouri River into the Mississippi.
18 We do not support proposals that are detrimental to
19 the long-term viability of navigation on either the
20 Missouri River or the Mississippi River.

21 Finally, any reduced summer flow
22 alterations must be water neutral. As we said
23 before, Missouri will strenuously oppose proposals
24 that reduce the amount of usable water released to
25 downstream states.

1 A third key component of many of the
2 current proposals is a periodic spring rise created
3 by releases of additional water from Gavins Point Dam
4 during May. Missouri has serious concerns that the
5 current proposals for expanded spring releases could
6 have adverse effects from the bottomland farmer in
7 Missouri, including flood risk, increased flood risk,
8 higher ground water levels and inadequate drainage
9 throughout the lower basin. Additional spring
10 releases could potentially compound the effects of
11 large rainfall events downstream of Gavins Point,
12 thereby increasing the risk of unanticipated flow
13 levels of downstream states. The dangers of such a
14 spring rise are increased because water from Gavins
15 Point takes approximately ten days to reach
16 St. Louis. Spring flooding keeps farmers out of
17 their fields during the planting season, and higher
18 ground water levels reduce yields, thereby having a
19 significant negative impact on Missouri's bottomland
20 farming community. Missouri's agricultural community
21 must be a top priority in this discussion and we will
22 strive to ensure that the agriculture community along
23 the Missouri River remains viable and profitable in
24 the 21st Century. Such concerns must be weighed
25 against the fact that the lower stretches of the

1 Missouri River, including the entire 553 miles in
2 Missouri already receive an a natural spring rise
3 from tributary inflow. Thus, such a change would
4 have little impact on the rivering species living in
5 the stretch of the river within or bordering on the
6 State of Missouri.

7 One issue that has occasionally been lost
8 because of the more contentious nature of some of the
9 other proposals is the importance of habitat
10 improvement projects in restoring the aquatic
11 diversity lost to creation of the upstream lakes and
12 channelization and bank stabilization efforts over
13 the last fifty years. Missouri believes that an
14 active program of habitat creation and restoration
15 augmented by appropriate alterations to late summer
16 flows would substantially assist the recovery of the
17 endangered species. Our State has undertaken a
18 number of habitat improvement projects often in
19 concert with the Corps and we believe these cost
20 effective and uncontroversial efforts deserve
21 significant investment by the Federal Government.

22 Finally, one issue of high importance to
23 our State which is not currently in any proposal but
24 has been raised at various times during this
25 discussion, is the possibility of water transfers out

1 of the Missouri River basin. Missouri unequivocally
2 opposes out-of-basin transfers. Such transfers
3 constitute economic and ecological threats giving the
4 existing demands for water within the basin and the
5 needs of species dependent on the river for their
6 survival.

7 In conclusion, Missouri is firmly
8 committed to restoring and protecting the Missouri
9 River and ensuring that the river is managed for all
10 citizens. As the evaluation process and proposed
11 changes continue we want to reiterate the importance
12 of basing all decisions on sound scientific data and
13 further urge that all of the potential impacts and
14 opportunities to both the Missouri and Mississippi
15 River Systems for each component of every proposal be
16 considered.

17 Thank you for the opportunity to express
18 this position on these extremely important issues.

19 COLONEL FASTABEND: Thank you, Mr. Smith.
20 Mr. Barnes from Senator Bond's office.

21 CHARLES BARNES: Good evening. My name is
22 Charles Barnes and I'm the District Office Director
23 for Senator Christopher Bond. I would ask if you do
24 have any questions that you direct them to our office
25 if Washington, D.C.

1 I'm here to read the following testimony
2 on behalf of Senator Kit Bound who is in Washington
3 and could not be here tonight, as I read from
4 Senator's Bond statements.

5 Colonel Fastabend, members of the Corps
6 and my Missouri neighbors, I regret that I cannot be
7 here tonight because the Missouri Hearings have been
8 scheduled during the middle of the week when the
9 Senate is in legislative session. Thank you for the
10 opportunity to provide initial public testimony. I
11 renew my previous request that the comment period be
12 extended and an additional Public Hearing be held in
13 Missouri at the end of the public comment period so
14 that experts in our State have a fair opportunity to
15 review the hundreds of pages of technical data. In
16 summary, I believe the government should protect the
17 people from flooding, not cause floods. It should
18 produce more efficient transportation options, not
19 railroad monopolies, and it should continue to
20 clean -- continue to clean production of hydropower,
21 not discourage it. This is always the case but it is
22 even more obviously the case when our economy slows
23 and jobs are at risk and families are feeling serious
24 economic pain. The Fish and Wildlife Service's plan
25 fails because the plan's value to fish habitat is

1 dubious while its risk to people is very real. The
2 strategic political success the Fish and Wildlife
3 Service and the Corps have achieved to date have been
4 based on, first, on their ability to pretend
5 magically that management of the Missouri -- that
6 management of the Missouri only hurts Missouri River
7 commerce and does not hurt Mississippi River commerce
8 as if the two are unconnected.

9 Secondly, their success is built upon
10 their ability to assert that the plan will only flood
11 farmers, not urban communities. Representatives will
12 testify this evening from large urban communities who
13 represent thousands of citizens and hundreds of
14 businesses worth hundreds of millions of dollars.
15 They have flooded numerous times in the decade past.
16 They understand the tragedy of flooding and it has
17 cost the Urban Levee Districts and taxpayers dearly.

18 This administration did not start this
19 mess but they are left to clean it up. The President
20 will soon have language approved by Congress in the
21 Energy and Water Appropriations Act for 2002 which
22 clearly -- which states clearly that the Secretary of
23 the Army may consider and propose alternatives for
24 achieving species recovery other than the alternative
25 specifically prescribed by the United States Fish and

1 Wildlife Service, end quote. It says further that,
2 quote, "The Secretary shall consider the views of
3 other federal agencies, nonfederal agencies and
4 individuals to ensure that other congressionally
5 authorized purposes are maintained." End quote.

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

10 In the end, I believe that the process can
11 and will produce positive initiatives to help fish
12 and I believe that it will do so without selecting an
13 alternative which injures people and property. The
14 proposition before the government is as follows:
15 Shall this government increase your flood risk,
16 bankrupt water transportation, leave shippers to the
17 mercy of railroad monopolies, and reduce energy
18 production during peak periods of energy demand
19 during an emergency crisis because there is a chance
20 it might help three endangered species. This
21 experiment is too dangerous and defies common sense.
22 People downstream rely on the river for their
23 livelihoods and they know the risks and have felt the
24 economic and human loss when the river behaves
25 outside its average tendencies. The Corps suggests

1 that on average few will be hurt much. But it isn't
2 the averages that we are worried about, it is the
3 additional extremes that we cannot tolerate. As
4 everyone here knows in Missouri, on average it is
5 neither hot nor cold. The Fish and Wildlife Service
6 like the rest of us want to be there -- want there to
7 be more pallid in the river, but the Service also
8 wants to avoid going to court and since some have
9 threatened to sue them if they don't propose a spring
10 rise and summer low flow, they propose a spring rise
11 and summer low flow. They then attempt to market it
12 to the public as being necessary because it is
13 natural when, in fact, it is not. They propose a
14 dramatic summer low during the time when we
15 experience the unregulated historic peak highs as a
16 result of upstream snow melt. The summer flow they
17 propose is not a natural flow as they suggest. We
18 are fully aware of the natural spring rise because in
19 Missouri we already have one. It is dangerous and it
20 floods rural and urban communities without warning.
21 When it rains in the spring unregulated tributary
22 flows swell the river from normal flood -- from
23 normal to flood stage in hours as it did in early
24 June, and this is the monster that the Fish and
25 Wildlife Service wants us to flirt with by adding

1 what they call "no more than three feet,"
2 quote/unquote, of water in the spring.

3 Until officials can accurately make 14-day
4 weather forecasts, they're simply playing Russian
5 roulette with the gun barrel pointed at our heads.
6 According to the nonpolitical, nonregulatory
7 scientists at the Department of Interior, USGS,
8 quote, "Currently decisions regarding water and
9 floodplain management on the Missouri River must be
10 made without the benefit of long-term in-depth
11 scientific information to document changing
12 conditions on the river." End quote.

13 The science of a river of this size is
14 extremely complex and understanding of how everything
15 interacts is understandably minimal. That is why the
16 Fish and Wildlife Service is really hanging their hat
17 on their concept of Adaptive Management so that they
18 will be free to make additional changes to river
19 management as they say, quote, "Without having to go
20 through another 12-year process." End quote. They
21 don't want the public involved and they want this
22 flexibility because they apparently don't believe
23 that the specific spring flood and summer low flow
24 proposal will restore the pallid.

25 Seven years ago the Corps' spring rise

1 plan was condemned from Omaha to New Orleans by the
2 public. Everyone should be reminded that it was the
3 Clinton Administration in 1994 who proposed it, only
4 to reject it subsequently. It was their Secretary of
5 Agriculture and Secretary of Transportation who
6 vigorously opposed the Corps' plan in 1995
7 representing the honest views of cabinet level
8 officials.

9 Governor Holden, the Mississippi River
10 governors of Kentucky, Tennessee, Louisiana,
11 Mississippi, Illinois, Arkansas, Wisconsin and
12 Minnesota wrote to the President earlier this year to
13 communicate their opposition of this plan because of
14 the impacts it will have on the Mississippi River,
15 which you will learn more about when you travel to
16 Memphis and New Orleans.

17 While I would not be surprised to see our
18 Brazilian competitors proposing to eliminate U.S.
19 water transportation, it is not something that one
20 would expect from our own government, particularly
21 during an economic slowdown. Our vacation from
22 history where some can afford to throw people out of
23 work, take our factors of production and economic
24 base for granted is over. People are hurting and our
25 government should be proposing massive transportation

1 modernization and economic development, not economic
2 surrender and transportation decay. It is
3 inexcusable that we would hear our government
4 propose bankruptcy for an important industry at any
5 time and particularly in a recession. There are
6 nearly one hundred organizations of the Natural
7 Waterways Alliance from Virginia to Oklahoma, from
8 Mississippi to Minnesota, to Alabama to Nebraska to
9 Louisiana to Ohio and Pennsylvania, who have written
10 in opposition to what the Fish and Wildlife Service
11 is trying to impose. The American Soybean
12 Association, National Corn Growers Association, Farm
13 Bureau, National Association of Wheat Growers,
14 National Grain and Feed Association and other
15 national groups who represent farmers have written in
16 protest of the Service's proposal. I believe what
17 will happen at the end that did not happen seven
18 years ago is that the administration will actually
19 identify projects and approaches that build habitat
20 but do not injure people or people and property. The
21 Bush team will work with the Congress, the states and
22 the public to fund and implement them aggressively.
23 There are many ways to improve fish and wildlife
24 habitat without hurting people and property. That
25 should be and will be the ultimate positive approach

1 that I believe the government will take.

2 I believe that the upstream states who
3 spend a small fraction of what our state spends on
4 conservation should have a role in devoting more of
5 their own resources to improve the river. What this
6 debate between the states is really all about is who
7 gets water when it is dry, and the fact of the matter
8 is that we all suffer when it is dry. I don't blame
9 them for asking for more water when it's dry, just as
10 they should not blame us for wanting more water, but
11 we are not hiding behind the Endangered Species Act
12 to argue our case.

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

18 I thank the public for being here tonight
19 and I thank the Corps for being available to listen.
20 Thank you very much, sir.

21 COLONEL FASTABEND: Thank you, Mr. Barnes.
22 Next we'll have Mr. Horgan from Congressman Akin's
23 office.

24 TOM HORGAN: Hi. My name is Tom Horgan
25 and I'm here representing Congressman Todd Akin who

1 cannot be here tonight. He is in Washington tonight
2 where they are voting, however he asked me to read a
3 statement on his behalf tonight.

4 Good evening. I want to extend a warm
5 welcome from the St. Louis region to members of the
6 United States Army Corps of Engineers Northwest
7 Division. I appreciate the opportunity to provide
8 comments on the Corps of Engineers' Revised Draft
9 Environmental Impact Statement for the Missouri River
10 Master Manual. This issue is of vital importance not
11 only to the St. Louis region, but to the entire State
12 of Missouri as well. However, before I express my
13 comments on the Revised Draft Environmental Impact
14 Statement for the Missouri River I want to inform you
15 about the area that I represent and how that area is
16 impacted by the Missouri River. As a U.S.
17 Congressman I represent the Second Congressional
18 District of the State of Missouri which includes West
19 and Northwest St. Louis County and a good portion of
20 St. Charles County. The Missouri River separates
21 these two counties. The Second District borders the
22 Missouri River from approximately River Mile 49 all
23 the way to its confluence with the Mississippi. If
24 you look at this map, the blue shaded area indicates
25 where the Second Congressional District borders the

1 Missouri River. Needless to say my constituents on
2 both sides of the river are impacted by it in a
3 number of ways. Heavy flooding and severe drought
4 are just a couple of examples of how river conditions
5 can affect the Second District.

6 If you'll look at these two aerial
7 photographs, you will notice that the top photo shows
8 the Missouri River near its confluence with the
9 Mississippi River during the Summer of 1988 during
10 drought conditions, while the bottom photo shows the
11 same area of the Missouri River during the height of
12 the '93 flood. These two photos illustrate a
13 striking contrast of how the Missouri River can
14 affect this river of prime farm land in northern
15 St. Charles County.

16 In its Revised Draft Environmental Impact
17 Statement the Corps has released a range of six
18 alternatives for the operation of the Missouri River
19 Mainstem Reservoir System. These alternatives
20 include the Current Water Control Plan, a modified
21 conservation plan consisting of lower summer flows
22 during drought conditions, and four alternatives
23 which consist of annual lower summer flows and
24 increased spring releases from the Gavins Point Dam.
25 The U.S. Fish and Wildlife Service recommended these

1 spring releases and lower summer flows in its recent
2 Biological Opinion to the Army Corps of Engineers.
3 Out of all the six proposed alternatives the only
4 alternative for the operation of the Missouri River
5 Reservoir System that I can support is the Current
6 Water Control Plan. All other alternatives consist
7 of either a spring release and/or lower summer flows
8 out of the Gavins Point Dam. I'm adamantly opposed
9 to any plan that incorporates these flow changes from
10 Gavins Point. I believe that these proposed changes
11 to the Current Water Control Plan would have a
12 devastating effect on Missouri's agriculture,
13 navigation, water supply, electrical production and
14 flood control interests.

15 A spring release or a spring rise would be
16 very detrimental to Missouri's flood control
17 interests because it would release more water during
18 peak flood season and increase the chances of
19 flooding on the lower Missouri River. In addition to
20 this, a spring rise will also result in interior
21 drainage problems for the numerous farmers along the
22 river. Missouri's farming communities would feel the
23 brunt of these increased water levels if a proposed
24 spring rise were adopted.

25 My agricultural constituents in western

1 St. Louis and northern St. Charles Counties are
2 particularly uneasy about any increased spring
3 releases out of Gavins Point given their previous
4 history with Missouri River flooding. I am also
5 opposed to any lower summer flows out of Gavins Point
6 because these low flows will result in a shortened or
7 split navigation season which will virtually wipe out
8 navigation on the Missouri River. This would be
9 unacceptable because reliable navigation in the fall
10 during and after harvest is absolutely critical for
11 the agricultural and shipping communities.

12 Wiping out navigation on the Missouri
13 River would be disastrous for several reasons. First
14 of all, moving commodities by barge is more cost
15 effective than moving them by rail or truck. It is
16 widely believed in the business community that the
17 mere presence of navigation on the river helps keep
18 down the cost of other modes of transportation
19 through a concept known as water compelled rates.
20 Without navigation as a viable transportation
21 alternative the cost of other modes of transportation
22 such as rail, is likely to rise for all shipping
23 dependent businesses. Water compelled rates result
24 in savings to businesses and consumers because of the
25 competition produced by the barge industry.

1 Secondly, eliminating barge traffic would
2 have a negative impact on the environment
3 particularly here in St. Louis metropolitan region.
4 Barges are the most environmentally friendly mode of
5 transportation available. According to EPA, tow
6 boats emit roughly 35 to 60 percent fewer pollutants
7 than rail or truck. One modern Missouri River tow
8 consisting of nine barges can hold the equivalent of
9 135 rail cars or 522 trucks. Without barge
10 transportation on the river, air and noise pollution
11 and fossil fuel consumption will increase. The
12 St. Louis region which has been classified by the EPA
13 as a moderate nonattainment area under the Clean Air
14 Act Amendment of 1990 have been making valiant
15 efforts in recent years to improve its air quality
16 status. It would be counterproductive to the
17 compliance efforts of our region if the Federal
18 Government decided to undertake a measure that would
19 negatively impact the air quality of our region.

20 Thirdly, eliminating barge traffic on the
21 river would not be in the best interest of the safety
22 of Missouri's traveling public because it will most
23 likely force more truck traffic onto our State's
24 already substandard and congested highways. Anybody
25 who has driven Interstate 70 from St. Louis to

1 Kansas City will tell you that the last thing that
2 highway needs is more trucks on it.

3 In addition to Missouri River navigation,
4 I'm also very much concerned about the effect that
5 the five other alternatives will have on Mississippi
6 River navigation. During periods of low flow in the
7 Mississippi River the Missouri River provides as much
8 as two-thirds of the water to the bottleneck region
9 of the Mississippi River between St. Louis, Missouri,
10 and Cairo, Illinois. Combined with an increased
11 depletions from the Missouri River system, all five
12 other alternatives would significantly reduce water
13 levels in the Mississippi to below required levels
14 for effective navigation. The issue of reliable
15 Mississippi navigation is crucial to both Missouri
16 and the entire Midwest since approximately 60 percent
17 of all U.S. bulk agricultural products are moved to
18 world ports by the upper Mississippi system. Any
19 resulting halt in barge traffic on the Mississippi
20 would have a crippling impact on interstate commerce.

21 Finally, low summer flows particularly
22 those advocated by the Fish and Wildlife Service and
23 the Gavins Point alternatives would seriously affect
24 the ability of the utility companies to provide
25 adequate supply of drinking water and electricity to

1 the people of Missouri.

2 As stated previously, the U.S. Fish and
3 Wildlife Service's Draft Biological Opinion
4 recommended higher spring releases and lower summer
5 flows out of Gavins Point than which exist in the
6 Current Water Control Plan. The Biological Opinion
7 concluded that the Corps current operation of the
8 maintain reservoir system jeopardizes the continued
9 existence of three species, the endangered least
10 tern, the threatened piping plover and the endangered
11 pallid sturgeon. Therefore, these recommended flow
12 changes in the Service's view constitute a reasonable
13 and prudent alternative to recover these species.
14 The Missouri Department of Natural Resources strongly
15 disagrees with the Service's assessment on this
16 matter. Independent analysis by both the MDNR and
17 the Corps indicated that the Service's flow plan
18 achieves very few of the desired conditions that
19 biologists say are necessary to recover these
20 species. This includes attributes such as shallow
21 water habitat, floodplain conductivity and sand bar
22 creation. The MDNR believes that off-channel and
23 nonflow related mitigation and physical habitat
24 restoration are the best ways to enhance species
25 recovery. According to the MDNR, long-term physical

1 habitat physical improvements make much greater gains
2 than the minimal benefits that may occur with the
3 Gavins Point spring rise. It is my understanding
4 that substantial gains have been realized for these
5 same endangered species on the lower Mississippi
6 River using creative habitat restoration rather than
7 altering flow patterns. I believe that this approach
8 along with a comprehensive monitoring program should
9 be initiated on the Missouri River as well.
10 Therefore, out of six alternatives released by the
11 Corps of Engineers I feel the current Water Control
12 Plan is the only feasible alternative I can endorse.
13 I also want to clearly state that I strongly oppose
14 any proposed alternative for the management of the
15 Missouri River that includes consistently higher
16 reservoir levels, lower summer flows and a spring
17 release from Gavins Point Dam and any further water
18 depletions from the Missouri River basin.

19 In conclusion, I will continue to work
20 with the Governor and the rest of the Missouri
21 congressional delegation on the issue in order to
22 protect Missouri's environmental, economic,
23 agricultural, power and water supply interests.
24 Missouri and the rest of the Midwest simply cannot
25 accept the Revised Draft Environmental Impact

1 Statement's proposed changes to the Current Water
2 Control Plan.

3 Once again I thank you for allowing me the
4 opportunity provide comments here on this issue
5 tonight.

6 COLONEL FASTABEND: Thank you, Mr. Horgan.
7 Next we'll hear from Mr. Lucietta representing
8 Congressman Blunt's office.

9 DON LUCIETTA: Colonel, my name is
10 Don Lucietta and I am the Agricultural Agribusiness
11 Specialist for Congressman Roy Blunt, the Chief
12 Deputy Whip of the U.S. Congress whose district does
13 not border the river, and I only mention that to let
14 you know that Congressman Blunt feels it's an
15 important matter to all of the delegation of Missouri
16 and important enough for him to have a representative
17 here tonight, and he also wants me to extend his
18 thanks to you, Colonel, and the Corps for providing
19 these Hearings and providing a forum for people to
20 make comments on the plan. Let me just read what
21 Congressman Blunt has said.

22 The Missouri River is an important part of
23 the lives of many of my fellow Missourians and I
24 believe it is imperative to continue the productive
25 and responsible use of the river. The Missouri River

1 plays a vital role economically and environmentally
2 in the lives of all citizens of the State of
3 Missouri. The level of the river is controlled to
4 help protect those who live, work and own businesses
5 on its banks from devastating floods. Many
6 industries also located near the Missouri River
7 utilize it to transport goods economically. It is
8 also home to a large variety of fish and wildlife
9 species. All of these interests must be taken into
10 account during the decision-making process. With
11 that in mind, the U.S. Army Corps of Engineers needs
12 to continue the Current Water Control Plan which best
13 address the needs of those affected by the management
14 of the Missouri River. The alternative management
15 plans proposed by the U.S. Army Corps of Engineers
16 sacrifice flood control and year-round availability
17 of barge transportation. It is unreasonable to
18 endanger human lives and property to provide fish and
19 wildlife species with flow conditions that may, that
20 may prove beneficial to them. The Current Water
21 Control Plan is a management plan that balances fish
22 and wildlife habitats with economic and financial
23 concerns. We should strive to strike a balance
24 between the environment and the livelihood of
25 Americans that depend on the Missouri.

1 Alternative management plans to the
2 Current Water Control Plan are problematic for a
3 number of reasons. First, increased reservoir levels
4 in the upper basin lakes which would be caused by the
5 implementation of one of the other management plans
6 reduce the water commitment to lower basin states.
7 This reduced water commitment adversely affects
8 irrigation, transportation, drinking water and utility
9 operation.

10 Secondly, the increased spring rise would
11 leave the river vulnerable for flooding. The danger
12 of flooding is also great without altering the flow
13 to make floods more probable.

14 Thirdly, water levels during the summer
15 months would fall to such a level that barge
16 transportation would be impossible. This would
17 devastate those who depend on river transportation by
18 forcing them to utilize more costly means of overland
19 transportation. It would also be a crippling blow to
20 those companies whose barges travel the Missouri
21 River.

22 I urge the U.S. Army Corps of Engineers to
23 adopt the Current Water Control Plan in order to
24 ensure responsible river management.

25 And Colonel, I might just add myself that

1 as Congressman Hulshof mentioned, we are very close
2 to the confluence of the Missouri with the
3 Mississippi River and not long ago I had the
4 opportunity to be on the river at that point. In my
5 mind it doesn't take a big stretch of the imagination
6 to conclude that any change in the flow of the
7 Missouri into the Mississippi could have dramatic
8 effects on the Mississippi, on the locks and dams, on
9 the 60 percent of the ag. products that flow from the
10 upper states down the Mississippi, and as people
11 manage the flow of the rivers it behooves us to be
12 good stewards with the power given us, the Corps has
13 been in the past and I know will be in the future.
14 Again thank you on behalf of Congressman Blunt for
15 the opportunity to testify.

16 COLONEL FASTABEND: Thank you,
17 Mr. Lucietta.

18 Next Mr. Sando from Congressman -- excuse
19 me, Governor Hoeven's office.

20 TODD SANDO: Colonel Fastabend, my name is
21 Todd Sando. I'm the North Dakota Assistant State
22 Engineer and I'm here representing the Governor of
23 North Dakota. I thank you for the opportunity to
24 testify on this very important issue. Governor
25 Hoeven provided testimony on the Revised Draft EIS

1 on October 23rd in Bismark, North Dakota. Governor
2 Hoeven's testimony and the detailed written comments
3 that North Dakota state agencies will be submitting
4 describes the State's position on the Draft EIS.

5 I'm here this evening to listen to the
6 concerns of our downstream neighbors and to provide a
7 brief description of North Dakota's position. I
8 attended the November 6th meeting in Kansas City and
9 I was pleased to hear so many people asking for
10 change. While many concerns were voiced regarding
11 change, it is apparent that this is no longer an
12 upstream versus downstream issue. The long period of
13 study and negotiation has moved many people
14 throughout the basin closer to a compromise plan for
15 operating the Missouri River. My message tonight is
16 the same strong and clear message that North Dakota
17 and most of Missouri River basin states have been
18 voicing for years. Missouri River Master Plan must
19 be changed to meet the contemporary needs of the
20 basin and the time for this change is far past due.
21 Any of the five alternatives described in the Draft
22 EIS are an improvement over the Current Water Control
23 Plan. The drought conservation measures included in
24 the five new alternatives are essentially those
25 agreed by seven of the eight Missouri River Basin

1 Association member states. I'll refer to that as
2 MRBA the rest of the way.

3 The drought conservation measures promoted
4 by MRBA are an improvement over the 40-year-old
5 Master Manual and should be implemented as soon as
6 possible. Strictly from North Dakota's standpoint,
7 they do not go far enough. However, we recognize
8 that progress often requires compromise and as a
9 result we favored a plan that would be supported by
10 seven of the eight Missouri River basin states. This
11 MRBA plan includes the conservation measures that the
12 upper basin states need but does not include a spring
13 rise below Gavins Point due to the many downstream
14 neighbors. The Draft EIS shows that these drought
15 conservation measures increase the total NED benefits
16 of the system as well as benefits of most authorized
17 uses. Unfortunately, Missouri River navigation
18 benefits are slightly reduced under any of these
19 alternatives. However, navigation is only one of the
20 authorized purposes of the reservoir system. The
21 benefits of all the uses must be considered equally
22 when operation decisions are made.

23 It should also be noted that although
24 navigation support for the Mississippi River is not
25 an authorized purpose of the Missouri River dams, all

1 five of the new alternatives reduce the average
2 annual cost of the Mississippi River lost navigation
3 efficiency. The MRBA spent a great deal of time
4 developing features that would provide this benefit
5 to the Mississippi.

6 Although Missouri River and the operation
7 of dams are critical in North Dakota's future, we
8 realize all of the states in the basin depend on the
9 river. North Dakota does not consider the Missouri
10 River to be only our water and we do not want to --
11 and we do want to equitably share the water, but this
12 includes both pain and gain. Approximately one-third
13 of Missouri River basin's total runoff enters the
14 river above Gavins Point Dam. About 75 percent of
15 the runoff entering main stem reservoir comes from
16 Montana and Wyoming. Essentially all the storage of
17 water is in North Dakota, South Dakota and Montana.

18 Over 1.6 million acres of land was
19 acquired by the Corps for the reservoirs in these
20 three states. Promises were made and the dams were
21 authorized by Congress in regard to water development
22 and water use. For example, O'Mahoney-Milliken
23 Amendment, which is part of the 1944 Flood Control
24 Act, states that the use of water from the reservoirs
25 for navigation shall not conflict with any beneficial

1 consumptive use present or future in the states lying
2 wholly or partly west of the 98th meridian. Given
3 these facts, perhaps you can understand why we become
4 slightly annoyed when we see published comments by
5 the state of Missouri claiming it is all their water.

6 Comments have been made about the impacts
7 of the Dakota Water Resources Act on the Missouri
8 River. The Dakota Water Resource Act is a vastly
9 scaled down version of the original Garrison
10 Diversion Project and provides only a fraction of the
11 irrigation promised to North Dakota in compensation
12 for the land lost to the reservoirs. The exact water
13 needs for North Dakota included in the Dakota Water
14 Resource Acts have not been determined and, in fact,
15 are only in a study phase. However, the amount is
16 likely to be only few hundred cubic feet per second
17 compared to an average annual flow of the Missouri
18 River at Hermann, Missouri, of over 79,000 cubic feet
19 per second. To state it another way, the Dakota
20 Water Resources Act will put to beneficial use less
21 than one percent of the annual flow at Hermann. I
22 doubt that the USGS gauge can accurately measure such
23 a small amount.

24 Lastly, I thank you and our downstream
25 neighbors for the opportunity to describe

1 North Dakota's position. I ask that everyone take
2 away from this meeting that the benefits of the
3 Missouri River and the pain and shortages in times of
4 drought should be shared equitably through the basin.
5 Thank you.

6 COLONEL FASTABEND: Thank you, Mr. Sando.

7 All right. I believe that exhausts our
8 list of elected officials or their representative.
9 Now we'll go to public comment and we're all going to
10 be on the five-minute clock.

11 MR. MOORE: Charles Scott.

12 CHARLES SCOTT: Good evening, Colonel
13 Fastabend. For the fourth time, and the last time
14 for me in Missouri, I'm Charles Scott. I'm with the
15 you U.S. Fish and Wildlife Service in Columbia,
16 Missouri.

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

24 The Service has primary authority for
25 oversight of our nation's rarest animals under the

1 Endangered Species Act. The Missouri River is home
2 to the endangered pallid sturgeon and least tern and
3 piping plover. The decline of these species tells us
4 that the river is not healthy for its native fish and
5 wildlife and there needs to be a change in its
6 management to restore the Missouri to a more
7 naturally functioning river system. A healthy river
8 provides wildlife habitats for its fishing and makes
9 boating an attractive recreational activity.
10 Congress committed the Federal Government to
11 preventing extinctions by requiring federal agencies
12 to use their authorities to conserve endangered and
13 threatened species. During the last twelve years our
14 agency has been working with the U.S. Army Corps of
15 Engineers to modernize the management of the Missouri
16 River to help stabilize and hopefully begin to
17 increase and recover populations of these very rare
18 animals. This new approach was described recently in
19 a document called The Missouri River Biological
20 Opinion published in November, 2000. The Biological
21 Opinion looks at the river as a system and outlines
22 the status of these rare species, the effects of the
23 current operation on them in a reasonable prudent
24 alternative to the current operation that will not --
25 that will not jeopardize their continued existence.

1 Our Biological Opinion is based on the best available
2 science and includes nearly 500 scientific
3 references. In addition, we sought out six
4 respective scientists, big river specialists to
5 confirm the need to address flow management as well
6 as habitat restoration.

7 Further, the Missouri River Natural
8 Resources Committee, a group comprised of the state
9 experts on Missouri River management, endorses the
10 science and the opinion. If you have read the RDEIS
11 summary document you understand that the GP
12 alternatives encompass the range of flows identified
13 by the Service as necessary below Gavins Point to
14 keep the listed species from being jeopardized. Our
15 agency and the Corps also recognize the importance of
16 some flexibility in management that would enable
17 Missouri River managers to capitalize on existing
18 water conditions to meet endangered species
19 objectives without having to go through another
20 12-year process.

21 Other management changes included in the
22 Biological Opinion include a spring rise out of Fort
23 Peck Dam, an improved hatchery operation to assist
24 declining pallid sturgeon populations, restoration of
25 approximately 20 percent of lost aquatic habitat in

1 the lowest one-third of the river intersystem,
2 unbalancing of three largest reservoirs and
3 acceptance of an adaptive management framework that
4 would include improved overall monitoring of the
5 river.

6 In closing, the Service supports the
7 identified goal of the Revised Master Manual to
8 manage the river to serve the contemporary needs of
9 the Missouri River basin and nation. These needs
10 include taking steps to ensure that threatened
11 species are protected while maintaining many other
12 socioeconomic benefits being provided by the
13 operation of the Missouri River dams.

14 The Service stands behind the science used
15 in the opinion and is confident that the operational
16 changes identified in our opinion and included in the
17 RDEIS as GP alternatives will ensure that these rare
18 species continue to be a part of the Missouri River's
19 living wildlife legacy. The Missouri River is a
20 tremendous river with significant revered heritage.
21 Our influence has altered the river greatly. Changes
22 are needed to modernize and restore health to the
23 river to the benefit of rare species and people, too.
24 Thank you.

25 COLONEL FASTABEND: Thank you, Mr. Scott.

1 MR. MURPHY: Bob Cox.

2 BOB COX: Good evening, Colonel. Bob Cox
3 with Jeff City River Terminal and Midwest Cement
4 Company, Jeff City, Missouri. Jeff City River
5 Terminal and Midwest Cement Company are involved in
6 towing barges to and from Jefferson City, Missouri,
7 and involved in loading and unloading barges at the
8 Jefferson City location on the Missouri River. We
9 barge in bulk cement from Hannibal, Missouri, and
10 Clarksville, Missouri, and sometimes prefab concrete
11 forms and transformers have been unloaded at this
12 location. We need a minimum of an eight-month
13 navigation season to get products to Jefferson City,
14 Missouri, in the early spring and out in the fall.
15 We are opposed to a split navigation season and ask
16 to continue the plan that is in place at this time.
17 Towing barge units with an eight-foot draft provides
18 1300 and 13 ton per barge or 52 truck loads per
19 barge, and a six barge tow we can bring in 312 truck
20 loads to Jeff City. This is burning less fuel per
21 ton moved and the air quality from emissions from the
22 engines is less in proportion than by truck. This is
23 less foreign oil being used, less contaminants to the
24 air which is an advantage to all of us. By having an
25 eight-month navigation season we can provide a better

1 service for our customers. Thank you.

2 COLONEL FASTABEND: Thank you for your
3 comments, Mr. Cox.

4 MR. MOORE: Janet Melzer.

5 JANET MELZER: Thank you for allowing me
6 to make this statement. My name is Janet Melzer.
7 I'm from O'Fallon, Missouri. I represent myself and
8 my family. Although I have lived in urban areas for
9 the last thirty years I grew up on a farm where we
10 worked Missouri bottom land. This gives me both a
11 city and rural viewpoint for most issues. I support
12 the current river plan although not the Adaptive
13 Management part of the plan. The reasons for my
14 support of the current plan are based on knowledge of
15 the effects of spring rise, reduced summer flow,
16 threatened species and bank stabilization, including
17 the proposal for Adaptive Management.

18 To start at the end with Adaptive
19 Management, as I want to emphasize this point
20 throughout, the use of Adaptive Management in itself
21 is good as all good plans need to modify as they move
22 forward but the team that is proposed is the problem.
23 The team needs to be a blend of Corps, Fish and
24 Wildlife or other environmental groups and business
25 people including agriculture, navigation, recreation

1 and other affected businesses. Business including
2 agricultural must have major input to this as they
3 are the group affected.

4 If you look at a map of Missouri, a great
5 part of the land adjoining the Missouri River is
6 agricultural use. The farmers have the experience of
7 a lifetime of working with the river in good and bad
8 times and cannot afford to have a new plan start
9 working against them. They must have input to the
10 ongoing operation of the plan, therefore Adaptive
11 Management must include business people involved, the
12 farmers.

13 Spring rise is the hardest point of the
14 plan for me to understand. How can anyone who has
15 ever had anything to do with the Missouri River ever
16 think that spring rise, even every three years, is a
17 good plan for anything. Saying that they would
18 control the release in high water years is
19 irresponsible as no one can know within ten days what
20 the weather will be in the lower Missouri. Not only
21 is planned spring rise risky for agriculture, it
22 endangers all businesses along the Missouri River.
23 We have all seen the best of levees popped by nature.
24 Besides just endangering all businesses, it increased
25 the problems of interior drainage and drowned out

1 crops even if the levees hold. Spring planting
2 cannot move forward when interior land is soggy and
3 farmers and businesses who needs loans in the spring
4 rise years can count on higher rates or even loan
5 denials. I can't imagine how insurance companies who
6 provide floodplain property coverage will account for
7 this every third year.

8 The plan for lower summer flow will affect
9 me directly as a city dweller. I commute every day
10 on Highway 70 to my job and back. The number of
11 tractor trailers is a vein to any traveler, even if
12 you are going to the Mizzou game on Saturday morning.
13 Just when we are worrying about the safety of what
14 trucks might be carrying, all plans except the
15 current plan take away barge traffic. Just when oil
16 drilling and burning of fossil fuels is a major
17 issue, all plans except the current plan add more
18 trucks to the highway, burning more fuel. Highway
19 safety is a constant goal and yet these other plans
20 add to the problem. Groups who are most against the
21 drilling and consumption of fossil fuels are bent to
22 remove the more efficient barge traffic and up the
23 truck traffic.

24 As a total animal lover, who anyone knows
25 me would attest I am the first to defend an animal,

1 but as a farm girl I learned that even my best pets
2 did not come ahead of people and their needs. If you
3 review your RDEIS Summary Chart comparing the impact
4 with the Current Water Control Plan you see that for
5 all other plans the majority of the positive effects
6 are for wildlife habitat and fish habitat in lakes
7 and rivers with small numbers for recreation and
8 small numbers for hydropower. And if I understand
9 your hydropower numbers correctly, the subtractions
10 for costs for lower summer flows may actually
11 subtract from these numbers even more. I do
12 understand from other sets of experts that even the
13 plans for tern and plover improvement may not be
14 well-founded.

15 The negative effects for all plans besides
16 the current plan influences economic issues of flood
17 control, interior drainage, ground water navigation
18 and historic properties. All plans beside the
19 current plan even have negative effects on repairing
20 habitat. So we are taking from some environmental
21 groups and giving to others while negatively
22 affecting all economic issues. The Endangered
23 Species Act must be weighed against all other issues
24 and cannot be the only driving force for every action
25 we take no matter the consequences. Farmers live

1 with the land and nature daily and must be listened
2 to when these are the issues.

3 A few last words about bank stabilization.
4 My family has lost land in recent years to the river
5 due to removal of some dikes in the Missouri River.
6 The farmers again were not consulted or had any say,
7 yet their lands were negatively affected and valuable
8 riverside habitat and woodlands are lost.

9 In closing, I think you got my point here,
10 I vote for the Current Water Control Plan. Thank
11 you.

12 COLONEL FASTABEND: Thank you, Ms. Melzer.

13 MR. MOORE: Dennis Wingertsahn.

14 MR. WINGERTSAHN: Good evening. My name
15 is Dennis Wingertsahn and I'm the Vice-President of
16 Operations for Missouri-American Water Company. We
17 appreciate the opportunity to provide comments to the
18 Corps of Engineers concerning the Revised Draft
19 Environmental Impact Statement and future management
20 of the Missouri River.

21 Missouri-American operates three water
22 treatment plants that use the Missouri River as their
23 source of supply. Although we are in support of
24 managing the Missouri River in a manner that protects
25 our natural resources, it is equally important to

1 consider the impacts of any dramatic flow changes on
2 businesses including the agriculture, navigation and
3 water and power supply industries, as well as
4 citizens of the State of Missouri.

5 Missouri-American Water Company depends on
6 the Missouri River to supply over one million
7 residents of St. Louis County and Jefferson City,
8 Missouri, with clean, safe drinking water. The two
9 Missouri River water treatment plants in St. Louis
10 County account for 80 percent of the potable water
11 provided to our customers in the St. Louis
12 Metropolitan area. It is imperative that sufficient
13 water be available to effectively provide this
14 necessary service to Missouri residents as there is
15 no adequate alternate source of drinking water
16 available.

17 Of the alternatives identified in the
18 RDEIS, we support the extension of the Current Water
19 Control Plan. Missouri-American Water Company
20 opposes any plan to decrease Missouri River flows
21 that may compromise our ability to pump sufficient
22 water to meet the drinking water needs of our
23 customers. Based on past operating history and
24 difficulties in periods of low flow we would be
25 unable to operate effectively and economically given

1 any additional flow reductions. Additional water
2 restrictions could hinder our ability to provide a
3 reliable source of potable water during the summer
4 months when demand is at its highest and could impair
5 pumping operations in the winter months due to low
6 flows. In fact, low river levels experienced as
7 recently as December, 2000, threatened to limit our
8 ability to withdraw adequate quantities of water to
9 meet demand. Further, a lower flowing river, as well
10 as flooding conditions present water quality and
11 operational problems thereby creating additional
12 difficulties and expense in treating water to quality
13 standards. Our company has a paramount interest in
14 maintaining the integrity of the river as this is the
15 same water we must treat in order to supply the
16 public with safe drinking water that meets the
17 extensive drinking water quality standards set by the
18 United States Environmental Protection Agency. It is
19 also important to note that our operations rely on
20 the ability to receive reliable electric service and
21 it is imperative that our access to this source of
22 power not be compromised.

23 The RDEIS Summary states the Gavins Point
24 releases would be adjusted in the spring and summer
25 if necessary to improve habitat. While we support

1 species habitat restoration and believe there may be
2 better ways to accomplish the intended objectives,
3 the uncertainty of these adaptive management flow
4 adjustments and the manner in which they would be
5 conducted create a legitimate concern as it relates
6 to the availability and amount of water in the
7 Missouri River. Water flow in the Missouri River
8 must be managed with both environmental and economic
9 concerns in mind and in a manner that will not place
10 our drinking water supply in jeopardy.

11 In closing, the availability of a reliable
12 and predictable water supply from the Missouri River
13 is critical in order to provides millions of Missouri
14 citizens with a constant source of safe, clean
15 drinking water both now and in the future. As such
16 we request that the operation plan implemented by the
17 Corps be flexible enough in nature to respond to
18 changing downstream river conditions by adjusting
19 releases from the upstream reservoirs to maintain the
20 river within reasonable and necessary levels. This
21 would include ensuring adequate flows during the
22 summer period when withdrawal from the river for
23 water supply are greatest, and during the winter
24 months when ice formation can cause unusually low
25 river conditions.

1 Missouri-American Water Company will
2 continue to review and analyze historical operating
3 data and the alternative water control plans, and
4 will provide additional comments to the Corps prior
5 to the close of the public comment period.

6 Finally, it is important for us to
7 remember that water is a nonrenewable resource and it
8 is critical to the State of Missouri that the
9 Missouri River continues to be a consistent
10 dependable source of water to its citizens.

11 Thank you for your consideration to these
12 comments.

13 COLONEL FASTABEND: Thank you,
14 Mr. Wingertsahn.

15 MR. MOORE: Eric Williams.

16 ERIC WILLIAMS: Good evening and thank you
17 for making an effort to hear Missourian's comments
18 about the Missouri River. My name is Eric Williams.
19 I am the manager of rail grain and barge logistics
20 for MFA Incorporated. MFA Incorporated is a
21 cooperative made up mostly of farmers that provide
22 goods and services to thousands of farmers across the
23 Midwest states.

24 I have many different concerns when
25 talking about the Missouri River, however this

1 evening I chose to talk to you about something I deal
2 with every day, navigation on the Missouri River and
3 the impact it has on Midwest farmers. As you have
4 already heard in previous comments, farmers and
5 businesses rely heavily on the Missouri River for
6 various different functions, but navigation is a high
7 priority to existence. Navigation plays many key
8 roles but one of the most important roles which
9 sometimes is overlooked is how navigation on the
10 Missouri keeps railroad companies in check, so to
11 say. The presence of the Missouri River forces
12 railroads to compete. Of course railroad companies
13 cannot provide transportation services as inexpensive
14 as water transportation but it does keep their prices
15 in the general vicinity. For example, barge freight
16 on fertilizer from the Gulf of Mexico to Kansas City,
17 Missouri will cost around ten dollars per short ton.
18 The rail freight on fertilizer from the Gulf to
19 Kansas City costs around fourteen dollars per short
20 ton. The rail freight is still four dollars off
21 barge freight, however to the railroad this is
22 competing.

23 Now without the river's presence you'll
24 see the rail rate rise considerably. The same
25 fertilizer to Lawrence, Kansas, which is about

1 forty-three rail miles away from Kansas City, costs
2 around twenty-four dollars per short ton. It doesn't
3 take a genius to figure out that it doesn't cost the
4 railroad ten dollars per short ton to move -- to
5 travel forty-three miles. This is true all up and
6 down the river. Barge freight to Omaha, Nebraska on
7 fertilizer is around fifteen dollars per short ton.
8 Rail freight to Omaha on fertilizer is around
9 seventeen dollars per short ton. The rail freight to
10 Fremont, Nebraska, which is thirty-six rail miles
11 away will cost around twenty-four dollars per short
12 ton. That's a seven dollar per short ton increase
13 for traveling thirty-six miles. You will always see
14 considerably lower rates in cities located along the
15 river compared to cities away from the river. The
16 further away from the river you travel the
17 potentially higher rates you will see. To reiterate
18 this point, the river forces railroad's to compete
19 for a piece of the market share.

20 Another issue is that most railroads are
21 already experiencing shortages in equipment. Just
22 this last fall railroads didn't have enough equipment
23 to supply the needs of many of our locations in a
24 timely fashion and forced us to shut down that
25 location for an unknown period of time. When a

1 location shuts down that means it no longer has any
2 space to store or take in grain. What does this mean
3 for farmers? Farmers could be forced to haul grain
4 further than expected and wait in longer lines to
5 empty their trucks. That increased cost -- That's an
6 increased cost without an increase in return. If
7 railroads are already experiencing shortages can you
8 imagine what they will be like without navigation
9 when one barge means fifteen extra rail cars or sixty
10 extra trucks. You see an incredible increase for
11 equipment that isn't available.

12 In short, most small farms will not
13 survive if railroad and trucks are the only
14 transportation means. There will be too large of an
15 increase in demand for rail cars and trucks for those
16 two industries to handle. The simple supply and
17 demand theory will tell you that with all the
18 increased demand they'll be considerable costs
19 associated which can be seen by the farmer when they
20 go sell their grain or buy their fertilizer.

21 I grew up on a small farm and I know
22 firsthand how hard it is to survive. Therefore, I am
23 against any changes in water flow on the Missouri and
24 can only support the Current Water Control Plan.
25 Thank you.

1 COLONEL FASTABEND: Thank you,
2 Mr. Williams.

3 MR. MOORE: Charlie Kruse.

4 CHARLES KRUSE: Good evening, Colonel
5 Fastabend. My name is Charles Kruse. I own and
6 operate a family farm in Stoddard County, about 150
7 miles south of where we are tonight. I also serve as
8 President of the Missouri Farm Bureau, the state's
9 largest general farm organization. Many of our
10 members are here tonight and I'm proud to represent
11 them and all of our 95,000 member families in the
12 State of Missouri.

13 First, I want to commend the Corps' staff
14 for their perseverance and hard work. They have
15 always been willing to answer our questions and
16 listen to our concerns, and we appreciate that.

17 For the record, Farm Bureau strongly
18 opposes the flow changes now being considered. While
19 we remain hopeful that a balance can be achieved,
20 with the exception of the current plan, none of the
21 options are acceptable.

22 Many people in this room have been
23 involved in this issue since its inception. In fact,
24 I gave the following remarks at a Public Hearing on
25 the Corps' Preferred Alternative in October of 1994,

1 and I quote, "To farmers, the detrimental impacts of
2 the plan appear obvious and very immediate while some
3 of the stated environmental goals and objectives
4 appear far more vague and harder to verify. We fear
5 that plans such as the Corps' preferred alternative
6 fail to adequately consider the human population and
7 only serve to further undermine public support for
8 reasonable efforts to protect fish and wildlife."

9 Colonel, today seven years later, we find
10 ourselves facing the same alternatives and our
11 position has not changed.

12 Unfortunately, what started out as a
13 debate about drought management has evolved into a
14 referendum on the Endangered Species Act, an attempt
15 to expand significantly the Missouri River mitigation
16 program and an all-out assault on river commerce.

17 The U.S. Fish and Wildlife Service cites
18 the Endangered Species Act as a reason for their
19 rigid position. According to them there is but one
20 very prescriptive way to avoid a jeopardy opinion.
21 From where we sit, that is very hard to believe.

22 It is ironic that Congress has voted, on
23 several occasions, to support language prohibiting
24 the Corps from implementing a spring rise. In fact,
25 Congress has now made it perfectly clear that the

1 Corps must maintain all authorized uses of the
2 Missouri River.

3 In Farm Bureau we have members that farm
4 in all twenty-five counties along the Missouri River.
5 They continue to struggle with extremely low
6 commodity prices and rising input costs. In fact,
7 the Federal Government has had to step in for four
8 consecutive years with emergency economic assistance.

9 The Bush Administration has indicated that
10 we must be more involved in global markets. In other
11 words, we need to be more competitive. If that's the
12 case, shouldn't we be doing everything possible to
13 enhance river commerce not only on the Missouri River
14 but other rivers as well, such as the Mississippi?
15 Losing river commerce not only eliminates an
16 important mode of transportation but also gives the
17 green light to railroads and trucking companies to
18 raise their rates and further congest crowded
19 highways and railroads. Shouldn't we be making every
20 effort to decrease the risk of flooding in the fertile
21 bottoms? Our farmers already know the impact of
22 higher flows in the spring. The fact is, we already
23 have a spring rise and we don't need to be a part of
24 a contemporary science experiment.

25 It makes no sense to force farmers in

1 rural communities to participate in a risky scheme
2 that may or may not increase populations of three
3 species.

4 In closing, we're not opposed to any
5 change. We believe there are alternatives that could
6 enhance aquatic habitat without major system
7 modifications, without massive new land acquisition
8 perhaps, without significant increases in energy
9 costs, without controlled flooding and without out of
10 basin transfers.

11 For this reason, we have no choice but to
12 strongly oppose the alternatives currently under
13 consideration.

14 Colonel, I thank you for the opportunity
15 to present our comments.

16 COLONEL FASTABEND: Thank you, Mr. Kruse.

17 MR. MOORE: Donald Huffman.

18 DONALD HUFFMAN: Good evening. I'm Donald
19 Huffman of Phoenix Towing Company. We've operated
20 tow boats and barges on the Missouri River since
21 1962.

22 Colonel, I've also fished the Madison,
23 Jefferson, Gallatin and Yellowstone Rivers. I'd like
24 you to know that the Missouri River is an important
25 part of my livelihood and an important part of my

1 life. The comments regarding the Revised Draft EIS.

2 Flow changes proposed by the U.S. Army
3 Corps of Engineers will flood farms, end Missouri
4 River navigation, damage Mississippi River
5 navigation, cause shippers millions of dollars, raise
6 the cost of electricity and do nothing for fish and
7 wildlife. Corps data shows that only benefit from
8 flow changes for terns and plovers is 164 acres of
9 habitat; 164 acres of habitat. The Corps should go
10 buy a bulldozer and create 164 acres of habitat. The
11 Corps should create habitat but do not destroy farms,
12 jobs and economics to Missouri and Mississippi River
13 navigation.

14 Spring rise is touted as necessary as a
15 spawning cue for the pallid sturgeon, yet the U.S.
16 Fish and Wildlife Service admits the spring rise may
17 not work. I suggest that it will not work. Let us
18 look at the facts. The pallid sturgeon habitat
19 exists in over 1500 miles of river including the
20 Yellowstone River, the Chapalia (phonetic) River, the
21 Mississippi River and portions of the lower Missouri
22 River, all of which already has a spring rise. Why
23 aren't the pallid sturgeon reproducing in these
24 areas? What good will an added 216 miles of Missouri
25 River habitat do to induce these fish to breed if

1 they do not breed in the 1500 miles of existing
2 habitat that currently has a spring rise? It doesn't
3 make common sense.

4 The proposal by the U.S. Fish and Wildlife
5 Service backed in this plan by the U.S. Army Corps of
6 Engineers would seem to be an abuse of the Endangered
7 Species Act. It does nothing for the terns and
8 plovers and it does nothing for the pallid sturgeon.
9 It does, however, flood our farmers, it destroys
10 Missouri River navigation and damages Mississippi
11 River navigation.

12 I would like to comment on Adaptive
13 Management. The Adaptive Management process is an
14 ongoing dialogue between the Corps of Engineers in
15 the environmental communities, the purpose is to
16 review ways in which to enhance the environment for
17 fish and wildlife. As it now stands, navigation,
18 agriculture, hydropower and other users will not
19 participate in this process. It is imperative that
20 this group not be allowed to change the flows or
21 releases out of Gavins Point or to redefine the lake
22 levels to the detriment of navigation, agriculture or
23 other users. Adaptive Management is a significant
24 concern for anyone who relies on the certainty of
25 flows. What would be the next scheme to come out of

1 Fish and Wildlife and what would be the effect on
2 agriculture, flood control, navigation, power
3 generation and recreation?

4 It seems that U.S. Fish and Wildlife has
5 no concerns for people's livelihoods or homes. They
6 seem to propose plans that ignore the needs of
7 people. But in this case it seems to be worse,
8 they're ignoring the needs of people and in the
9 process they're not doing anything to assist
10 endangered species.

11 In conclusion, we recommend that the Corps
12 operate the system as described by the Master Manual.
13 It makes common sense to stay with the Current Water
14 Control Plan. All flow changes proposed are
15 destructive to navigation, agriculture, and power
16 supply and are unacceptable. Thank you, Colonel.

17 COLONEL FASTABEND: Thank you,
18 Mr. Huffman.

19 MR. MOORE: Paul Agathen.

20 PAUL AGATHEN: Good even, Colonel. My
21 name is Paul Agathen at Ameren Corporation. I am
22 Senior Vice-President with responsibility for
23 environmental issues, public policy and other
24 administrative departments.

25 Ameren is the parent of two utility

1 companies, Ameren UE and Ameren Cips (phonetic)
2 Ameren UE is the largest electric utility company in
3 Missouri. Together the two companies provide power
4 to 1,500,000 customers and natural gas to 300,000
5 customers in Illinois and Missouri.

6 My comments tonight reflect our
7 preliminary analysis of the Revised Draft
8 Environmental Impact Statement. We will continue our
9 review and provide additional detailed comments at a
10 later date. However, at this point in our analysis
11 this much is clear, the alternatives to the Current
12 Water Control Plan will increase to some extent the
13 likelihood and expected duration of full impartial
14 outages for at least two of our major power plants.
15 When that happens we will be forced to look for
16 replacement power. If that power is not available or
17 if it cannot be imported to our area because of
18 transmission constraints, our customers will face an
19 increased likelihood of blackouts. Even if the power
20 is available in our region it will be more expensive
21 than the power we generate. Under Missouri's rate
22 making process, this added cost will be borne by our
23 customers.

24 For the most part the remainder of my
25 comments will be directed toward explaining and

1 elaborating on these key facts. First, let me cover
2 the critical issues related to our ability to
3 generate power. The proposed alternatives could
4 actually have a negative impact on the operation of
5 five of our power plants, representing 73 percent of
6 Ameren UE's generating capacity. All five rely on
7 water from the Missouri and Mississippi Rivers for
8 their operation. We're particularly concerned about
9 the impact on our two largest power plants, the
10 Calloway Nuclear Plant and the Labadie Coal Plant,
11 the workhorses of our generation system. Both plants
12 are in the Hermann reach of the Missouri River and
13 they account for nearly 45 percent of Ameren UE's
14 total capacity. Both rely on adequate water
15 resources year-round for cooling and other purposes.
16 Without it, we risk power supply for the entire St.
17 Louis metropolitan area and eastern portion of the
18 State of Missouri. Faced with these shortages we can
19 normally buy power. However, low flow conditions
20 have the potential to create regional power shortages
21 that could prevent us from securing power elsewhere.
22 And, in fact, other utilities also have generating
23 plants on the Missouri River and could be facing the
24 same generation problems.

25 In addition, as I mentioned, even if power

1 were readily available, transmission system
2 constraints can limit our ability to import energy.
3 The loss of our two largest plants coupled with an
4 inability to secure adequate power from other sources
5 could also severely jeopardize the stability of the
6 transmission grid. Under a worse case scenario we
7 could be facing a full or partial blackout of the
8 entire system because of these imbalances, and
9 unfortunately these problems are most likely to
10 surface in the months of weather extremes when power
11 outages could be the most harmful to our customers.

12 Let's look at this proposal more closely.
13 One of the options under consideration is an
14 extension of the Current Water Control Plan.
15 Compared to the current plan the other alternatives
16 would to varying degrees decrease the summer river
17 flows below the Gavins Point Dam. With these
18 proposed flows, the Labadie Plant could be forced to
19 limit operations due to water quality discharge
20 permit limitations during the period of summer peak
21 generation. We're also concerned that future
22 depletions from the reservoir system will exasperate
23 low water flow conditions.

24 Summer is not our only concern. The other
25 alternatives also result in a slightly higher

1 incidence of critical low flow conditions that may
2 jeopardize winter operations at Labadie and Calloway.
3 The record low water levels on the river typically
4 occur during the winter when the demand for power is
5 also high. Last December, for example, river levels
6 at both plants reached dangerously low levels due to
7 ice jams, dry weather and reduced flows. Had the
8 river dropped much further Ameren would have been
9 forced to temporarily cease operations and this could
10 have left thousands of families without heat during
11 that unusually harsh winter.

12 Given these critical conditions, any
13 decision on flow alterations must be based on sound
14 science. Any decisions to adopt sacrifice the
15 congressionally mandated project purpose of water
16 supply users and millions of people these rivers
17 serve.

18 Also, based on my reading of all the
19 materials distributed at an earlier workshop it
20 appears the Corps did not factor in the impacts on
21 non-hydrogeneration which are more likely under the
22 alternatives to the proposed plan.

23 Finally, we would also like to remind the
24 Corps that President Bush said as a national policy
25 the implementation of a comprehensive energy policy.

1 As part of his plan President Bush issued Executive
2 Order 13211 requiring federal agencies to review the
3 potential energy impacts of regulatory actions.

4 In summary, Ameren supports the extension
5 of the Current Water Control Plan. It is the only
6 alternative that would not reduce flows for the
7 Missouri River. We believe that the interests of
8 water supply users and the millions of customers that
9 we represent and serve should be of paramount
10 importance here.

11 On behalf of Ameren, I would like to thank
12 the Corps for providing this opportunity to make our
13 comments. Thank you.

14 COLONEL FASTABEND: Thank you,
15 Mr. Agathen.

16 MR. MOORE: Tad Kardis.

17 TAD KARDIS: Good evening, Colonel. My
18 name is Tad Kardis. I'm with Missouri Attorney
19 General Jay Nixon's office. Attorney General Nixon
20 had planned to address you this evening but earlier
21 today a matter arose that prevented him from being
22 here tonight.

23 I think as at least two other speakers
24 have observed before me, we stand here tonight near
25 the confluence of two great rivers, the Big Muddy and

1 the Mighty Mississippi. The Corps has held meetings
2 throughout the Missouri River basin, including no
3 less than four in Missouri. We thank you for giving
4 Missouri citizens so many opportunities to voice
5 their concerns about the Proposed Master Manual
6 Revisions. As the Corps rounds the bend and heads
7 south for meetings in Memphis and New Orleans we take
8 this opportunity to sum up some of the concerns we
9 have relayed to the Corps over the last few weeks.

10 We have discussed with you the problems
11 inherent of too much water or not enough water. That
12 is, the risks of flooding and the threat of out of
13 the basin transfers. In St. Joseph we raised the
14 issue of power production and engaged the Corps again
15 on this issue in Kansas City. The Corps acknowledges
16 that many power plants depend on Missouri River water
17 for cooling and heat dissipation. However, to put it
18 bluntly, the Corps is confusing yet overly simplistic
19 analysis of this issue fails to appreciate the true
20 impacts of reduced summer flow.

21 As you have heard here tonight, electric
22 utilities have begun to offer the Corps their
23 perspective on this problem, a problem that has many
24 facets. Retrofitting costs, the cost of replacement
25 power when plants are offline; blackouts if no

1 replacement power is available; rate increases;
2 possible effects on fish and wildlife. Many of these
3 costs would be borne by Missouri citizens. We ask
4 the Corps to listen.

5 We've also discussed the damaging effect
6 of the Corps' proposal to use adaptive management in
7 its future management of the river. From a legal
8 standpoint we believe it would violate the National
9 Environmental Policy Act. What does it mean to the
10 public, though? Fewer or no opportunities to
11 participate in the process that results in changes to
12 the way the river is managed. We urge the Corps to
13 follow the law and continue to include the public in
14 this process. Don't make the 2002 Master Manual the
15 last Master Manual.

16 We're puzzled over the Corps stated desire
17 to serve the contemporary needs of the basin. While
18 letting the basin define its needs may seem like a
19 laudatory goal, attempts to achieve such an informal
20 consensus have failed. Moreover, the needs of the
21 basin are both defined and limited by Congress. By
22 authorizing the building of the dams for navigation
23 and flood control, Congress recognized that these
24 dams served a nation, not just a regional purpose.
25 Only Congress can redefine the needs of the basin.

1 Finally, we encouraged the Corps to
2 recapture its control of this process. Instead of
3 telling the Corps what problems face endangered and
4 threatened species and letting the Corps propose
5 engineering solutions to these problems, the Fish and
6 Wildlife Service has both defined a problem and
7 dictated a solution. Is this a good thing? Not if
8 the Fish and Wildlife Service's engineering solutions
9 don't solve the biological problems they define, yet
10 this is precisely what has happened. The Fish and
11 Wildlife Service gave the Corps its Biological
12 Opinion. The Corps should consider the Fish and
13 Wildlife Service's suggestions and develop
14 alternatives that include proven methods of species
15 recovery such as habitat modifications and
16 improvements instead of chasing unproven flow
17 modifications.

18 The citizens of Missouri thank you for the
19 opportunity to participate in this process. This
20 river named for our state and flowing from one end of
21 it to the other is important to all Missourians.
22 Please manage it wisely.

23 COLONEL FASTABEND: Thank you, Mr. Kardis.

24 MR. MOORE: Roger Walker.

25 ROGER WALKER: Good evening, Colonel

1 Fastabend. My name is Roger Walker. I have a bit of
2 a cold, but I'll go on. I'm Chair of the Water
3 Committee for the St. Louis Regional Chamber and
4 Growth Association, that's St. Louis RCGA.

5 The St. Louis RCGA currently -- excuse
6 me -- the St. Louis RCGA supports the Current Water
7 Control Plan. While there must be literally hundreds
8 of alternatives that St. Louis RCGA could support,
9 the only plan on the table at this important public
10 meeting that we can support is the current plan and
11 we find -- we think that's unfortunate. We also
12 offer the following comments.

13 As stated by other speakers tonight, we
14 are here in large measure because of longstanding
15 desire by upper Missouri River basin states to
16 permanently take Missouri River water for recreation,
17 irrigation and other demands. The Army Corps is
18 proposing drastic changes on the basis of the U.S.
19 Fish and Wildlife Service jeopardy Biological Opinion
20 issued under the Endangered Species Act. The
21 Biological Opinion itself is scientifically flawed
22 and the Endangered Species Act we believe is being
23 misused by those who hope to achieve higher reservoir
24 levels and by those who hope to eliminate navigation.
25 A related issue in our minds demonstrates that some

1 upper basin interests have an ulterior motive is the
2 so-called Garrison Diversion that would allow an
3 out-of-basin diversion from the Missouri River into
4 the Red River which flows into the Hudson Bay. This
5 unprecedented diversion is the tip of the iceberg for
6 additional depletion, additional to the Missouri
7 River flow.

8 Our second point is that the listed
9 species are at risk, however the U.S. Fish and
10 Wildlife Service has not explored other alternatives.
11 As Tad Kardis from the Missouri Attorney General's
12 office indicated, they essentially have put together
13 a demand, that essentially have presented us with
14 only an option that was issued as an ultimatum for
15 the U.S. Army Corps of Engineers to follow. It's not
16 a true alternative and it's not an alternative that
17 we can support in any degree. It's unacceptable that
18 literally hundreds of alternatives to protect these
19 species have not been examined or considered at
20 public debate, and it's unfortunate that the Fish and
21 Wildlife Service would essentially handcuff the hands
22 of the Army Corps, the engineers by prevailing to --
23 by failing to provide these alternatives to protect
24 species. All the options except the Current Plan
25 would usurp the authority of the Army Corps of

1 Engineers' longstanding legislative authority to
2 manage the river. The concept of Adaptive Management
3 as outlined in the alternatives not only defrocks the
4 Army Corps of this important role but it subverts the
5 National Environmental Policy Act, NEPA. The NEPA
6 process is federally mandated and it's the best way
7 to ensure the federal actions receive public
8 scrutiny. As others have said, the spring rise puts
9 Missouri farmers and our communities at risk for
10 flooding. We have a natural spring rise. The
11 proposed artificial spring rise in our region and
12 state puts them at risk in ways that we cannot
13 predict or control.

14 We strongly oppose the split navigation
15 season and see this as a thinly veiled attempt to end
16 navigation on the Missouri River.

17 Finally, the role of unintended
18 consequences is at play here. These proposals and
19 supplement implementation will put drinking water
20 resources of our region at risk through increased
21 flooding, negative changes to river quality, or even
22 inhibit the ability of our citizens to rely on a
23 stable drinking water source. Businesses that rely
24 on Missouri River as a source of water or that
25 discharge into the river are placed at significant

1 economic risk in terms of environmental compliance.
2 These companies have learned to rely on the Missouri
3 River and its historic flows and that has been
4 putting them at considerable risk, a risk that has
5 not been examined by the Army Corps and the risk that
6 has not been considered in any of these alternatives.

7 With that I'll conclude and summarize by
8 saying the St. Louis RCGA strongly supports the
9 Current Plan and wish there were other alternatives
10 that we could support and express our thoughts on but
11 that's not the case. Thank you.

12 COLONEL FASTABEND: Thank you, Mr. Walker.
13 What I'm going to do is go ahead and let us take a
14 break now. I have about 21, 22 minutes after nine
15 o'clock. We'll reconvene at 25 minutes of, 9:35.

16 (A break was held.)

17
18 COLONEL FASTABEND: Okay. If you can take
19 your seats, we're going to resume. We don't want too
20 long of a delay or we'll have to start over. Nobody
21 wants to do that.

22 MR. MOORE: Chris Brescia.

23 CHRIS BRESCIA: I presume if I don't start
24 talking the light doesn't go on so maybe I'll get
25 more than five minutes.

1 COLONEL FASTABEND: As it gets later we're
2 going to be stricter and stricter.

3 CHRIS BRESCIA: I will submit my statement
4 but it's the only copy I have so I'm going to read it
5 first and I'll dispense with the first page which
6 talks about how great my organization is and how
7 wonderful all the people are in this room who support
8 the Current Water Control Plan and move right into
9 some of the concerns that I have. Because I will not
10 be able to complete what I would like to say in five
11 minutes, I'll see Colonel Krueger in Memphis and then
12 down in New Orleans and I'll complete it then.

13 Tonight what I would like to focus on are
14 some of the elements before us. The presentation of
15 documentation, Colonel; the biological basis for four
16 of the alternatives; the methodology used to arrive
17 at the conclusions; and the clear risk posed to the
18 sustainability of the Missouri and Mississippi River
19 navigation.

20 This next statement is not in my published
21 text but I want to make comment to our friend from
22 North Dakota who came here and just remind him that
23 for two years we participated in negotiations on
24 behalf of the navigation community. We offered to
25 share pain, we gave our maximum and that was not

1 enough for North Dakota so we had to regrettably
2 oppose the MCP Plan that eventually or adversely that
3 emanated.

4 Our team is challenged to find ways to
5 present very complex data affecting so many aspects
6 of the river. However, by summarizing data over a
7 hundred-year period the Executive Summary is rendered
8 meaningless. Over a hundred years, any major
9 negative impacts can virtually be eliminated.

10 The fact that significant impacts to
11 Missouri River navigation can still be demonstrated
12 illustrates the severe level of destruction that
13 could wrought to our region's economy. Companies
14 that cannot operate for one to three years without
15 profits will close but they are lost in your
16 statistical compilation. Just as your hydrologists
17 have attempted to validate their model based on known
18 data, so too much your economists validate their
19 impact analysis. This has yet to be done.

20 The GP alternatives are all based on a
21 Biological Opinion issued by the Fish and Wildlife
22 Service. This poor excuse for a scientific document
23 presents well-researched theory and prescriptive
24 conclusions. What's missing is empirical testing of
25 the theory.

1 Today, Colonel, we would like to present
2 for the record our critique of the Biological Opinion
3 to the U.S. Army Corps of Engineers and request a
4 response to every single point raised by our team of
5 biological experts. If ever there are actions that
6 diminish the credibility of government in the eyes of
7 the public it is when we spend extraordinary time
8 reviewing documentation, submit documentation and
9 receive no response, and this is the document which I
10 would like to enter into the record.

11 It is important to understand that when we
12 evaluate the hydrological models used to present
13 these alternatives we are mystified that public
14 policy decisions are expected to be made with so
15 little regard to risk analyses. For the last seven
16 years we have asked for plausible depletion scenarios
17 that are still lacking. What if your model does not
18 track with reality? Mother Nature has a way of
19 continuing to challenge the Corps of Engineers and
20 the water resource prognostication business. A shift
21 of one foot in river stages in either direction is
22 very likely and radically alters the feasibility of
23 proposed changes to the Missouri River and the impact
24 analyses.

25 We have challenged the presentation of

1 impact analysis in summary table format which lead to
2 the comparison of apples to oranges, misleading the
3 public. Opponents to navigation love to compare your
4 numbers with recreation. Yet, if the Corps were to
5 value recreation according to the same methodology as
6 navigation, there would virtually be no NED benefits
7 to recreation. If you can't water-ski in Montana,
8 North and South Dakota, you can to Minnesota.

9 Colonel, you have to excuse our pessimism,
10 but right smack in the middle of your Public Hearing
11 we received a briefing from your team on the
12 navigation impact analysis. Some of the studies have
13 just been initiated to confirm the impact analysis on
14 the Mississippi River, however we are led to believe
15 that the summary document is what the public should
16 respond to. I would submit that it's always easy to
17 plot out answers to models when you control the
18 assumptions, but when those assumptions don't wash
19 with reality, as we found in that briefing, you have
20 a flawed process.

21 The impact analysis on Mississippi River
22 impacts that you share with the public is misleading
23 and flawed. In fact, statistically your team should
24 have eliminated outlier years that significantly skew
25 your results. Just eliminating one year of data for

1 1939 radically changes the summary impacts. Imagine
2 what the public would find if they had access to each
3 year of records and compare against business losses
4 and foreclosures?

5 I would like to close with these key
6 points regarding Mississippi River navigation and
7 Missouri River. The GP proposals will lead to the
8 end of commercial navigation on the Missouri River.
9 Presenting the impact as 86 percent loss is
10 statistical, not real.

11 The MCP proposal will lead to a slower
12 death of commercial navigation on the Missouri River
13 with shortened seasons. You cannot eliminate the
14 down bound benefits at the end of a season and, like
15 the retail industry, expect it to survive, neither
16 can navigation.

17 Both the GP and MCP proposals will lead to
18 significant impacts on the Mississippi River contrary
19 to your Executive Summary analysis. Your team has
20 had access to industry representatives and principals
21 for over ten years and is just now getting to verify
22 their views.

23 Missouri River navigation's impact to the
24 region far exceeds the seven million quoted in your
25 documentation. This public needs to understand that

1 the commercial tonnage that moves on the Missouri is
2 but a small part of the region's benefits.

3 In conclusion, I would like to remind you
4 that there are over 38 million tons of freight that
5 move in the basin at reduced rail rates due to
6 competition from the Missouri River. We must make
7 sure that the reliability of the documentation, all
8 of the documentation is made public for individuals
9 to consider.

10 MARC 2000 opposes five of the six
11 alternatives and continues to believe that the
12 Current Water Control Plan provides the best
13 alternative to meet all Congressionally authorized
14 purposes, including navigation, flood control,
15 recreation, hydropower and fish and wildlife needs.
16 After all, if it was under the Current Water Control
17 Plan that recreation grew and prospered, it couldn't
18 have been all that bad. Thank you.

19 COLONEL FASTABEND: Thank you,
20 Mr. Brescia.

21 MR. MOORE: Paul Bertels.

22 PAUL BERTELS: Good evening, Colonel. My
23 name is Paul Bertels with the National Corn Growers
24 Association. Many of the points I would like to make
25 have already been made this evening, so I'll be

1 rather brief.

2 The National Corn Growers Association
3 places top priority on the economic uses of the
4 Missouri River. Flood control, navigation,
5 irrigation, and hydropower. Secondary importance
6 should be recreation and environmental issues
7 whenever possible. The only viable alternative the
8 NCGA can support today is the Current Water Control
9 Plan. It is inconceivable that the Corps would
10 consider disrupting and distorting the livelihoods of
11 thousands of U.S. farmers on such shoddy scientific
12 theory. Why would you disrupt the lives of
13 downstream growers for only a one to two percent
14 increase in tern and plover habitat? Habitat I must
15 point out that could easily and more efficiently be
16 created mechanically without flow changes. Likewise,
17 when you consider all the river range that the pallid
18 sturgeon habitats, the lower Mississippi, Red River,
19 Arkansas, and so on, these rivers all have natural
20 spring rises, yet the pallid sturgeon is still
21 endangered, but for some reason we're led to believe
22 that a spring rise will save them on the Missouri.

23 Finally, I want to comment on the impact
24 on the upper Mississippi navigation. The split
25 season will severely hinder navigation on the middle

1 Mississippi during middle and late summer, a crucial
2 time period for shipping corn and other agricultural
3 products. This year it was obvious that constrained
4 flows similar to those proposed under the Gavins
5 Point plan would have brought Mississippi navigation
6 to a halt. Any accounting that does not fully
7 reflect these Mississippi River impacts as navigation
8 impacts is duplicatious at best.

9 In conclusion, the only alternative that
10 the 32,000 members of the National Corn Growers can
11 support is the Current Water Control Plan. Thank
12 you.

13 COLONEL FASTABEND: Thank you.

14 MR. MOORE: Wayne Williams.

15 AUDIENCE: Was that Wayne Williams?

16 MR. MOORE: Wayne Williams.

17 AUDIENCE: He's gone.

18 MR. MOORE: Christine Favilla.

19 CHRISTINE FAVILLA: Good evening. Thank
20 you, Colonel. I am Christine Favilla. I am with the
21 Piasa Palisades Group of the Sierra Club and I want
22 to thank you for the opportunity to present testimony
23 regarding the citizens' desire for a balanced
24 management plan for Missouri River within the flow
25 frequency conversation.

1 The Piasa Palisades Group of the Sierra
2 Club believes that the primary goal of the Missouri
3 River Management Manual should be to support native
4 habitat restoration. All other management goals and
5 recommendations should be subservient to this
6 overriding goal.

7 The Piasa Palisades Group has been active
8 in the attempt to maintain the health and vitality of
9 the regional river basin. This is located not only
10 at the confluence of two rivers, but at the
11 confluence of three rivers, it's one very special
12 location in the ecosystem. We also have been in
13 coordination with a broad-based coalition as we study
14 the impacts that have occurred from managing the
15 Missouri River for navigation purposes. Ecological
16 destruction and loss of species throughout the basin,
17 coupled with the negative impacts on the upper basin
18 resources should heed warning to how the Missouri
19 River has been managed and the change that must take
20 place if a balanced ecosystem's chances to survive
21 and flourish in the future. The influence of dams
22 and levees and the resulting disassociation of the
23 river from its floodplain, the ever increasing
24 wetlands destruction, and the lack of thorough -- oh,
25 the light just went on.

1 COLONEL FASTABEND: Sometimes you get a
2 break.

3 CHRISTINE FAVILLA: Thank you. I'll start
4 that over. The influence of dams and levees and the
5 resulting disassociation of the river from its
6 floodplain, the ever increasing wetland destruction
7 and the lack of thorough scientific monitoring for
8 water quality, habitat quality, species decline, and
9 species recovery have lent themselves to an impaired
10 and degraded national treasure.

11 It is time to change the river's
12 management practices and to work on improving the
13 Missouri River system. The Missouri River once
14 nourished an abundance of wildlife through the
15 natural rise and fall of the water. Because of these
16 flows, life proliferated in the river's sheltered
17 backwaters, sloughs, mud flats, deep pools, oxbows,
18 gravel bars, and marshes. The annual nourishment,
19 life, and variety of habitats have been curbed by the
20 construction of dams for a negligible navigation
21 industry.

22 The Piasa Palisades Group endorses
23 managing the Missouri River for purposes other than
24 for navigation, and while this suggestion may be
25 revolutionary, we have found that the cost-benefit

1 analysis does not warrant management of the lower
2 Missouri River for navigation. The Army Corps of
3 Engineers continues to manage it for a non-existent
4 barge industry and by comparing the original Corps
5 waterway projections from the 1950s to the latest
6 Corps traffic figures, one can see that the barge
7 industry is currently at 12 to 20 percent of the
8 original expectations. Commercial shipping only
9 brings in seven million annually compared with the
10 nearly 90 million in economic benefits each year that
11 the angling related expenditures generate, such as
12 resorts and local boat manufacturers.

13 Arguments attempting to support the
14 navigation industry on this particular stretch
15 alleges navigational flows on the Missouri River and
16 the -- or, I'm sorry, on the Mississippi River are
17 dependent on the Missouri River. Yet, questions
18 aimed at all relevant state and federal agencies
19 assert that the Missouri flow change would not cause
20 an impediment of the navigation industry on the
21 Mississippi. The Corps of Engineers has asserted a
22 specific flow alternative would actually save the
23 industry 7.3 million dollars per year, and that's on
24 page 25.

25 Therefore, the Piasa Palisades Group of

1 the Sierra Club supports the split-season flow regime
2 for spring high flows once every three years, with
3 summer flows occurring every year. The rising spring
4 and early summer flow will help to create river
5 habitat and provoke fish reproduction cycles. The
6 low water in the late summer and fall will expose
7 sandbars which provide essential shallow water
8 habitat. Revising dam operations to accommodate both
9 of these stages is essential if the Army Corps of
10 Engineers is to manage the river in a balanced
11 manner. Such management would undoubtedly be a
12 positive environmental, community and economic
13 benefit as it works toward the prevention of species
14 extinction, provides recreation and tourism
15 opportunities such as fishing, canoeing, boating and
16 hiking, and even provides for some barge traffic. Of
17 the diminutive amount of cargo that is transported by
18 barge, at least 80 percent of it is moved before July
19 and after August. This points to the ability to
20 continue barge traffic under the recommended
21 split-season flow changes with some modification.

22 The flow regime is only one of many
23 components in the quest to return to a more river
24 hydrograph. In order to manage the river and support
25 native habitat, changes will inevitably have to be

1 made within the Corps of Engineers' management
2 system. Concerns include the topic of levees, the
3 reconnection of flood plains and the river, the dams,
4 Conservation Easement Funding, such as the wetlands
5 reserve program, and thorough and scientific
6 monitoring for water quality, habitat quality,
7 species decline and species recovery.

8 I also would like to mention that we do
9 support economic development of our nation but we do
10 not do so at the expense of our natural ecosystem.
11 Overall the United States citizens would save money
12 through such proactive procedures as placing the land
13 in easement.

14 I want to thank you once again for
15 allowing the Piasa Palisades Group of the Sierra Club
16 to comment regarding one of our nation's management
17 plans on our waterway, the Missouri River Master
18 Water Control Manual. We are pleased to see the
19 Army's engineers is actively working towards a river
20 management plan that balances the traditional uses of
21 the river with environmental concerns, namely the
22 restoration of native habitat and species recovery.
23 In determining the flow regime, we hope the emphasis
24 lies on the native ecosystem restoration. Thank you.

25 COLONEL FASTABEND: Thank you,

1 Ms. Favilla.

2 MR. MOORE: Johanna Beaudean.

3 JOHANNA BEAUDEAN: Good evening, Colonel.
4 I'm Johanna Beaudean. I've lived in the city of
5 St. Louis for the past six years and I grew up on a
6 farm near Hermann and own land in the Missouri River
7 bottom.

8 I would like to voice my support for the
9 Current Water Control Plan, with modification to call
10 for adaptive management. My support for this plan is
11 based on knowledgeable and logical understanding of
12 the effects of spring rise, reduced summer flow,
13 adaptive management, species and habitat restoration
14 and rock dike removal.

15 Our family lost 34 acres of bottomland
16 forest when rock dikes were relocated or removed from
17 the Missouri River. The removal of these dikes
18 affected navigation on the river in addition to the
19 effects it had on the family farm. Business owners
20 in the area were not consulted prior to the decision
21 being made to remove these dikes. As I stated
22 earlier, this was bottomland forest. It was not land
23 that was suitable for farming. It was not bringing
24 in revenue for the farm, however it was an
25 environment well suited for many species of wildlife.

1 This brings me to the point of species and
2 habitat restoration. Business owners and people on
3 and along the Missouri River are committed to the
4 restoration of wildlife habitat. They would be
5 concerned with preserving, rather than restoring
6 wildlife habitat if groups such as the Coalition to
7 Protect the Missouri River had been consulted prior
8 to making such rock dike changes to the Missouri
9 River system. The Coalition to Protect the Missouri
10 River is made up of 25 organizations, some of which
11 include Missouri and Iowa chapters of the
12 Farm Bureau, the Corn and Soybean Growers
13 Association, Ameren UE and the Midwest Area River
14 Coalition, which is made up of river navigators.

15 The business owners cannot do their part
16 to adequately manage the privately owned land along
17 the Missouri River without being part of the Adaptive
18 Management Agency Coordination Team. This is a great
19 opportunity for improved management of privately
20 owned lands along the Missouri River. Involving
21 business owners in decision allows them to manage
22 their land in the best possible way, as they can work
23 toward accomplishing the same goals as the other
24 members of the Agency Coordination Team. It's also a
25 great opportunity for the State of Missouri to gain

1 input on expanding the use of publicly owned land
2 along the Missouri River to improve wildlife habitat.
3 The Coalition to protect the Missouri River will add
4 a great deal of knowledge and value to the Agency
5 Coordination Team and it would be a grave mistake to
6 overlook the importance of this group in an Adaptive
7 Management Plan.

8 Greater investigation into the plan for
9 reduced summer flows reveals the damage that the
10 implementation of such a plan would have on the State
11 of Missouri. The representative from Congressman
12 Akin's office accurately described these facts and
13 I'll leave that point at that. However, I will say I
14 don't believe that any of the factors regarding the
15 damage to the environment or the economy were
16 considered when proposing a reduced summer flow.

17 The last point that I would like to touch
18 on is the proposal for a spring rise every third
19 year. It's very difficult for me to see how any
20 benefit will come of this. I reviewed documentation
21 from the U.S. Fish and Wildlife Service and could not
22 find sufficient proof to justify a spring rise every
23 three years. The USFWS has not proven that spring
24 rise would actually prompt increased spawning or that
25 increased spawning can save the pallid sturgeon.

1 Again the plan that has been proposed for a spring
2 rise will no doubt jeopardize the people of this
3 state and there is a chance that it might save a
4 sub-species of fish.

5 I would like to restate my support for the
6 Current Water Control Plan with the before suggested
7 modification to the call for adaptive management. I
8 ask that the Corps of Engineers include groups such
9 as the Coalition for Protecting the Missouri River as
10 members of the Agency Coordination Team. I hope that
11 I've made clear the costs associated with the spring
12 rise and summer flow reduction and I challenge the
13 U.S. Fish and Wildlife Service to develop solutions
14 that can be proven to benefit these three specific
15 species of fish and birds that do not jeopardize
16 human lives and livelihoods in the process. Thank
17 you.

18 COLONEL FASTABEND: Thank you,
19 Ms. Beaudean.

20 MR. MOORE: Ted Heisel.

21 MR. HEISEL: Good evening. My name is
22 Ted Heisel. I'm the Loan Policy Coordinator for the
23 Missouri Coalition For The Environment, St. Louis.
24 I'm speaking on behalf of the Coalition tonight.

25 The Coalition supports the recommendations

1 of the Fish and Wildlife Service as stated in
2 Biological Opinion issued last November. We believe
3 that if these recommendations are followed they will
4 lead to a partial restoration of the Missouri River
5 ecosystem and provide numerous benefits to wildlife
6 and humans. These benefits include greater
7 opportunity for floating, fishing, hunting, bird
8 watching and many other activities on the river.
9 While we have seen no evidence that the proposed flow
10 changes are related to additional water depletion, we
11 share the concern of other Missourians about large
12 depletions in the upper basin. Such depletions pose
13 a threat to river restoration and could eventually
14 undue any progress made by the changes being
15 discussed here tonight.

16 The Fish and Wildlife Service's
17 recommendations contain two primary components. The
18 first is to return to a more natural hydrograph and
19 the second is restoration of river and floodplain
20 habitat. To some extent these are intertwined but
21 neither one alone is sufficient. As for the flow
22 changes, we believe the Corps' REDIS does a fairly
23 good job at explaining the various alternatives. The
24 Coalition urges the Corps to select alternative
25 GP2021 which comes closest to mimicking historic flow

1 patterns on the river. This alternative will help
2 restore some of the river's ecosystem primarily in
3 the stretch below Gavins Point Dam but mostly above
4 the State of Missouri.

5 It is also important to note that fears
6 about increased flooding as a result of the proposed
7 changes appear to be greatly overblown. The Corps'
8 model showed there will be an insignificant impact on
9 flood control as a result of the spring rise. It is
10 our opinion that farmers have much more reason to be
11 concerned about the proliferation of commercial and
12 industrial levee development along the Missouri River
13 which are causing floods to become much more frequent
14 and more severe.

15 The second major component of the Fish and
16 Wildlife Service's recommendation related to the
17 restoration of habitat. We are concerned that the
18 Corps' RDEIS does not address habitat restoration
19 apart from the flow changes and, therefore, will not
20 avoid the extinction of certain species. As set
21 forth in the Biological Opinion, twenty to thirty
22 acres of shallow habitat must be restored each mile
23 of the river to ensure that the pallid sturgeon does
24 not go extinct. The alternatives in the RDEIS do not
25 come close to providing this amount of habitat.

1 Additional modifications should be made to the system
2 of wing-dikes and bank fortifications to make sure
3 that these habitat goals are achieved.

4 We encourage the Corps' expedited efforts
5 to restore habitat along the lower river. For
6 example, the previously authorized Missouri River
7 Mitigation Project should become a top priority.
8 This project could be facilitated greatly by
9 additional funding in next year's federal budget.
10 And I might add it was encouraging to hear the
11 support for habitat restoration from many of the
12 congressional representatives here tonight.

13 We are also encouraged by efforts of the
14 Corps, Fish and Wildlife Service, Missouri Department
15 of Conservation and the Missouri Department of
16 Natural Resources to restore habitat on the lower
17 Missouri. Areas such as Overton Bottoms and Lisbon
18 Bottoms are demonstrating the environmental benefit
19 of recreating side channels and reconnecting the
20 river to its floodplain. These efforts are a very
21 good start of bringing people and wildlife back to
22 the Missouri River. Thank you.

23 COLONEL FASTABEND: Thank you, Mr. Heisel.

24 MR. MOORE: Larry Daily.

25 LARRY DAILY: Good evening, Colonel.

1 Larry Daily. I'm President of Alton Barge Line from
2 Bettendorf, Iowa. I came down here on a five-hour
3 drive because we couldn't get you to come to Quincy.
4 We appreciate you having a Hearing, though. I would
5 also like to say I appreciate and very much respect
6 the public turnout here this evening no matter which
7 side of the issue you are on. In my mind you're
8 doing something just as patriotic as those fine men
9 in Afghanistan.

10 Alton Barge Line operates 400 barges,
11 seven line boats. We employ about 400 people through
12 fleet, ship yards, terminals from St. Paul to
13 New Orleans. We've operated barges on the Missouri
14 River this year and boats on the river until last
15 year. While I'm not speaking for them, I am a member
16 of the Inland Waterway User Board, congressionally
17 mandated user group to look at the uses of the river
18 and the expenditures of the Inland Waterway Trust
19 Fund. I'm the Regional Vice-President of the
20 Propeller Club of the United States, and I'm the
21 Chairman of the Midwest Region of the American
22 Waterway Operators, which includes the Missouri River
23 in our territory. I'm also a second generation
24 inland mariner. My father and my uncle both were
25 pilots and captains on tow boats on the Missouri

1 River. Finally, I'm the father of two children who
2 loves nature, loves the environment and wants to do
3 everything I can to keep the earth safe for my
4 descendants.

5 I will submit written comments later but I
6 wanted to speak tonight about some key issues I
7 oppose to all the alternatives except for the ESCWCP.
8 The first was impact on the rest of the Inland
9 Waterway System. Secondly, I question the benefits
10 from the recreational boating on the upper reaches of
11 the Missouri. And thirdly, the Biological Opinion
12 and the lack of good science and inability to
13 document any real world benefits to the three
14 endangered species.

15 As a member of the Inland Waterway User
16 Board, among other things we have been briefed over
17 the last two years on the progress of this study
18 right here. I've also been briefed quite often and
19 seen decisions made based on economic benefits on the
20 Ohio River, for instance, where a second 1200 foot
21 lock for a lock and dam system that already has a
22 1200 foot lock is justified on the basis of the
23 economic loss if the existing lock fails for a few
24 weeks. If the lower Mississippi River fails below
25 Cairo due to reduced flows from the Missouri River,

1 it will not only shut down the Ohio but the upper
2 Miss, the Illinois, and, of course, the Missouri.
3 The short-term failure could cost billions of dollars
4 for delayed shipments, reduced capacity and the
5 alternative transportation costs.

6 Secondly, I question some of the
7 recreational benefits that to me are kind of a ghost
8 number because a boater or a fisherman cannot -- just
9 because he can't fish in the Missouri River
10 reservoirs, he's not going to drive to Kansas or to
11 New Mexico, he's going to find another stream or
12 another lake somewhere near. His purchases of bait,
13 gasoline, food, whatever, will still be used in that
14 area.

15 Thirdly, the Biological Opinion, I don't
16 believe the Biological Opinion shows good science. I
17 don't think it reflects the true will and spirit of
18 the Endangered Species Act. As a personal story, my
19 grandfather was a U.S. Fish and Wildlife warden in
20 Arkansas in the '50s and '60s. When I was
21 ten-years-old I watched him threaten to pistol-whip
22 someone who had a couple of wrong sized shotgun
23 shells in his pickup truck. I think that's what the
24 Fish and Wildlife Service is doing to the Corps and
25 to commercial navigation right now. It wasn't right

1 in '65 and it's not right now. Thank you.

2 COLONEL FASTABEND: Thank you, Mr. Daily.

3 MR. MOORE: Susan Gustafson.

4 SUSAN GUSTAFSON: My name is Susan
5 Gustafson. As the Vice-President of Conservation,
6 I'm representing the Board of Directors and 2200
7 members of the St. Louis Audubon Society. We are the
8 local chapter of the National Audubon Society whose
9 mission is to conserve and restore natural ecosystems
10 focusing on birds, other wildlife and their habitats
11 for the benefit of humanity and the earth's
12 biological diversity.

13 There are three key words in that Mission
14 Statement, restore natural ecosystems. If you've had
15 the opportunity to see pictures of the Missouri River
16 basin prior to 1933 when the Corps was first
17 authorized to build the first of six dams on the
18 Missouri River, you could appreciate the vastness and
19 the power of the river playing its natural role in
20 flowing and ebbing across the floodplain and
21 facilitating the ecological role provided by wetlands
22 and riparian habitat. Compare that to the current
23 narrow channels artificially dug and controlled by
24 levees, dikes and dam operations. Well, the dam
25 operations can be managed to help restore some

1 semblance of natural flows. While we were
2 disappointed that the U.S. Fish and Wildlife
3 Service's Biological Opinion per se was not included
4 as an alternative, we were pleased to see the four of
5 the six alternatives include flow changes out of
6 Gavins Point.

7 The flexible flow alternative, or what we
8 call GP2021, is the only option now on the table that
9 fully captures the recommendations of the Fish and
10 Wildlife Service. It would give the Corps the
11 authority and flexibility to prevent species
12 extinction and support recreation and tourism without
13 unduly burdening other uses of the river. The
14 recommendations of Fish and Wildlife Service are a
15 modest way to help fish and wildlife without
16 disrupting traditional uses of the river. The Corps'
17 own analysis shows we can still provide flood
18 control, hydropower, support for Missouri River
19 navigation, increase support for Mississippi River
20 navigation, and protect floodplain farmers. The
21 GP2021 alternative will give the Corps the ability to
22 respond to biological monitoring, water conditions
23 and other factors in an adaptive management approach
24 to Missouri dam operations. Without flow changes on
25 the river more species will likely be listed as

1 threatened or endangered.

2 As a biologist and a Missourian it greatly
3 saddens me to hear one of our U.S. Senator's
4 flippancy toward wildlife species. The end result of
5 biodiversity, and it's not just the three species
6 everyone is talking about. Those species serve as
7 indicators species of the health of the system as a
8 whole and that health will in turn effect us as
9 humans utilizing the river.

10 The overwhelming body of scientific
11 evidence, and I repeat scientific evidence, is not a
12 scheme or a poor excuse or shoddy science as some of
13 the nonscientists or biologists in the room have
14 stated, but the overwhelming body of this scientific
15 evidence points to the need for both habitat
16 restoration and flow changes to help fish and
17 wildlife survive and us as humans in benefiting from
18 the river.

19 Thank you for listening to our comments.

20 COLONEL FASTABEND: Thank you,
21 Ms. Gustafson.

22 MR. MOORE: Brent Hoerr.

23 MR. HOERR: Thank you, Colonel, for the
24 opportunity to be here. Brent Hoerr, and I'm here
25 representing the Marion County Drainage District. We

1 recommend that the Master Water Control Manual do not
2 be changed. The benefits that are outlined in the
3 Water Control Manual are flood control, navigation,
4 irrigation, hydropower, water supply, water quality,
5 recreation, fish and wildlife. These benefits are
6 not equal and they do not have the same response for
7 each one, and I just want to go on the record of
8 saying that each of these benefits have different
9 needs and concerns and they're not equal in the
10 amount of resources that they need.

11 Also speaking for stakeholders along the
12 river, there are those of us who live along the
13 river. We feel we need a larger stake in what is
14 being done and planned along the river. An example,
15 we have been working on inundation maps and under
16 your calculations you say that flood damage starts
17 when the water gets to the flood control -- or flood
18 stage. Our levee district, when the water gets to
19 flood stage, 86 percent of the land would be under
20 water if it wasn't for the levees. There have been
21 changes over the years. That is what it is today.
22 It wasn't that way when we started our district. So
23 the stakeholders need to have a greater stake who are
24 actual stakeholders. There are those stakeholders
25 that are in the process that represent interests away

1 from the river. They need -- I'm saying these are
2 not equal either. There are those of us that live
3 there, work there, I feel that these stakeholders
4 need to have a greater say in what goes on on our
5 river. Thank you.

6 COLONEL FASTABEND: Thank you, Mr. Hoerr.

7 MR. MOORE: Richard Stegmann.

8 AUDIENCE: He left.

9 MR. MOORE: Norman Hoerr.

10 NORMAN HOERR: I'm a cousin.

11 COLONEL FASTABEND: I was wondering.

12 NORMAN HOERR: I figured. I'm Norman
13 Hoerr. I'm a Director of the Upper Mississippi,
14 Illinois, Missouri River's Association. I'm also
15 Chairman of Fabius River Drainage District just west
16 of Quincy, Illinois, 20 miles north of Hannibal. We
17 drove down here knowing that it's an important issue
18 that you are all addressing right now.

19 Speaking for the two organizations I just
20 mentioned, I want to say that I agree with everything
21 that my Congressman Kenny Hulshof said. If you
22 review his statements, you have my opinion. If you
23 review what my Senator Bond said, you have my
24 opinion. If you review Charlie Kruse's statements,
25 you have my opinion, and thank you for your time.

1 COLONEL FASTABEND: Thank you, Mr. Hoerr.

2 MR. MOORE: Ellery Hawkins.

3 ELLERY HAWKINS: Good evening, Colonel.

4 My name is Ellery Hawkins. I come from
5 Monroe County, Illinois and I'm representing the
6 Monroe County Farm Bureau and also my own family
7 farm.

8 You wonder why I would come from Monroe
9 County, Illinois, and express opinion on this subject
10 is because almost 50 percent of our county lays in
11 the Mississippi River floodplain. Some have said
12 tonight that changing the Flood Control Plan would
13 not -- would only have a negligible rise. Sir, we
14 cannot take an inch rise sometimes because when it
15 raises too high we shut our locks, interior drainage
16 stops and we flood.

17 Also I can represent the Gateway FS local
18 co-op who has two river terminals, one on Kaskaskia
19 and one on the Mississippi. We cannot take low
20 flood -- low water in the summer because it would be
21 a detriment to our barging grain. It would be very
22 detrimental to our farmers.

23 Now to my own personal views as a family
24 farmer in a floodplain. My son is just starting
25 farming with me, he's 21-years-old. He's starting --

1 he's going to be able to farm some of his great
2 grandfather's land he farmed in the floodplain. I
3 ask you not to change the flood control position as
4 it is today. Don't take away, I beg you not to take
5 away my son's right to farm in the floodplain because
6 it is very good place to farm. It was also a place
7 where our ancestors who over a thousand years ago
8 farmed, had a great civilization in our area, the
9 American-Indian, and they knew it was good land.
10 Please protect it. I thank you.

11 COLONEL FASTABEND: Thank you,
12 Mr. Hawkins.

13 MR. MOORE: Jayne Glosemeyer.

14 JAYNE GLOSEMEYER: Good evening. I'm
15 Jayne Glosemeyer and I'm an agricultural producer in
16 Warren County, Missouri, and my family farms 700
17 acres in the Missouri River bottoms. I am here
18 tonight though representing the Missouri Corn Growers
19 Association as I serve as one of their State Board
20 Directors and our organization represents the corn
21 growers in the State of Missouri.

22 MCGA will support the Current Water
23 Control Plan because it is the only feasible
24 alternative presented by the Corps of Engineers. All
25 the other alternatives that are being presented would

1 be absolutely devastating for agriculture.

2 We are opposed to higher reservoir levels
3 in the upper basin lakes. Increased reservoir levels
4 reduce the water available and flood control
5 abilities to the lower basin. Managing the Missouri
6 River flow based on the wants of upstream recreation
7 goes against the original intent of Congress for
8 multiple uses, including flood control and
9 navigation. We are also adamantly opposed to what is
10 referred to as the spring rise. Increasing water
11 releases would flood or decrease drainage on
12 thousands of acres in the Missouri River bottoms.
13 The Corps and the Fish and Wildlife Service claim
14 that they can curtail water releases from Gavins
15 Point Dam if downstream flooding occurs. This
16 cannot be true. Once the water is released it will
17 take eight to eleven days to reach the mouth of the
18 Missouri at St. Louis. If we are already
19 experiencing high water levels from unexpected heavy
20 rainfalls this proposed controlled flood would turn
21 minimal flooding into major devastating flood
22 damaging many farms and businesses that lay in the
23 floodplain. These higher water tables create
24 interior drainage problems that could delay spring
25 planting even if major flooding does not occur.

1 There are approximately 10,000 acres in our farming
2 community where I live and at least one-third of
3 those acres would be affected by poor interior
4 drainage associated with high spring river stage.

5 It is also proposed that these increased
6 spring flows would be offset in late summer by a
7 split navigation season. During July through
8 September water releases would fall below levels
9 needed to maintain navigation. This would end
10 navigation on the Missouri River. As you know,
11 barges are a low cost transportation alternative for
12 agriculture commodities and input. Barge
13 transportation places competitive pressure on
14 regional rail rates. Railroads can only raise rates
15 to the point where they would start to push traffic
16 onto alternative modes of transportation. For
17 example, the barge system.

18 It has been demonstrated numerous times
19 that in areas throughout the country that do not have
20 access to barge transportation, rail rates are
21 higher. In their analysis the Corps estimates that
22 barge competition reduce rail rates in the Missouri
23 basin by up two hundred million dollars annually.
24 The importance of barge competition is further
25 heightened as the rail industry continues to

1 consolidate.

2 The Missouri River is also a major source
3 of water for the Mississippi River. During the
4 drought of 1988 Missouri River discharges accounted
5 for 63 percent of the water flowing past St. Louis
6 from July through October. If planned flow
7 reductions by the Corps would coincide with another
8 summer drought, navigation on the upper Mississippi
9 would be uninterrupted, costing the nation's farmers
10 and industries millions of dollars a day.

11 We also have concerns about what the Corps
12 calls Adaptive Management. Through this proposed
13 Adaptive Management, the Corps would be given
14 considerable power to make flow release adjustments.
15 These adjustments would be made primarily through
16 consideration of one interest, the endangered
17 species. If it is determined by the government
18 agencies that for the sake of the species it is
19 needed, the highest spring rise and the lowest summer
20 flows could be implemented. We cannot assume that
21 any other alternative would be proposed and accepted
22 by the Fish and Wildlife Service. They have single
23 mindedly always proposed a spring rise and split
24 navigation season as the only alternative that would
25 benefit the species. They have not proposed any

1 other reasonable and prudent alternative.

2 MCGA is concerned that Adaptive Management
3 will result in the loss of the public's ability to be
4 involved in the decisions involving flow management
5 for the Missouri River. It does not follow the law
6 that is provided by the National Environmental
7 Protection Act that allows for public input. Through
8 Adaptive Management the Corps assumes power not given
9 to it by Congress. Congress did not intend for the
10 Corps to assume the power to implement any changes
11 they feel are necessary or want to try as an
12 experiment.

13 In summary, a spring rise is unwarranted
14 and unscientific. It threatens farms and towns with
15 increased risks of flooding and financial losses
16 through reduced internal drainage. The reduced
17 summer flows would end navigation on the Missouri and
18 threaten barge traffic on the Mississippi River.
19 MCGA believes there are other non-flow alternatives
20 to be found but this will not happen if our
21 government agencies remain narrow-minded and focus
22 their concerns only on the wildlife use of the river.
23 It is time we demand a plan that will consider not
24 only the wildlife but also those affected by the
25 river and the needs that are met by its use.

1 Thus, MCGA supports the Current Water
2 Control Plan. We recommend to the Corps keep the
3 water plan now in operation.

4 Thank you for allowing me to share my
5 concerns.

6 COLONEL FASTABEND: Thank you,
7 Ms. Glosemeyer.

8 MR. MOORE: Delwin Johnson.

9 AUDIENCE: Not here.

10 MR. MOORE: Kenneth Hartman.

11 KENNETH HARTMAN: Good evening, Colonel.
12 I thank you for letting me speak tonight. My name is
13 Kenneth Hartman, Jr., and I am a member of the
14 Illinois Corn Growers Association and also a resident
15 of Monroe County, Illinois.

16 I'm talking to you tonight because we have
17 concerns with the navigation of the Missouri River
18 and the Illinois and the Mississippi because all of
19 these -- other than -- including the Illinois and the
20 Mississippi River navigation concerns are because of
21 60 percent of the water that flows south of St. Louis
22 comes from the Missouri River. So by lowering the
23 summer flow of the Missouri River it would also cause
24 navigation problems on the other two rivers which
25 would be a direct impact to the barge traffic which

1 would basically raise the cost of Illinois Corn
2 Growers' cost of barging grain on these rivers, so we
3 have this concern.

4 The other concern we have is the spring
5 rise. From St. Louis south to Cairo there are many
6 farmers along there that do have farm ground that
7 does go under water with these rises, even though it
8 may be only a few feet it is detrimental to these
9 areas. Thank you.

10 COLONEL FASTABEND: Thank you,
11 Mr. Hartman.

12 MR. MOORE: Bill Lowry?

13 AUDIENCE: Not here.

14 MR. MOORE: Larry Dowdy.

15 LARRY DOWDY: Good evening. My name is
16 Larry D. Dowdy. I'm Executive Vice-President of the
17 Little River Drainage District headquartered in
18 Cape Girardeau, Missouri. Our District is the
19 largest drainage and Levee District of its kind in
20 the nation. We are involved in the moving of surface
21 runoff of over two million acres of farmland and
22 upland runoff each year.

23 We are downstream some 100 miles from
24 St. Louis but the areas within our system are
25 affected adversely and directly with any flooding

1 that occurs on the Mississippi River at
2 Cape Girardeau, Missouri. In 1993 if it had not been
3 for our District our levee system and other features
4 within our District from the Mississippi River would
5 have flowed through the delta of the Bootheel of
6 Missouri for 150 consecutive days beginning in April
7 and going through most of September. Our levee
8 system was never in any danger of breaching, but
9 additional waters would have continued to put
10 pressure on an already saturated levee which is not
11 desirable.

12 Downstream of that levee is livelihood of
13 more than 3,000 private landowners who are farmers in
14 parts of seven counties. The safety and welfare of
15 those people and many others is dependent upon our
16 levee system working. We object to any plans that
17 would cause our levees to be jeopardized in any way.
18 Owe citizens' welfare, safety and the investments
19 that they have already made in our District and up
20 and down the Mississippi River and the Missouri River
21 are far more important than the least tern, pallid
22 sturgeon or piping plover.

23 We remind you and those who advocate
24 making any changes to the reservoirs and the
25 improvements which have been made on the Mississippi

1 River and on the Missouri River were authorized by
2 Congress based upon the benefits of flood control,
3 drainage and navigation. The environmentalists, the
4 conservationists and other such entities have reaped
5 many benefits from the construction of those
6 reservoirs and from the improvements the U.S. Army
7 Corps of Engineers have made on those two rivers. We
8 do not want to circumvent what Congress has
9 authorized and justified to the taxpayers of this
10 nation.

11 We are at a point in our nation that we
12 must be exploring every possible means of reducing
13 our dependency upon the foreign oil markets. We need
14 to utilize anything and any mode of transportation
15 which is more economical than our highways. Water
16 borne commerce and transportation is far more
17 economical for moving goods throughout the heartland
18 of our nation. It is much more environmentally
19 acceptable than any emissions that come from our
20 trucking history and it is the safest means of
21 transportation we have.

22 We need to look to improve our waterway
23 infrastructure and not be looking for ways to
24 discourage development of those assets. We need to
25 improve, grow and construct more hydroelectric plants

1 on the rivers, not less. The people who are
2 advocating these changes for the most part do not
3 live here in this valley. They do not make their
4 living here, they do not have the investments here,
5 yet they have caused at least three series of
6 Hearings on this same issue over the past few years,
7 which is asinine. We continually are wasting the
8 taxpayers money by continually studying these issues,
9 holding these Hearings, striving to find a plan to
10 benefit the least tern, the pallid sturgeon and the
11 piping plover. We need to be better stewards of our
12 taxpayers than this.

13 The last Hearing we attended on this issue
14 we learned throughout the Missouri and Mississippi
15 River Valleys that few if any individuals rose to
16 speak in favor of the proposed changes. Our current
17 two Senators, our former Senator, our former
18 Governors, our current Governor, all of our
19 congressional people, even parts of the Missouri
20 Department of Conservation, the Missouri Department
21 of Natural Resources have told the Corps this plan is
22 not acceptable and we do not need to make any
23 changes. It is time the Corps of Engineers listen to
24 those people who are affected directly the most.

25 The information that is bandied about by

1 the U.S. Fish and Wildlife Service has no scientific
2 basis and is highly flawed. In my District's
3 dealings with this agency we have found them to be an
4 organization that speaks without any validity to the
5 data they put out and most of their information and
6 statements are salted with prefixes such as "this may
7 happen", "this could happen", "this might happen."
8 They never say unequivocally, "this will happen."

9 Those groups which support them such as
10 the Sierra Club and other such organizations are
11 based outside the area in question and have no vested
12 interest in the area. We are thankful that the U.S.
13 Fish and Wildlife Service, the Sierra Club and other
14 like agencies did not exist at the time our
15 forefathers developed the country. Had they existed
16 we would still be a third world country and not the
17 leader of the entire world as we are today.

18 We believe it's time to quit holding these
19 Hearings. It is time to quit studying changes to the
20 Missouri Master Water Control Plan. We believe it is
21 time to tell the U.S. Fish and Wildlife Service and
22 any others that are advocating these changes that
23 they are not going to be made and that we're going to
24 continue to operate the Missouri River and
25 Mississippi River in the manner that Congress

1 authorized and approved.

2 In case you don't know which plan I
3 support, it is the one currently in place. And as a
4 sideline, Colonel Krueger is a good friend of mine
5 and we want you to recommend him for a star whether
6 you get one or not.

7 COLONEL FASTABEND: Thank you, Mr. Dowdy.
8 That's not going to get Dan out of listening to the
9 Hearings.

10 MR. MOORE: Clarence Trachsel.

11 CLARENCE TRACHSEL: My name is Clarence
12 Trachsel, close enough. I'm here representing the
13 Reveaux Levee District and the Capital View Levee
14 District. Both of those are located in Calloway
15 County and so I'm here representing several farmers
16 who are trying to make a living by farming the river
17 bottom. And just for the record here, we have
18 opposed any increase in the spring rise of the river.

19 One thing I would like to say, in your
20 study you made the assumptions that you'll never
21 release water when there is a lot of inflow
22 downstream and that is a flawed assumption. It takes
23 about 11 days from what I understand for water to
24 flow from Gavins Point to near Jefferson City, and in
25 our Levee District there has been many times when we

1 have been one inch of water away from having a flood
2 on our farmland because it just gets down to where
3 you're within the last inch. So for you to tell me
4 that you believe that you can release three or four
5 feet of water at Gavins Point and control the impact
6 to one inch near Jefferson City, I do not believe.
7 So I would like to see you go back and redo your
8 study with the economic impact with having the
9 percentage of floods included.

10 The other thing I would like to say is
11 that I've got an example. Congressman Hulshof stated
12 that on 8, June, this year at Hermann they had a
13 16-foot rise in seven days, and on the 8th of June it
14 was near flood stage there but their levees were high
15 enough. The Capital View Levee District, we were
16 within four inches of losing our crops. Had we done
17 that we would have some farmers going from a meager
18 income to a negative income, and so based on that we
19 cannot support any increase in the spring rise.

20 If you really want to help us, do
21 something to decrease the spring rise. That's what
22 we would like. And by the way, if you do something
23 to increase the spring rise, I think it would only be
24 fair that you go all downstream and raise everyone's
25 levee three to four feet to make up for the

1 possibility you'll make a mistake. Thank you very
2 much.

3 COLONEL FASTABEND: Thank you,
4 Mr. Trachsel.

5 MR. MOORE: Diane Albright.

6 AUDIENCE: She left.

7 MR. MOORE: Randy Asbury.

8 RANDY ASBURY: Good evening, Colonel. My
9 name is Randy Asbury. I originally came to testify
10 on behalf of the Coalition to Protect the Missouri
11 River. In lieu of that tonight I would like to burn
12 my five minutes by testifying for myself. I would
13 like to submit my Coalition comments in writing,
14 though.

15 Would Don Huffman stand up? I would like
16 everybody to look at this fellow here. He's a friend
17 of mine. I've been working on this issue for only a
18 few months and I have attempted in those few months
19 to become educated by the issue and to present, on
20 behalf of those we represent and myself, testimony
21 that would be of integrity that has been put together
22 with care, that has been put together on a basis that
23 is what we would truly believe. I asked Don to stand
24 up for the only reason that a few moments ago in
25 testimony he was stated as being nonexistent, in that

1 navigation is nonexistent. Now, if that's the case,
2 the testimony that that nonexistent man gave earlier
3 would be nonexistent for you over here. Therefore,
4 it meant nothing. I have to admit that aggravated
5 me, and for those who work with me they know I don't
6 get aggravated very easily. I only bring this
7 tonight because, folks, this is a very simple issue.
8 People; animals. I serve the God of the Bible. You
9 don't have to go in the Bible but two or three pages
10 to find that animals fall on the lower priority scale
11 than does man. We have stated in all of our
12 testimony that we believe that there are needs of
13 species and that they should be addressed. Yet at
14 the same time I continue to come to these Hearings
15 and hear statements such as what was made by this
16 young lady over here earlier, and I spoke to her and
17 I mentioned to her that I respect her opinion, and I
18 do. But folks, where have we come in our county to
19 stand here today after twelve years of discussion to
20 concur that potentially an animal is superior to man.
21 I think if that's what the outcome of this Hearing
22 and this process concludes, we've come to a point in
23 our society where we have missed a very important
24 aspect of our society, and that is that we are here
25 to work, we're here to be productive, we're here to

1 serve, we're here to be good stewards of what God has
2 blessed us with, and I believe that we should do
3 that. But at the same time we should not look down
4 upon those who are attempting to make their
5 livelihood in such a way as what Don Huffman is or
6 what Roger Blaske is. We shouldn't look down upon a
7 Chad Smith with American Rivers for his point of
8 view, and certainly I don't. I respect that.

9 But folks, let's bring this down to a very
10 simple context. Let's bring this down to where it
11 really needs to be. What is priority here? What is
12 priority? Is it a fish? Is it a bird? Is it an
13 alligator? Is it a snail? Is it man? I don't
14 begrudge someone for having the interest of animals.
15 I was born and raised on a farm and certainly love
16 animals. I consider myself a conservationist, I
17 consider myself an environmentalist. But, you know,
18 somewhere along the line there has got to be common
19 sense and balance in everything, and I would hope
20 that through the course of these proceedings that
21 that's where we will land when that is all said and
22 done. I would also hope that in the future that as
23 people address situations that they would attempt to
24 do it in such a way that there would be no disrespect
25 given towards those who are truly out there working

1 and investing and attempting to be productive in a
2 way that is very beneficial to the United States.

3 My testimony tonight, of course, again is
4 on my behalf as an individual, not on behalf of the
5 Coalition, and I state that very clearly and want
6 that to be on the record. But I do have to say that
7 I appreciate the fact that we have this opportunity
8 being here in the United States and that we can stand
9 up and present our comments. But I would also like
10 to stress the importance of let's keep in mind what
11 we're looking at here. Let's keep in mind what this
12 great country was built on. Let's keep in mind where
13 we're going with these proceedings. And let's hope
14 that when it's all said and done that common sense
15 and balance seize the day and are appropriately
16 considered for future implementation or whatever
17 would come out of this river issue.

18 Again, we believe and I personally believe
19 that species need to be addressed. But in that, I
20 think it's also important that we have to address
21 those individuals whose livelihoods, whose families,
22 whose investment are such that they depend upon them
23 each day and that they are as important as that of a
24 pallid sturgeon, a plover or a tern.

25 Thank you for the opportunity to speak my

1 words tonight.

2 COLONEL FASTABEND: Thank you, Mr. Asbury.

3 MR. MOORE: Marvin Meyer.

4 MARVIN MEYER: Colonel Fastabend, before I
5 get into my prepared remarks, I would like say that
6 I'm thankful that I live in this country. A country
7 that has a Constitution and a Bill of Rights. Among
8 these Rights are the freedom of speech and the
9 freedom of assembly which is what we're doing here
10 today. It also means that we have the responsibility
11 to be truthful, courteous, civil and a willingness to
12 listen and respect the other person's ideas, concerns
13 and needs, and my statement is going to be just a
14 little bit different than others. I won't quote any
15 figures, statistics or anything. I'm opposed to this
16 spring rise. My name is Marvin Meyer. I'm a retired
17 farmer from the Black Walnut, Portage Des Sioux area
18 of St. Charles County, Missouri, which is about
19 fifteen miles upstream from the confluence of the
20 Missouri River with the Mississippi River. I've been
21 a farmer all of my life. My daughter and her husband
22 own a farm now. It has been a good, hard, but good
23 honest and satisfying life. My farms are more
24 fertile and productive today than they were in Lewis
25 & Clark's time. It was being cultivated and been

1 surveyed before their journey. It was settled by the
2 Payne and Fallous (phonetic) families in the 1700s.
3 As far as I know, most of my ancestors were farmers
4 just as most of my relatives today still are, and
5 there are three of them in this room today. Bob and
6 Norman, stand up. Let them see that there are really
7 people here. Okay.

8 We were and still are good stewards of the
9 soil. You take care of what takes care of you. We
10 were concerned about and protected the environment to
11 the best of our abilities long before the words
12 environment or conservation were ever even invented.
13 I believe that some of the changes to the Missouri
14 River have not been the best but a spring rise will
15 only create more problems. I call it planned
16 flooding. The Corps of Engineers were wrong when
17 they say a spring rise will cause little increase in
18 flood frequency or damages. Any time you inject
19 extra water into a river during prime flood season
20 without chance of recall for greater protection, you
21 increase flood damages. It takes ten or eleven days
22 for a release from Gavins Point Dam in South Dakota
23 to reach St. Charles, Missouri. If there are huge
24 rains in the lower Missouri Water Shed, especially
25 from Kansas City to the mouth of the Missouri, there

1 is no question that the probability of flooding will
2 be increased. The Corps either doesn't know the
3 facts, is ignoring them or is trying to appease other
4 groups. In the defense of the Corps, neither they
5 nor Fish or Wildlife can do anything without the
6 approval of Congress. It is Congress that sets
7 public policy. It is Congress that provides funding.
8 But who is Congress? It's us. We elect them. They
9 pass the laws. Bureaucrats write the rules and that
10 is the law unless it is overturned by the courts.
11 Congress seldom reviews the rules to see that they
12 conform to the intent of the law. Because we the
13 farmers in the valley are so few, we are seldom
14 heard.

15 I do a lot of reading, Colonel. So on
16 7-10-01, July the 10th in the Wall Street Journal
17 there was an article. In April, 2001, the U.S.
18 Federal Court held the taking of water for endangered
19 fish in California constituted a clear government
20 taking of property and that farmers must be
21 compensated. The Fifth Amendment to the Constitution
22 is intended to bar government from forcing some
23 people alone to bear public burdens which in all
24 fairness and justice should be borne by the public as
25 a whole. I call this a regulatory taking of rights.

1 I believe that the spring rise and flooding that will
2 surely follow is the same principle.

3 It is a folly to think that we can
4 recreate the conditions of Lewis & Clark's time. It
5 cannot, will not and should not be done. The
6 memories of the past are always better than the
7 reality. I did not cause the problems but I'm one of
8 those who will be wronged by the spring rise, which I
9 call planned flooding, and will have to pay the
10 consequences. It is my firm belief that this will
11 lead to the eventual elimination of most agriculture
12 from the river valley. I am certain that agriculture
13 will be damaged. There will be more frequent and
14 disastrous floods. It will mean scouring from sand
15 deposits. It will mean more blow holes. It will
16 mean more farmers going broke from levee rebuilding
17 expenses. It will mean that some day the Corps will
18 say that we will not help rebuild your levees because
19 the costs exceed the benefits.

20 Fish and Wildlife cannot be certain that
21 their ideas will work. What will their next demands
22 be? Will they then have exactly what they want at
23 absolutely no cost to them? Neither the Corps or the
24 Fish and Wildlife have the emotional or financial
25 interest in the farms that I have. Our soils and

1 farmers are a resource that we cannot afford to
2 discard.

3 I would be proud if my grandsons, Sean and
4 Mark, would like to stay on the farm but I absolutely
5 will not encourage them to do so. I will discourage
6 them because of the constant erosion of our rights
7 and ability for farmers to make a decent, honest
8 living. Another wrong will not make a right. Will
9 my family become an endangered species or will we
10 receive the same rights and concerns that birds and
11 fish get? Is this what we want? Or a better answer,
12 I think we're more important. Thank you, Colonel.

13 COLONEL FASTABEND: Thank you, Mr. Meyer.

14 MR. MOORE: Wilmer Erfling.

15 WILMER ERFLING: Good evening, Colonel.
16 Thank you for the opportunity. My name is
17 Wilmer Erfling and I live near Hermann, Missouri.
18 I'm in favor of the Current Water Control Plan
19 without adaptive management. I wish to address the
20 following issues. Spring rise and how it affects the
21 interior drainage and higher ground water. Reduced
22 summer flows and what it does to loss of navigation.
23 Adaptive management, the balance of it -- the lack of
24 balanced input. Bank stabilization and habitat
25 restoration.

1 I was born and raised with river bottom
2 farming. My father-in-law, who is nearly
3 80-years-old, actually cleared some of this land with
4 mules and grubbing hogs. He has farmed for over 65
5 years and is still actively involved. We are very
6 familiar with the Missouri River and its ecosystem.
7 A spring rise causes flooding and high flows which
8 eliminate internal drainage, cause high ground water
9 and drown crops. The proposed spring rise makes
10 flood control impossible. Rainfalls and inflows from
11 tributaries below the Mainstem, including the Osage
12 River, make it impossible to properly manage releases
13 from the Mainstem dams. Instead of spring rises this
14 area experiences floods. This past spring more than
15 twenty percent of the spring corn crop was lost.
16 Even though the levees were not over topped. This
17 occurred because the lack of effective coordination
18 between the Mainstem and the Osage Reservoir
19 management.

20 If adaptive management is to be
21 considered, flood control must be part of the
22 decision-making process because of the high economic
23 stakes. Unless all of the stakeholders are permitted
24 to be involved in these decisions, all other areas of
25 concerns will not be heard. Adaptive management is

1 not an acceptable consideration because landowners,
2 farmers, private businesses, navigation,
3 municipalities, and the general citizenry do not have
4 adequate opportunities for input. All of these
5 groups have environmental concerns and they also have
6 substantial economic concerns.

7 On my family's farm at mile 94 below
8 Hermann, we have lost more than 35 acres of land,
9 bottomland forest and a sand bar in approximately
10 one-half mile of river due to high flows. This area
11 was prime river habitat for many species. Due to
12 improper management, dike notching and rock placement
13 mandated by the Missouri Department of Conservation
14 and so-called environmental experts, this land was
15 lost to wildlife and to our family. The unproven
16 benefits of the spring rise for endangered species
17 would also have similar negative effects on other
18 native species and their habitats.

19 The Master Manual should include
20 provisions for the enhancement of navigation and
21 river terminals. I do not understand how the
22 elimination or reduction of navigation on the
23 Missouri River can even be responsibly considered at
24 this time. The elimination of just one barge tow
25 would put 900 tractor trailer trucks on an already

1 overcrowded, deteriorating and unsafe highways.
2 Shouldn't the Environmental Impact Statement be held
3 accountable for damages and changes to air quality,
4 safety and energy conservation?

5 Our family farm was settled in 1864 and we
6 are the fifth generation of farmers who reside on it.
7 There is a love and respect for land that is passed
8 from generation to generation, along with the land.
9 The American farmer must be the best conservationist,
10 the most resourceful environmentalist and it is his
11 livelihood and this country's heritage that he holds.
12 The Historic Preservation Act of 1966 recognizes this
13 when it included any farmstead of 50 years or more in
14 its list of eligible sites. We are concerned this
15 Environmental Impact Statement has not given
16 significant attention to the protection of designated
17 historical sites.

18 No government has the right to
19 purposefully plan for the destruction of the
20 livelihood of a group of American citizens, or even
21 one citizen. A purposeful destruction will take
22 place under the revisions put forth in this
23 Environmental Impact Statement. Thank you, very
24 much.

25 COLONEL FASTABEND: Thank you,

1 Mr. Erfling.

2 MR. MOORE: Jim Holsen.

3 JIM HOLSEN: My name is Jim Holsen. I'm a
4 Past President of the St. Louis Audubon Society. I
5 spoke to the Corps in a meeting similar to this in
6 St. Louis in 1994. I remember ending my remarks with
7 the observation that my wife had applied to the
8 dashboard of her car a saying from a Chinese Fortune
9 Cookie to the effect that you are heading in the
10 right direction. I say that described how I felt
11 about the Corps of Engineers. Now perhaps seven
12 years later I think the Corps is still heading in the
13 right direction but they have been diverted by
14 officials in Washington in following the suggestions
15 of the Fish and Wildlife Service. At the time of
16 that earlier Hearing I had intended to come and argue
17 that the Corps could provide both for environmental
18 restoration of the river and for the traditional
19 navigation and barge interests at the same time. As
20 I thought through the alternatives it became clear to
21 me that the two were not fully compatible. A spring
22 rise and lower flows during the summer months do not
23 fit with the demands of the barge industry but they
24 are essential to the ecological restoration of the
25 Missouri River.

1 As residents of St. Louis, we frequently
2 cross the Missouri River on the Boone Bridge or at
3 St. Charles on the I-70 Bridge. We almost never see
4 a tow with barges on the Missouri River; hardly ever.
5 Even the Corps reports that the economic benefits of
6 barge traffic are much less than those of other
7 activities, such as recreation. And the economic
8 benefits from recreation can only be enhanced by the
9 ecological restoration of the river. I might add
10 that a very high percentage of the tonnage reportedly
11 carried on the river by the Corps -- excuse me, on
12 the river is either rip-rap hauled by the Corps for
13 its own flood control structures or it's sand dredged
14 from the river bottom.

15 I want to add one other little thing here.
16 If the Corps is going to continue to reach decisions
17 through the cost benefit analysis method, then it
18 must devise some way to include those real benefits
19 such as wildlife and wildlife habitat that are
20 difficult to quantify, and I think that's something
21 that needs some work on.

22 The alternatives that provide for a spring
23 rise such as GP 2021 do not eliminate barge traffic
24 but do restrict it during the summer months. But
25 those are not peak months for moving commodities to

1 market and these alternatives actually promote barge
2 traffic on the Mississippi by providing higher flows
3 in the fall months, assisting navigation on the
4 middle Mississippi between St. Louis and Cairo.

5 The St. Louis Audubon Society has endorsed
6 GP 2021 Alternative, the alternative that most
7 closely resembles the recommendation of the U.S. Fish
8 and Wildlife Service. I'm speaking to second that
9 recommendation. We have an unusual opportunity to
10 repair some of the errors of earlier years, errors
11 which most of us looked upon at the time as progress
12 but we know better now.

13 I say let us make the most of this
14 opportunity. Thank you.

15 COLONEL FASTABEND: Thank you, Mr. Holsen.

16 MR. MOORE: Robert Sweany.

17 ROBERT SWEANY: Colonel, thank you. And I
18 thank you for your comments earlier about our service
19 men and women in harm's way this evening.

20 My father-in-law spoke earlier. My name
21 is Robert Sweany. I live in Portage Des Sioux,
22 Missouri. I farm the bottoms in northeast
23 St. Charles County. I started farming in 1990. At
24 that time I hoped I would make it through five years
25 without a flood. That didn't quite work out. It

1 flooded in '93 and '95. Just after that I was
2 elected to the Board of the Missouri Corn Growers,
3 served there for three years. Also on the
4 St. Charles County Flood Plain Vision Board, trying
5 to look at ways to mitigate damages in the
6 floodplain, ways to improve safety.

7 I've been to a lot of meetings in the last
8 six, seven years on this subject. A couple years ago
9 I attended a meeting where they were talking about
10 the spring rise. At that time it would have
11 happened, I think about three weeks earlier than what
12 the current plan looks at. If that had happened, I
13 not only would have flooded in '93 and '95, I
14 absolutely would have flooded in '94. We had a lot
15 of damage after the '93 flood, needless to say. The
16 big holes were fixed. There was a lot of wave wash
17 that didn't get fixed. We were out with roofing tin
18 and tomato stakes trying to build a levee after some
19 heavy rains in the Spring of '94. Luckily the river
20 crested and fell the next day and the one time that
21 my father-in-law in his experience saw the sandbags
22 actually held. At that time if the spring rise had
23 been in effect it would have pushed the crest about a
24 week later about another foot higher and we would not
25 have held.

1 At this time, with the current spring rise
2 we probably wouldn't have flooded that year but it
3 sets the stage where since there is a ten-day delay
4 from when the water is released to when it reaches us
5 in St. Charles County, the weathermen I have seen
6 have problems forecasting weather two days out, let
7 alone ten days. It's a huge risk. I have seen the
8 Corps come up with things that are better
9 alternatives. Chute restoration, other things.
10 Habitat restoration in some areas through buy-outs
11 from willing sellers.

12 As part of the work we did on the
13 Floodplain Vision Board, we looked at ways to
14 mitigate damages. In our area when the water blows
15 out the levees up around St. Charles, instead of
16 going to the confluence, which is about, like Marvin
17 said, fifteen miles down from my house, it cut
18 straight across the bottom towards the town of
19 Portage DesSioux. In the middle of that area is the
20 Burlington Northern Railroad tracks which provides
21 coal to the U.E. Electric plant on the Mississippi
22 River. Water backs up behind the railroad tracks, it
23 acts as about a hundred year levee. Our levee, the
24 last Corps setting said it was an eight-year
25 occurrence levee. We don't have much of a levee

1 along the river. Water backs up behind the tracks
2 and washes out the tracks. There are pipelines that
3 come from Wood River heading west, it exposes those
4 pipelines. In '93 two pipelines were exposed. In
5 '95, two pipelines were exposed. Fortunately they
6 did not rupture and spill their product into the
7 river.

8 Something needs to be done but I don't
9 think it's a spring rise. I'm speaking in favor of
10 the Current Water Control Plan and against the
11 adaptive management unless there were changes to
12 allow all stakeholders to have a say in what
13 adaptations would be. Thank you, sir.

14 COLONEL FASTABEND: Thank you, Mr. Sweany.

15 MR. MOORE: Robert Neff.

16 ROBERT NEFF: My name is Robert Neff and I
17 am Manager of Coal Supply and Transportation for
18 AmerenEnergy Fuels and Services Company.
19 AmerenEnergy Fuels and Services is a subsidiary of
20 Ameren Corporation which purchases coal, oil and gas
21 for use at Ameren power plants.

22 Earlier this evening we heard from Paul
23 Agathen, Ameren Senior Vice-President on the effects
24 of lower river levels on the operation of Ameren's
25 power plants. I'm here tonight to express concern

1 about the negative impact reduced flows in the
2 Missouri River would have on the Mississippi River
3 navigation and how that will effect our ability to
4 fuel our coal-fired power plants.

5 Ameren purchases thirty-two million tons
6 of coal annually for electrical generation at nine
7 coal-fired power plants. This coal moves by rail,
8 barge and truck. In the past, three of our nine
9 plants had facilities to receive coal by barge.
10 Ameren recently invested millions of dollars to be
11 able to receive coal by barge at two additional
12 plants on the Mississippi River, The Sioux plant and
13 the Rush Island plant. Also, the Meramec plant is
14 being equipped with a rail transfer and barge loading
15 facility to allow the movement of coal by barge from
16 the Meramec to other Ameren plants. To accommodate
17 these barge movements Ameren recently purchased 30
18 barges.

19 Considering the large volume of coal that
20 Ameren moves every year, fuel transportation cost is
21 one of our largest expenses. We have heard that
22 movement by coal by barge is the most energy
23 efficient and often the lowest cost method of
24 transportation.

25 Ameren is constantly looking for ways to

1 lower the cost of electricity to its customers and
2 has continually reduced cost of coal transportation
3 by initiating new options and sources of coal
4 delivery. We knew that our recent construction of
5 barge facilities at our three power plants would help
6 keep transportation costs down and allow us to
7 continue to offer competitive electricity prices to
8 the region.

9 Our barge facilities provide us with an
10 additional means to bring fuel into our plants that
11 improves the overall reliability of our electrical
12 generation. We understand that during periods of
13 drought, Missouri River water accounts for up to 60
14 percent of Mississippi River flows between St. Louis
15 and Cairo. At the same time the heat present during
16 the summertime droughts places a great strain on the
17 electric system, driving electricity demand and the
18 need for coal even higher. However, if the Corps
19 were to select one of the alternatives that further
20 restricts Missouri River flows, our ability to
21 deliver coal to our plants would be limited at a time
22 when the coal is needed most.

23 In summary, I urge the Corps to act
24 responsibly and refrain from selecting the Missouri
25 River Management Plan that could hurt Mississippi

1 River navigation.

2 Accordingly we support the Current Water
3 Control Plan, as it is the only one of the six that
4 would provide adequate flows for both the Missouri
5 and Mississippi Rivers.

6 Thank you for allowing me to express my
7 views this evening.

8 COLONEL FASTABEND: Thank you, Mr. Neff.

9 MR. MOORE: Cheryl Hammond.

10 CHERYL HAMMOND: My name is Cheryl
11 Hammond. I'm on the Executive Committee of the
12 Missouri Sierra Club. I live in Maryland Heights and
13 this is one of the communities along the Missouri
14 River and I see a lot of what is happening on the
15 Missouri River because I live right along the river.
16 Maryland Heights is home to Harrah's which is a large
17 riverboat casino. In fact, it has the most revenue
18 of any of the casinos in Missouri. Across the river
19 is Station Casino, it's another large riverboat
20 casino. Missouri authorized casino gambling on
21 riverboats in 1992. I think it is safe to say that
22 most voters imagined that there would be some paddle
23 boats or something sort of looking like old Maverick
24 TV shows. Well, in the reality these boats don't
25 appear to be that way because they don't -- they

1 don't cruise, and since they don't cruise I think
2 that says something about the navigation on the
3 Missouri. We don't -- we have navigation of barges
4 but we don't have navigation of passenger boats, and
5 I think people voted for these boats because they
6 wanted a connection to the river and we feel a strong
7 connection to the river, we want to have this
8 connection, and I think even people who aren't really
9 in favor of gambling wanted that connection to the
10 river. Riverboat gambling has not only failed to
11 provide a riverbase recreational experience, but has
12 contributed to alienating us further from our river
13 birthright.

14 Harrah's Casino in Maryland Heights now
15 requires new access to make it easier for patrons to
16 travel to it. Harrah's tax revenues to the local
17 government is funding the construction of a major new
18 expressway across the floodplain to the casino.
19 Also, as property owner in the Levee Drainage
20 District, the casino is a significant contributor to
21 the construction of a 500-year levee in place of the
22 old agricultural levee. A new expressway through
23 open farmland will be followed by a major office park
24 built on green fields without the expense of
25 redeveloping on brown fields. None of these

1 developments takes into account all the other
2 developments that are occurring in other cities and
3 other communities along the Missouri which take an
4 altogether significant flood risk no matter how high
5 the levee, and communities with adequately high
6 levees now are made at risk when they're neighboring
7 communities build yet a higher levee.

8 We need to reconnect our people with the
9 river. Those of us who live next to the Missouri,
10 which was one of the great rivers in the world, are
11 entitled to the experience of knowing that river. A
12 trip across I-70 is the closest most residents of
13 river cities, such as Maryland Heights, are likely to
14 get to the river. Agriculture levees with rows of
15 corn also cut off residents from understanding the
16 river but those fields of corn do not close future
17 options. Once buildings go in, buildings stay and
18 the prospect for other uses of the floodplain is
19 lost.

20 The future floodplain should include
21 restored wetlands to produce habitat for migrating
22 birds and other wildlife. It should include trails
23 and outdoor recreational opportunities which open up
24 the river to people. It can include farmland to grow
25 food crops. It should not include more office parks

1 or other commercial development.

2 I urge you to recognize that a
3 comprehensive plan should including management of
4 flows but also should oppose further structures in
5 the floodplain. The comprehensive plan must specify
6 that all permits take a comprehensive view of the
7 effects of individual levees and make sure that they
8 are all considered. Thank you.

9 COLONEL FASTABEND: Thank you,
10 Ms. Hammond.

11 MR. MOORE: A.J. Guthrie.

12 A.J. GUTHRIE: My name is A.J. Guthrie.
13 I'm Distribution Manager for LaFarge North America
14 and I appreciate the opportunity to comment on this.
15 I also appreciate your comments earlier, putting us
16 into perspective with what other events going on in
17 the world this evening.

18 LaFarge North America is major shipper of
19 bulk commodities on the United States Inland Waterway
20 System with cement manufacturing plants and terminals
21 located on the Missouri, Mississippi, Ohio Rivers and
22 other inland waterways. LaFarge is a worldwide
23 leader in construction materials and is strongly
24 committed to providing high quality products and
25 safeguarding our environment. Without reliable barge

1 transportation on the Inland River System, LaFarge
2 will realize substantial increases in transportation
3 costs.

4 LaFarge North America operates a cement
5 manufacturing facility at Sugar Creek, Missouri.
6 From this plant cement has been barged upstream to
7 Omaha for almost 36 years. The river has been a
8 vital supply line for us. LaFarge is currently
9 increasing the production capacity of our Sugar Creek
10 plant from approximately five hundred thousand tons
11 annually to over nine hundred thousand tons in order
12 to meet the strong demand for Portland cement in the
13 Kansas City and Omaha markets. We need to get our
14 products to Omaha and river transportation is the
15 best way to do it.

16 Our manufacturing process also requires a
17 variety of bulk materials and fuel. These materials
18 are transported by barge in an efficient and
19 environmentally friendly manner. River transit also
20 serves to keep transportation rates competitive and
21 that is good for everybody.

22 LaFarge would like to use barge
23 transportation for as much of our needs as possible.
24 As we continue to grow our business our movement of
25 bulk materials on the Missouri River could

1 potentially be five hundred thousand tons per year or
2 more. The management of the river determines
3 reliability and operating costs. The problem is the
4 specialized barges and materials handling equipment
5 for transporting and handling these products are very
6 costly and continued investment requires
7 justification. We have two highly specialized cement
8 barges that were specifically designed for operation
9 on the Missouri River. Replacement costs for these
10 barges would be approximately one and a half million
11 dollars each. It is difficult if not impossible to
12 justify and to commit capital to a supply chain that
13 has a future of dubious or decreasing reliability.

14 Shore site facilities and equipment are
15 expensive as well. Those who argue that the volume
16 of Missouri River commerce does not justify the
17 commitment to river management plan that maintains
18 reliable navigation season should understand that
19 their conclusions strains investment and an efficient
20 transportation helping to assure that volumes will
21 remain low.

22 The spring rise and low summer releases on
23 the Missouri River as proposed in the RDEIS will
24 result in the loss of economically preferred
25 environmentally friendly motive of bulk commodity

1 transportation. LaFarge North America supports the
2 Current Water Control Plan for the operation of the
3 Missouri River. Thank you.

4 COLONEL FASTABEND: Thank you,
5 Mr. Guthrie.

6 MR. MOORE: Heather Hampton+Knodle.

7 HEATHER HAMPTON+KNODLE: Good evening.
8 Finally we meet. Now some of this might seem like a
9 review but hang with me. Okay? I think we can gel
10 some pieces together.

11 Thank you for the opportunity to comment
12 and our organization, which is the Upper Mississippi,
13 Illinois and Missouri Rivers Association had several
14 members here this evening, many of them farmers, many
15 of them in business, many of them representing
16 communities that rely on the rivers and their
17 productive use, their productive valleys and
18 sometimes protection from the rivers ravages for
19 their livelihoods and their ways of life.

20 Several aspects of the proposed
21 alternatives for managing the Missouri River concern
22 our members. Topping the list, any proposed spring
23 rise would lessen flood protection levels on the
24 Missouri and the mid-Mississippi. You're going to
25 hear this recurring theme, large geographic area

1 besides just the lower Missouri. Increasing spring
2 releases from Gavins Point reservoir will increase
3 the river stage, thereby lessening the amount of
4 existing flood protection. Common sense. Upon their
5 release from Gavins Point millions of gallons of
6 water will travel more than ten days before they
7 reach St. Louis. A large rainfall at any point along
8 the lower Missouri could result in the river
9 overtopping the levees. However, the effects of
10 flooding can be experienced without a levee or flood
11 wall overtopping. Specifically, higher waters lead
12 to increased seepage that creates higher groundwater
13 tables. In agricultural areas this increase in
14 groundwater and resulting delays in planting or
15 harvesting could cost farmers half their yield.
16 Well, Wilmer, you mentioned twenty percent just this
17 year in planting; that didn't even talk about
18 harvest. The window for planting in particular is
19 narrowly framed by optimum soil temperature and
20 moisture as well as anticipated weather conditions.
21 If higher groundwater prevents farmers from planting
22 at the otherwise optimum time then the government
23 should compensate farmers for their losses.

24 We oppose greater variation in flow rates
25 because we anticipate it will cause riverbanks to

1 erode more quickly. Fluctuating heights of the
2 water, duration of the stage and rates of flow will
3 scour the banks. The increased erosion will result
4 in more sediment to the river and in many cases less
5 levee to protect the valley.

6 Changes to Missouri River flows impact a
7 large geographic area. Communities, individuals and
8 businesses that are located in mid-Mississippi Valley
9 immediately north of St. Louis and south, I said
10 north of St. Louis, I won't show you a map, I think
11 you can figure that one out, and south between
12 St. Louis and Cairo, Illinois, closely monitor the
13 weather patterns across the lower Missouri because
14 its flows directly impact their level of flood
15 protection and navigation service levels. And one
16 thing to just drive home here, we've heard it a
17 couple of times, but that navigation level, summer
18 flows are critical. They actually need move draft at
19 that time to carry heavier barges to make up for lost
20 freight costs. Is that right, Larry?

21 LARRY: Right.

22 MS. HEATHER HAMPTON+KNODLE: Okay. So
23 that's the business side of that in a nutshell, and
24 that seems to be a flaw in the economic balances
25 that's printed in this really nice booklet which I

1 wish I would have had before tonight, but I'm winging
2 it.

3 Increasing spring flows and low summer
4 flows, especially in a drought year could severely
5 limit navigation between Alton and Cairo, Illinois.
6 This stretch of river is critical to commercial
7 activity of the entire Midwest because of the locks
8 at Lock and Dam 27, as well as locks to the north and
9 realizing that much of the cargo that moves from the
10 upper and mid-Mississippi is funneled to the world
11 market through the Port of New Orleans.

12 Lowered summer flows would limit
13 navigation on the Missouri River. And in the
14 interest of time I'm going to skip to our final
15 comment which this might be a little bit of new
16 information, maybe, or putting it into a different
17 context. One of our members' largest concerns is the
18 precedent the decision-making process on this issue
19 could set for other tributaries and situations
20 outside of the river and its valley. The Corps of
21 Engineers is mandated to maintain a navigation
22 channel, to assist with flood protection and
23 emergency readiness, and to manage reservoirs for
24 adequate water to produce energy, as well as water
25 supplies. The Corps also has a fairly new mandate of

1 managing environmental factors to preserve
2 environmental quality and limit its degradation. As
3 an agency, the Corps of Engineers has the technical
4 capability and the congressional authorization to
5 perform these functions. Yet, it appears the Corps
6 is being held hostage by the U.S. Fish and Wildlife
7 Service which threatens to open the Corps to lawsuit
8 on endangered species. It wouldn't be the first
9 time, but this time seems to be a show stopper.

10 Last fall we viewed data compiled by
11 biologists that revealed the Current Water Control
12 Plan provides more shallow water and sandbar habitat
13 than is said to be necessary for at least a couple of
14 the species in question, that would be the
15 endangered, not the threatened, than the flow changes
16 being advocated by U.S. Fish and Wildlife.

17 In addition, the agency's, that would be
18 U.S. Fish and Wildlife, recommendations center on
19 flow changes and omit any mention of eliminating
20 competing or predatory species. In colloquial terms
21 I ask, "What's up with that?" This example indicates
22 -- these examples indicate the U.S. Fish and Wildlife
23 Service places habitat that would lead to growing
24 numbers of the jeopardized species as a lower
25 priority than gaining power to determine how the

1 river should be managed.

2 Additional data also indicates that
3 activities outside the main channel and, therefore,
4 relatively independent of the flow rates and timing
5 would provide an environment where the species'
6 populations could grow.

7 In summary, we oppose any revisions
8 specifically a spring rise and lowered summer flows
9 that would negatively impact our members on the
10 Missouri and Mississippi Rivers. Thank you, very
11 much.

12 COLONEL FASTABEND: Thank you,
13 Ms. Hampton+Knodle.

14 MR. MOORE: David Bonderer.

15 AUDIENCE: He left.

16 COLONEL FASTABEND: Already?

17 MR. MOORE: Ron Hardecke.

18 RON HARDECKE: My name is Ron Hardecke.
19 I'm from Owensville, Missouri, I'm a farmer and I
20 serve on the Board of Directors of Missouri
21 Farm Bureau.

22 I want to ask the Corps of Engineers to
23 continue to manage the Missouri River System for
24 multiple uses as you have done so well for many
25 years. That would be the Current Water Control Plan.

1 The Corps has a long history of managing the public
2 lands and working with private land owners and
3 industry to manage our natural resources for multiple
4 use, such as flood control which reduces property
5 damage; reducing the soil erosion through stream bank
6 stabilization; river transportation which provides
7 alternatives to other transportation and reduced cost
8 of transportation; hydropower which provides
9 affordable energy; and as a side benefit providing
10 recreational opportunities. These benefits have
11 served all aspects of our society very well. I don't
12 believe that the Congress intended for the Endangered
13 Species act to put fish or birds above humans or our
14 economic stability.

15 We as a nation have always strived to
16 better ourselves in the use of our natural resources.
17 Now as we enter the new millennium we find that the
18 U.S. Fish and Wildlife Service is trying to end this
19 long history of success and progress for the sake of
20 fish and birds with total disregard for the rest of
21 the species living in the Missouri River floodplain,
22 including the humans. We must manage our natural
23 resources for multiple uses, including humans.

24 There is a lot of talk about returning the
25 Missouri River to the way it was when in the days of

1 Lewis & Clark, or even before. Most of us here
2 wouldn't want to live in tepees or rely on hunting or
3 fishing to eat. Today we have the luxury of doing
4 these things as recreation, not as a means of
5 survival. Recreation and tourism will only be viable
6 industries as long as we have a strong economy which
7 provides people the money and the free time to enjoy
8 recreation. Multiple use serves us all, not just one
9 special interest group. It is unconscionable that
10 the U.S. Fish and Wildlife Service would ask the
11 Corps of Engineers to use their knowledge of how the
12 river works to direct the current and wash out dikes
13 and levees causing soil erosion in the name of
14 creating habitat, and in doing so destroying farmland
15 and repairing corridor. This is at a time when the
16 environmental community is blaming agriculture for
17 the hypoxia in the gulf. You wouldn't think they
18 would be creating more soil erosion. There seems to
19 be a doublestandard here. It makes you question
20 their motive.

21 We have all seen and read the destruction
22 of the environment and the economy in the decline
23 river basin in Oregon this summer under the direction
24 of the U.S. Fish and Wildlife Service. I wonder how
25 many other species were damaged by those actions,

1 besides the irreparable damage to the local economy.
2 I would ask you not to allow that to happen in the
3 Missouri River basin. Our nation can't afford any
4 more experiments like that. In this time of crisis
5 in our nation we need to keep our infrastructure of
6 agriculture and transportation strong and move toward
7 being more self-sufficient, not allow our nation to
8 rely on others for food supply.

9 In closing, I ask you to continue to
10 manage the natural resources of our nation which are
11 under your jurisdiction for multiple uses as intended
12 by Congress. Don't allow misguided special interest
13 groups and the U.S. Fish and Wildlife Service to
14 damage the infrastructure of our nation. Thank you.

15 COLONEL FASTABEND: Thank you,
16 Mr. Hardecke.

17 MR. MOORE: Warren Stemme.

18 AUDIENCE: He left.

19 MR. MOORE: Kim Diamond.

20 KIM DIAMOND: Good evening, or almost good
21 morning now. My name is Kim Diamond. I'm an
22 attorney at the St. Louis Law Firm of Husch &
23 Eppenberger and I'm here to provide comments on the
24 behalf of Levee and Drainage Districts that we
25 represent.

1 To give you some background, our law firm
2 has represented Levee and Drainage Districts along
3 the Missouri and Mississippi Rivers for over 50
4 years. Along the Missouri River the districts that
5 we represent include Earth City Levee District; Tower
6 Bends Levee District; Monarch-Chesterfield Levee
7 District; Missouri Bottoms Levee District; Riverport;
8 Tri-County Levee District and Sugar Creek Drainage
9 District. We estimate that in the aggregate these
10 districts protect approximately 70,000 acres of land
11 along the Missouri River from flooding. In a
12 November 9th issue of the Post Dispatch, the
13 Post-Dispatch focused on the impact of the proposed
14 changes to the Master Manual on farming. We would
15 like to make clear that this is not just a farming
16 issue, it's an urban issue as well. Representatives
17 our clients and agricultural communities have
18 appeared at Hearings earlier this month in
19 Kansas City and Jefferson City, Missouri. We agree
20 with and support their concerns with respect to the
21 effect of the proposed manual revisions and
22 agricultural communities. With their views already
23 expressed, we will focus our comments on the impact
24 of the proposed changes to the Master Manual in urban
25 areas.

1 Our concern is twofold. Our first concern
2 is the increased risk of flooding from a spring rise.
3 The magnitude of the potential damages in urban areas
4 is such that a spring rise does not justify any
5 increased risk of flooding. In light of this, none
6 of the Gavins Point alternatives or options should be
7 implemented.

8 Our second concern relates to adaptive
9 management. For reasons I will discuss later, we
10 oppose adaptive management as a means of revising the
11 Master Manual. We would like to make clear that we
12 certainly support species habitat restoration and the
13 goals of the U.S. Fish and Wildlife Service under the
14 EPA as long as those goals do not endanger the
15 welfare of people in areas affected by the changes.

16 To discuss the risk of an impact from a
17 spring rise, Levee Districts in urban areas along the
18 Missouri River protect billions of dollars of
19 property and are centers for tens and thousands of
20 jobs. The Levee Districts in St. Louis County alone
21 protect nearly 1000 businesses employing over 35,000
22 people. These districts also protect over three
23 billion dollars worth of real and personal property.
24 Land within urban Levee Districts provide strategic
25 locations for manufacturing, distribution, retail and

1 commercial industries, recreation facilities. These
2 industries and facilities have an economic impact of
3 over five billion dollars annually. Vital facilities
4 are also protected from flooding, such as major
5 municipal water and sewage treatment facilities,
6 major interstate highways and the second busiest
7 airport in the St. Louis region, Spirit of St. Louis
8 Airport. A spring rise would have unpredictable
9 results especially considering that the significant
10 effects of weather conditions are for the most part
11 unpredictable.

12 The risks posed to urban areas have not
13 been adequately assessed. Further, any increased
14 risk is unacceptable given the magnitude of potential
15 damage. We do acknowledge that a risk of a flood may
16 be minimal in light of the significant flood
17 protection structures located in St. Louis County and
18 in these urban levee areas, however in light of the
19 magnitude of persons and properties being protected
20 we believe that these issues are extremely important
21 to urban areas.

22 Another proposal is the Master Manual
23 Revision -- in this Master Manual Revision is
24 adaptive management. While adaptive management
25 provides more flexibility, it inappropriately limits

1 public input in decisions about the Water Control
2 Plan. To give you an example, we would compare
3 adaptive management to dam management, and by dam, I
4 mean DAM, not D-A-M-N. For instance, we have some
5 clients who in 1986 saw the effects of the exercise
6 of this type of management with the Bagnell Dam
7 release. Several of our clients believe that this
8 release was the specific cause of levee breaches in
9 several locations.

10 So in conclusion, we cannot underestimate
11 the potential impact on people and property located
12 in urban flood protected areas. We believe that
13 would be fooling ourselves if we think that there is
14 scientific certainty that we can manage this risk
15 without mishap. For this reason there should be no
16 spring rise and the Gavins Point option should not be
17 implemented. Further, we oppose adaptive management
18 because it will improperly limit the public's input
19 in decisions about revisions to the Master Manual.
20 Thank you.

21 COLONEL FASTABEND: Thank you,
22 Ms. Diamond.

23 MR. MOORE: Jack Norman.

24 JACK NORMAN: Good evening. My name is
25 Jack Norman. I reside in Monroe County, Illinois,

1 which is some twenty miles from the Missouri but
2 we're acquainted with big rivers. My county is
3 bracketed by the Missouri and Kaskaskia. We have --
4 our principle industry is agriculture and we have
5 numerous other business that are heavily involved in
6 river transportation matters. In '93 one acre out of
7 six in our county was under ten to 12 feet of water.
8 With all the economic and personal damage that is
9 involved with that, fortunately we were smart people
10 to keep people out of the water at the right time; we
11 didn't lose anybody.

12 I speak tonight, however, for the
13 Kaskaskia group of the Sierra Club. My personal
14 history is a long involvement with protection of
15 river systems in this region from the Cuivre and the
16 Illinois and the Missouri and the Meramec and the
17 Kaskaskia all along the Mississippi in this region
18 and the Sierra Club is concerned with the health of
19 the communities in this area and of the ecosystems in
20 this community which are together importantly with
21 each other.

22 As long as humans have been acquainted
23 with rivers, they've received the rivers many
24 benefits. Among these have been the rivers nurturing
25 of wildlife; their supply of drinking water and food;

1 their inspiration and community focus; their use for
2 transportation; their replenishing of soil and soil
3 nutrients; their recreational uses; their services as
4 territorial markers and its protective barriers;
5 their cleansing actions; and their capacity to
6 deliver useful energy. All of these benefits are
7 received to this day, although the forms of most have
8 changed between the ice ages and today. Not all of
9 these benefits can be delivered without limits. At
10 all times and places together choices among those
11 benefits must be made pretty regularly. The choices
12 should be made transparently and with accountability
13 and be informed by a search for justice and for the
14 viability of the rivers and their basins.

15 Rivers and their watersheds have created
16 each other and each continues to be needed to sustain
17 the other. On the nations big rivers, as on others,
18 separation from their watersheds and the river
19 systems inhabitants should not be encouraged,
20 promoted or allowed beyond that needed to provide
21 essential human benefits not otherwise available.
22 Our plans should recognize the rivers will and must
23 reclaim their floodplains from time to time. We
24 should expect to accommodate ourselves to the
25 sustainability of the Missouri River system and its

1 basin rather than the reverse, expecting the river to
2 accept being bent to our every wish. We should guard
3 against such manipulation of the river as would
4 result in the degradation past its capacity to
5 recover and continue to sustain us.

6 I expect to provide for your consideration
7 additional comments in the spirit of these remarks on
8 the substantive issues in the RDEIS. Thank you.

9 COLONEL FASTABEND: Thank you, Mr. Norman.

10 MR. MOORE: James Nyberg.

11 JAMES NYBERG: I'm James Nyberg. I live
12 in Clayton, Missouri. I'm a member of Sierra Club
13 and some other environmental organizations, but I'm
14 speaking for myself.

15 On the subject of quality of life, I'm not
16 looking to get any money from this river, it has some
17 other values. A peaceful place to be out in the
18 open, look at the wildlife, be at peace with the
19 world. The other thing is I feel responsible for
20 preserving whatever is left of our natural
21 environment for others who follow us that we
22 inherited and let's not make it any more degraded
23 than we can avoid.

24 My friends and I have canoed and camped on
25 the Missouri River on numerous times and I realize

1 that we have gotten ourselves into a lot of trouble
2 by building levees, developing the floodplains, made
3 the people behind the levees dependent on them and
4 make the floods higher every time we build more
5 levees and I realize we can't go back 200 years to
6 where it was when Lewis & Clark were exploring the
7 river but we can at least do some things to lessen
8 the harm that we have done.

9 On the subject of river navigation, we've
10 canoed the Missouri River. In fact, just a couple
11 weeks ago from the Gasconade River to New Haven a
12 couple of weekends ago. We saw one tow pushing two
13 barges in two days. We counted 32 railroad freight
14 trains going along the riverbank before we got tired
15 of counting them in one day. And on other trips
16 we've had -- at other times of the year we've looked
17 around to see what else was on the river and if we
18 see one commercial barge a day it's a big number.
19 And as somebody else already said we see sometimes
20 more Corps of Engineer navigation traffic maintaining
21 the wing dikes and the other things, than commercial
22 traffic that we see around.

23 So the impression I have from the
24 viewpoint of somebody in a canoe is there isn't much
25 barge traffic. I don't know where it is, and I think

1 the Corps could perhaps find out how economically
2 valuable the barge traffic is by proposing that the
3 entire cost to maintain the navigation channel would
4 be paid by tolls by the barges and then let's see how
5 competitive it is with the railroads and the other
6 forms of transportation. I think that we can do
7 without the navigation on the river at all.

8 The other subject is wetland and repairing
9 habitat and we have an Environmental Endangered
10 Species Act. We shouldn't be talking about whether
11 or not to obey the law. If it's a bad law we could
12 change it, but it is a law and we can't talk about
13 just arbitrarily disregarding it. The wetlands are
14 nurseries for fish and birds and other wildlife.
15 Wetlands reduce flooding, retarding waterflow. We
16 would have less flooding if we had more wetlands.
17 Wetlands improve water quality. Another thing, I
18 think we should preserve and try to restore the
19 wetlands and if we can obtain more land by suitable
20 methods, we should do that, too. The dam releases
21 promote the wetland habitat also.

22 Of the alternatives offered to us, GP2021
23 seems to be the best. Now there may be some better
24 one, I wouldn't know about that. But commercial
25 interests have a right to advocate for their

1 advantage, they have a right to do that, but I think
2 we should remember the river belongs to all of us,
3 not everybody who tries to earn money from it, and so
4 the recreational values and the psychological and
5 spiritual values of the river should be valued also.
6 Thank you.

7 COLONEL FASTABEND: Thank you, Mr. Nyberg.

8 MR. MOORE: Kathy Andria.

9 KATHY ANDRIA: Good evening. My name is
10 Kathy Andria. I'm with American Bottom Conservancy.
11 Our organization applauds the recommendation of the
12 Fish and Wildlife Service for ecological restoration
13 of the Missouri River and we support the flexible
14 flow alternative GP 2021. We will be submitting
15 comment, written comment at a later date, but tonight
16 I would like to speak as an individual as a citizen
17 of the State of Illinois. I grew up in Granite City,
18 an industrial town in the American bottom floodplain
19 across the Mississippi River from St. Louis. We live
20 just a few blocks from the river. I remember being
21 flooded as a child, with boats going up and down our
22 street. My father was a carpenter who helped build
23 the Chain of Rocks Canal and the lock and dam which
24 made river navigation for barges easier. It also
25 effectively cut off Granite City from the river.

1 I left Granite City and lived elsewhere
2 for most of my adult life and returned to care for
3 aging parents. In 1993 I once again lived just a few
4 blocks from the river and the canal. Like so many
5 others that summer, I watched the river rise driving
6 daily to check the levees and talk to a farmer who
7 was watching sand boils that were developing. At the
8 end of July I got a U-Haul. I loaded it with my
9 treasured photographs and the quilts my grandmother
10 made and drove with it attached to my car. I hadn't
11 long to wait. Another levee downstream broke, it was
12 in Monroe County and it was Valmeyer and those areas
13 that flooded.

14 After the flood there were studies,
15 reports and promises to stop development in
16 floodplain and even to remove levees. That was 1993.
17 The American bottom was declared a Presidential
18 disaster area again for flooding the next year, and
19 the next, and the next, for four straight years, and
20 yet just five years later some of the elected
21 officials who say they are protecting people from
22 flooding are supporting building more and higher
23 levees. Development in the floodplain is rampant.
24 Warehouses, parking lots, shopping centers replacing
25 wetlands. The Missouri River is restricted by those

1 levees. Floods are more frequent and more severe.
2 Restricted water flows faster. The faster water
3 comes flowing into the Missouri River at the
4 confluence it affects our levees into the Mississippi
5 River, or Illinois levees. Barge traffic also
6 affects the integrity of our levees.

7 Today there are more and higher levees,
8 bigger barges, fewer wetlands and more floodplain
9 development. Several speakers talked about the
10 economic hardships they would suffer. More than
11 100,000 people live behind the levee that runs across
12 from the confluence. Their homes and families are
13 threatened. A half million people would be affected
14 in Madison and St. Clair Counties should the levees
15 break. The bottom area is full of industry; oil
16 refineries, steel processing mechanical plants, there
17 are several landfills including some with hazardous
18 waste. There are several Super Fund sites including
19 Dead Creek and Sauget. Toxins, heavy metals PCBs.
20 If they flood those contaminants, toxins and poisons
21 will mix with the water. I can't even imagine the
22 dollar cost of such a cleanup or the threat to the
23 people who live there.

24 So it is not only the economy of the grain
25 industries and the barge owners that should be

1 considered, it is the total cost of the potential
2 destruction that can occur. I recently heard General
3 Arnold of the Mississippi River Valley Division of
4 the Corps say we should do what's best for the river.
5 I have been critical of various Corps' decisions and
6 projects but I applaud the Corps' efforts on
7 ecosystem restoration. And I agree with General
8 Arnold, what's best for the river is to remove all
9 levees and dams and let the river run free and
10 reclaim its floodplain. Rather, let's compromise and
11 go with the flexible flow and for the moratorium on
12 permits to develop wetlands and floodplains and on
13 new and higher levees.

14 Thank you again for this opportunity to
15 comment.

16 COLONEL FASTABEND: Thank you, Ms. Andria.

17 MR. MOORE: Virginia Harris.

18 AUDIENCE: She's gone.

19 MR. MOORE: Kevin Perry.

20 KEVIN PERRY: Good evening, Colonel
21 Fastabend. My name is Kevin Perry and I'm President
22 of the REDFORM (phonetic). REDFORM is the regulatory
23 environmental group for Missouri. We are a business
24 association comprised of member companies from all
25 over the State of Missouri. Our members include

1 automobile assembly plants, electric utilities, water
2 companies, chemical manufacturers, cement kilns and
3 others both large and small. REDFORM and its member
4 companies are committed to being responsible and
5 active members of our communities. As such, we work
6 to protect, preserve the environment by complying
7 with and going beyond the minimum number requirements
8 of federal and state environmental laws, regulations
9 and policies. As a part of that commitment we work
10 closely with regulatory and policy-making authorities
11 in the state on issues that affect business and the
12 environment.

13 I'm here this evening to voice our support
14 for the Current Water Control Program for the
15 Missouri River. Further, we vigorously oppose any
16 management plan involving the split season or summer
17 low flows. You've heard throughout this Hearing
18 process from those who can more eloquently than I
19 explain the devastating impacts that are associated
20 with management plans based on the U.S. Fish and
21 Wildlife Service's Biological Opinion. Those impacts
22 include disruption of critical transportation
23 capabilities, increased risks of flooding, reduced
24 agricultural production and a host of other
25 legitimate concerns. Each of those negative impacts

1 is significant enough on its own to justify the
2 elimination of the split season summer low flow
3 proposals from serious consideration. Yet there are
4 additional issues that are of particular concern to
5 REDFORM members. These are primarily based on water
6 supply. Communities that supply drinking water,
7 utilities that generate power, and industries that
8 manufacture the goods that we rely on in our daily
9 lives, these operations were designed based on flow
10 rates that were established prior to the proposals
11 that are before you now. Most of these facilities
12 are operating with concentration based limits in
13 their permits. Reduced flow could increase
14 concentration levels and make compliance with
15 environmental regulations difficult. In order to
16 save compliance, cities and industries along the
17 Missouri River will be forced to either add costly
18 treatment technology, cut back on operations or close
19 plants. If they fail to comply they will be subject
20 to stiff penalties.

21 Additionally, the waste load allocation
22 process that is required under EPA's final rule on
23 TMDLs should not be overlooked. This pits one
24 company or community or farm operation against all
25 the others in the same watershed in a battle for the

1 right to continue operating. Reducing flows can only
2 make this challenging allocation process more
3 difficult and rancorous. Environmental protection
4 and preservation thrives on economic productivity.
5 The controls that our members use to protect the
6 environment are costly. The measures that are
7 employed to preserve the good life in Missouri can
8 only be paid for by companies that are succeeding
9 economically. It's ironic then that the responsible
10 corporate citizens in Missouri which provide jobs and
11 contribute to the viability of our communities are
12 being threatened by an upstream water resources grab
13 that is essentially a wolf in sheep's clothing. In
14 the name of protecting habitats for endangered and
15 threatened species, upstream interests are seeking
16 higher reservoir levels to support recreation. The
17 mindset of those who seek to misuse the Endangered
18 Species Act is demonstrated by their support of the
19 so-called Garrison Diversion Project, which we also
20 oppose. That would divert water out of the Missouri
21 River basin. This diversion would negatively impact
22 all of the designated uses for the Missouri River,
23 thereby increasing the potential for significant
24 environmental impacts.

25 In closing, I want to thank you on behalf

1 of the member companies of REDFORM for hearing our
2 concerns and I reiterate our support for the Current
3 Water Control Plan. Thank you.

4 COLONEL FASTABEND: Thank you, Mr. Perry.

5 MR. MOORE: Robert Goodwin.

6 ROBERT GOODWIN, JR.: Good evening,
7 Colonel. Just a question. Am I the last speaker?

8 MR. MOORE: Yes.

9 COLONEL FASTABEND: We think so.

10 ROBERT GOODWIN, JR.: Does that mean I can
11 read all twenty pages very slowly?

12 COLONEL FASTABEND: I wouldn't try it.

13 ROBERT GOODWIN, JR.: In that case, I'll
14 abridge this very quickly.

15 Colonel, my name is Bob Goodwin. I
16 represent the Maritime Administration, a local agency
17 of the U.S. Department of Transportation. We have
18 been following very closely the development of the
19 Master Manual Revisions over the last few years and
20 we have had the opportunity to review the
21 environmental assessment and the alternatives that
22 have been proposed and I would like to point out that
23 we've done this from the perspective of its impact on
24 the National Transportation efficiency of all other
25 modes of transportation, recognizing that each mode

1 of transportation has a unique role to play. And we
2 also look at it based upon the impact that the
3 alternatives might have on our national security.
4 We're going to be submitting a formal statement and I
5 would like to touch on three issues tonight that are
6 of principle concern to us, and they are the spring
7 rise, the split navigational season, and the economic
8 impact analysis that has been done based on the low
9 flows into the mid-Mississippi River.

10 First on the spring rise, this puts water
11 into the Missouri River at a time when it is
12 potentially harmful to vessel operators and we're
13 very concerned about the safety implications here;
14 shippers, dock operators and farmers. The only
15 benefits that we perceive is the spawning spur that
16 occurs within 59 miles immediately below Gavins Point
17 Once you get below that point the tributaries
18 contribute to the Missouri River to the point where
19 it has no impact whatsoever. What we have to
20 question is what the benefit cost ratio would be when
21 you look at the impact of only 59 miles of this type
22 of environmental spur to the pallid sturgeon when you
23 look at the impact, the economic impact on barge
24 operators, shippers and dock operators.

25 The split navigation season is one that,

1 simply stated, would kill navigation on the Missouri
2 River. If this happened this would disrupt flow of
3 goods and products into the Missouri Valley and the
4 entire upper Midwest. The only benefit would be an
5 additional 164 acres of habitat for the piping plover
6 and the least tern. Again, we have to ask what is
7 the real economic impact of this for such a minimal
8 improvement to the habitat for these endangered
9 species.

10 The last issue is one that is very
11 important to us and that is the economic impact of
12 low flows on the mid-Mississippi River. What we have
13 seen is that when you look at this you did not take
14 into consideration the impact of those who operate on
15 the river from the dock side and the shipment side
16 and look at the impact of transfer of products from
17 one mode of transportation to another if it diverted
18 off the water. We feel this type of economic
19 analysis should be done as quickly as possible so
20 that it can contribute to the final decision that is
21 made.

22 Based on our analysis at this stage of our
23 review, we feel that the only option that is viable
24 would be to continue with the existing Water Control
25 Manual. Thank you.

1 COLONEL FASTABEND: Thank you,
2 Mr. Goodwin.

3 Okay. This is the point in the evening
4 where I ask is there anyone else that would like to
5 make a comment?

6 BILL BRYAN: Colonel, I hate to disappoint
7 you.

8 COLONEL FASTABEND: Ahh, I admire your
9 boldness.

10 BILL BRYAN: My name is Bill Bryan and I
11 am Deputy Chief Counsel for Missouri Attorney General
12 Jay Nixon, and I wasn't going to say anything tonight
13 but I heard a few things that I felt like I wanted to
14 say a few things to you in response, Colonel.

15 First of all, there earth is not flat.
16 There are folks who would have you believe that the
17 Missouri River falls off the face of the earth at
18 St. Louis but it just isn't true. It's equally
19 untrue that your agency has no authority to operate
20 the Missouri River to benefit or to have a beneficial
21 impact on what happens on the Mississippi River.
22 We've provided briefs to the Corps that in the past
23 have amplified your legal authority and we'll provide
24 them again in the future and I'm sure that when you
25 read them you'll see it's fully evident that you have

1 authority to operate the Missouri River taking into
2 account what happens on the Mississippi.

3 Second, this is an upstream/downstream
4 issue, despite what my friend Mr. Sando said earlier
5 this evening. When water is kept in the lakes
6 upstream, it's not released and it doesn't come
7 through Missouri and benefit the people in Missouri.
8 It's that simple. It is an upstream/downstream
9 issue.

10 There is -- Really the best vantage point
11 to see the Missouri River is from the seat of a
12 canoe, and I wanted you to know, Colonel Fastabend,
13 that there are few people in the state who have spent
14 more time in a canoe on the Missouri River than
15 Attorney General Nixon. He's canoed every mile of
16 the river between Kansas City and St. Louis. As you
17 look around the country you will not find an Attorney
18 General who has a stronger environmental record and
19 is more progressive in environmental litigation in
20 protecting our environment for future generations
21 than Attorney General Nixon. So it's from that base
22 that I want you to understand that we have done what
23 lawyers do. We're not biologists, we're not
24 engineers. As lawyers, we have looked at the
25 evidence on both sides of the issue. Myself or

1 Mr. Kardis, my colleague from our office, have
2 listened to the comments made by every single
3 Missourian at all the Hearings you've had in our
4 state. We've listened to the evidence, we've talked
5 to people across the country, anyone who would listen
6 to us, anyone who would share with us what their
7 thoughts, what their evidence was on the various
8 alternatives on the Biological Opinion. The
9 navigators, the farmers, whoever, we've listened and
10 we've talked to everybody and as we have looked at
11 the evidence what we see from Executive Summary and
12 from the RDEIS is what it all boils down to is about
13 164 acres of habitat for terns and plovers that is
14 not in the State of Missouri, it's upstream near
15 Gavins Point, and less than a four million dollar
16 average annual benefit to recreation. Now, 164 acres
17 sounds like a lot to me because I only own about ten
18 acres, but relative to the farms and the wildlife
19 preserves we have along the river, it's not much.

20 Four millions dollars seems like a lot to
21 me because I work for the State of Missouri, but
22 relative to what the Corps has valued at an
23 eighty-four million dollar a year recreation industry
24 on the upstream lakes, it's not that much either.
25 And so as you leave Missouri and take into account

1 what you have heard, I would like for you to look at
2 it in that perspective. You've heard from hundreds
3 of Missourians who have concerns about the plans that
4 are presented and is it worth it is the question that
5 I have, to upset those legitimate expectations of
6 people who have made a living along the river who
7 have certain expectations. Is it worth it to upset
8 the apple cart for 164 acres of habitat and for a
9 three or four million dollar gain for recreation.
10 Surely we can find a better way to do that. The
11 Corps has shown us how to find a better way time and
12 again and I hope that you can do that here, too.

13 Thanks for coming to Missouri and spending
14 so much time with us and with our people, and we will
15 provide more comments at a later time. You haven't
16 heard the last from us. Thank you.

17 COLONEL FASTABEND: Thank you, Bill.

18 Is there anyone here who would like to
19 make a comment? Allrighty then.

20 In closing, I want to remind you that the
21 Hearing Administrative Record will be open through
22 28, February, 2002, for anyone wishing to submit
23 written facts through electronic comments. Also, if
24 you want to be on our mailing list to receive a copy
25 of the transcript you need to fill out one of the

1 cards available by the entrance.

2 If there are no further comments, this
3 Hearing session is closed and I would like to thank
4 all of you for your endurance and your commitment to
5 this process, it's very important and I appreciate it
6 very much. Thank you.

7

8 COURT REPORTER'S NOTE: The following people handed
9 the Court Reporter a prepared speech but did not stay
10 to read their speech, however they wanted to have
11 their speech incorporated into the transcript. The
12 Court Reporter is stating the he has included the
13 following speeches with the transcript:

14 RICHARD W. STEGMANN

15 CURTIS J. JOHNSON

16 DAVID A. VISINTAINER

17

18

19 [Adjourned at 11:55 p.m.]

20

21

22

23

24

25

State of Missouri)
) SS.
County of St. Louis)

I, GERARD A. KRIEGSHAUSER, a Registered Professional Reporter and duly commissioned Notary Public within and for the State of Missouri, do hereby certify that the preceding 191 pages of transcript were the proceedings held at the Radisson Hotel & Suites, 200 North Fourth Street, St. Louis, Missouri, 63102.

I further certify that I am neither attorney, nor counsel for, nor related, nor employed by any of the parties to the action in which this deposition is taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 28th day of November, 2001.

My Commission expires July 16, 2003.

Notary Public in and for the
State of Missouri

State of Missouri)
) SS.
County of St. Louis)

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Gerard A. Kriegshauser

Notary Public in and for the
State of Missouri



John W. Smith, Deputy Director, Missouri Department of Conservation
Testimony on Behalf of Missouri Governor Bob Holden and the State of Missouri
Missouri River Master Manual RDEIS Hearing, St. Louis, Missouri, November 13, 2001

On behalf of Governor Holden and the State of Missouri, thank you for this opportunity to share my thoughts and observations with you this evening.

This issue is of supreme importance not only to Missouri, but to the entire nation, and I 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 approximately 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.

Congressman Todd Akin's Statement for the Record on the U.S. Army Corps of Engineers Revised Draft Environmental Impact Statement for the Missouri River Water Control Manual:

Good Evening. I want to extend a warm welcome from the St. Louis Region to members of the United States Army Corps of Engineers-Northwest Division. I appreciate the opportunity to provide comments on the Corps of Engineers Revised Draft Environmental Impact Statement (RDEIS) for the Missouri River Master Manual. This issue is of vital importance not only to the St. Louis Region but to the entire State of Missouri as well.

However, before I express my comments on the Revised Draft Environmental Impact Statement for the Missouri River, I want to inform you about the area that I represent and how that area is impacted by the Missouri River. As a U.S. Congressman, I represent the 2nd District of the State of Missouri, which includes West and Northwest St. Louis County and a good portion of St. Charles County. The Missouri River separates these two counties. The 2nd district borders the Missouri River from approximately river mile 49 all the way to its confluence with Mississippi River(see the blue shaded area on the enclosed map). Needless to say, my constituents on both sides of the river are impacted by it in a number of ways. Heavy flooding and severe drought are just a couple of examples of how river conditions can affect the 2nd district (see enclosed satellite photos showing drought and flood conditions on the Missouri River near the confluence).

In its Revised Draft Environmental Impact Statement, the Corps has released a range of six alternatives for the operation of the Missouri River Mainstem Reservoir System. These alternatives include the Current Water Control Plan(CWCP), a Modified Conservation plan consisting of lower summer flows during drought conditions, and four alternatives which consist of annual lower summer flows and increased spring releases from the Gavin's Point Dam. The U.S. Fish Wildlife Service recommended these spring releases and lower summer flows in its recent biological opinion to the Army Corps of Engineers.

Out of all six of these proposed alternatives, the only alternative for the operation of the Missouri River Reservoir System that I can support is the Current Water Control Plan(CWCP). All of the other alternatives consist of either a spring release and or lower summer flows out of Gavin's Point Dam. I am adamantly opposed to any plan that incorporates these flow changes from Gavin's Point. I believe that these proposed changes to the Current Water Control Plan would have a devastating effect on Missouri's agricultural, navigation, water supply, electrical production and flood control interests.

Spring Release or "Spring Rise"

A spring release or "spring rise" would be very detrimental to Missouri's flood control interests because it would release more water during peak flood season, and increase the chances of flooding on the lower Missouri River. In addition to this, a spring rise will also result in interior drainage problems for the numerous farmers along the River. Missouri's farming communities would feel the brunt of these increased water

levels if a proposed spring rise were adopted. My agricultural constituents in Western St. Louis and Northern St. Charles Counties are particularly uneasy about any increased spring releases out of Gavin's Point given their previous history with Missouri River flooding.

Lower Summer and Fall Flows:

I am also opposed to any lower summer flows out of Gavin's Point because these low flows will result in a shortened or split navigation season, which will virtually wipe out navigation on the Missouri River. This would be unacceptable because reliable navigation in the fall during and after harvest is absolutely critical for the agricultural and shipping communities.

Wiping out navigation on the Missouri river would be disastrous for several reasons:

- 1) Moving commodities by barge is more cost-effective than moving them by rail or truck. It is widely believed in the business community that the mere presence of navigation on the river helps keep down the costs of other modes of transportation through a concept known as "water compelled rates." Without navigation as a viable transportation alternative, the cost of other modes of transportation, such as rail, is likely to rise for all shipping dependent businesses. Water Compelled rates result in savings to businesses and consumers because of the competition produced by the barge industry.

2) Eliminating barge traffic would have a negative impact on the environment, particularly here in the St. Louis Metropolitan Region. Barges are the most environmentally friendly mode of transportation available. According to the EPA, towboats emit roughly 35-60% fewer pollutants than rail or trucks. One modern Missouri River tow (9 barges) can hold the equivalent of 135 rail cars or 522 trucks. Without barge transportation on the river, air and noise pollution and fossil fuel consumption would increase. The St. Louis Region, which has been classified by the EPA as a moderate non-attainment area under the Clean Air Act Amendments of 1990, has been making valiant efforts in recent years to improve its air quality status. It would be counter-productive to the compliance efforts of our region if the federal government decided to undertake a measure like this that would negatively impact the air quality of our region.

3) Thirdly, eliminating barge traffic on the river would not be in the best interest of the safety of Missouri's traveling public because it will most likely force more truck traffic onto our state's already substandard and congested highways. Anyone who has driven Interstate 70 from St. Louis to Kansas City will tell you that the last thing that that highway needs is more trucks on it.

In addition to Missouri River navigation, I am also very much concerned about the effects that the five other alternatives will have on Mississippi River navigation. During periods of low flow in the Mississippi River, the Missouri River provides as much as two-thirds of the water to the “bottleneck reach” of the Mississippi River between St. Louis, Missouri and Cairo, Illinois. Combined with an increase in depletions from the Missouri River System, all five other alternatives would significantly reduce water levels in the Mississippi to below the required levels for effective navigation. The issue of reliable Mississippi River navigation is crucial to both Missouri and the entire Midwest since approximately 60% of U.S. bulk agricultural products are moved to world ports via the Upper Mississippi River System. Any resulting halt in barge traffic on the Mississippi would have crippling effect on interstate commerce.

Finally, lower summer flows, particularly those advocated by the Fish and Wildlife Service in the Gavin’s Point alternatives, would seriously affect the ability of utility companies to provide adequate supplies of drinking water and electricity to the people of Missouri.

For example, two of the Ameren UE Corporation’s largest power plants are located on the Missouri River—the Callaway nuclear plant and the Labadie coal-fired plant. These two plants, which account for nearly 45% of Ameren’s generating capacity in Missouri, rely on Missouri River flows to create electricity for its customers. Without an adequate supply of water from the Missouri River, these two plants cannot generate the power to serve the needs of Ameren’s customers in the St. Louis Region and the

eastern portion of the state. Ameren is specifically concerned with the Fish and Wildlife Service's recommendations which call for "excessively low" summer flows at a time when Missouri River levels have already been drawn down naturally. These low flows would greatly impede Ameren's ability to provide reliable electric service to its customers during the summer months when demand is at its highest.

Species Recovery:

As stated previously, the U.S. Fish and Wildlife Service's draft biological opinion recommended higher spring releases and lower summer flows out of Gavin's Point Dam than which exist in the Current Water Control Plan. The biological opinion concluded that the Corps' current operation of the Mainstem Reservoir System jeopardizes the continued existence of three species—the endangered least tern, the threatened piping plover and the endangered pallid sturgeon(fish). Therefore, these recommended flow changes, in the Service's view, constitute a "reasonable and prudent alternative" to recover these species.

The Missouri Department of Natural Resources (MDNR) strongly disagrees with the Service's assessment on this matter. Independent analysis by both the MDNR and the Corps indicated that the Service's flow plan achieves very few of the desired conditions that biologists say are necessary to recover these species. This includes attributes such as shallow water habitat, floodplain connectivity and sandbar creation.

The MDNR believes that off channel and non-flow-related mitigation and physical habitat restoration are the best ways to enhance species recovery. According to MDNR, long term physical habitat improvements make much greater gains than the minimal benefits that **may** occur with a Gavin's Point spring rise.

It is my understanding, that substantial gains have been realized for these same endangered species on the lower Mississippi River using creative habitat restoration rather than altering flow patterns. I believe that this approach, along with a comprehensive monitoring program, should be initiated on the Missouri River as well.

Conclusion:

Therefore, out of the six alternatives released by the Corps of Engineers, I feel that the Current Water Control plan is the only feasible alternative that I can endorse. I also want to clearly state that I strongly oppose any proposed alternative for the management of the Missouri River that includes consistently higher reservoir levels, lower summer flows and a spring release from the Gavin's Point Dam and any further water depletions from the Missouri River Basin.

In conclusion, I will continue to work with the Governor and the rest of the Missouri Congressional Delegation on this issue in order to protect Missouri's environmental, economic, agricultural, power and water supply interests. Missouri and

the rest of the Midwest simply cannot accept the RDEIS's proposed changes to the Current Water Control Plan.

Once again, I thank you for allowing me the opportunity to provide comments on this issue here tonight.

Testimony of Congressman Roy Blunt

The U.S. Army Corps of Engineers, Northwest Division, Public Hearing
regarding the Missouri River Water Control Manual

November 8, 2001

13

The Missouri River is an important part of the lives of many of my fellow Missourians and I believe it is imperative to continue the productive and responsible use of the river.

The Missouri River plays a vital role, economically and environmentally, in lives of all citizens of the state of Missouri. The level of the river is controlled to help protect those who live, work and own businesses on its banks from devastating floods. Many industries also located near the Missouri River utilize it to transport goods economically. It is also home to a large variety of fish and wildlife species. All these interests must be taken into account during the decision making process.

The U.S. Army Corps of Engineers needs to continue the Current Water Control Plan (CWCP) which best addresses the needs of those affected by the management of the Missouri River. The alternative management plans proposed by the U.S. Army Corps of Engineers sacrifice flood control and year round availability of barge transportation. It is unreasonable to endanger human lives and property to provide fish and wildlife species with flow conditions that may prove beneficial to them.

CWCP is the management plan that balances fish and wildlife habitats with the economic and financial concerns. We should strive to strike a balance between the environment and the livelihood of Americans that depend on the Missouri.

Alternative management plans to the CWCP are problematic for a number of reasons. First, increased reservoir levels in the Upper Basin lakes, which would be caused by the implementation of one of the other management plans, reduce the water commitment to Lower Basin states. This reduced water commitment adversely affects irrigation, transportation, drinking water and utility operations.

Secondly, the increased "spring rise" would leave the river vulnerable to flooding. The danger of flooding is already great without altering the flow to make floods more probable.

Third, water levels during the summer months would fall to such a level that barge transportation would be impossible. This would devastate those who depend on river transportation by forcing them to utilize more costly means of overland transportation. It would also be a crippling blow to those companies whose barges travel the Missouri River.

I urge the U.S. Army Corps of Engineers to adopt CWCP in order to ensure responsible river management.

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

November 2001

Presented by
Todd Sando
North Dakota Assistant State Engineer

Thank you for the opportunity to testify on this very important issue. Governor Hoeven provided testimony on the Revised Draft EIS on October 23, 2001 in Bismarck, North Dakota. Governor Hoeven's testimony and the detailed written comments that North Dakota state agencies will be submitting describe the state's position on this draft EIS. I am here this evening to listen to the concerns of our downstream neighbors, and to provide a brief description of North Dakota's position.

I attended the November 6, 2001 meeting in Kansas City and was pleased to hear so many people asking for change. While many concerns were voiced regarding change, it is apparent that this is no longer an upstream versus downstream fight. The long period of study and negotiation has moved many people throughout the basin closer to a compromise plan for operating the Missouri River.

My message tonight is the same strong and clear message that North Dakota and most of the Missouri River basin states have been voicing for years. The Missouri River Master Manual must be changed to meet the contemporary needs of the basin, and the time for this change is far past due.

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

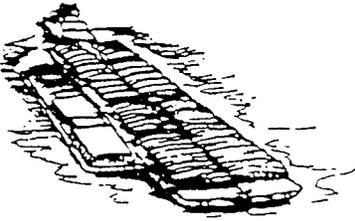
The draft EIS shows that these drought conservation measures increase the total NED benefits of the system as well as the benefits of most authorized uses. Unfortunately, Missouri River navigation benefits are slightly reduced under any of these alternatives. However, navigation is only one of the authorized purposes of the reservoir system. The benefits of all uses must be considered equally when operation decisions are made. It should also be noted that although navigation support for the Mississippi River is not an authorized purpose of the Missouri River dams, all five of the new alternatives reduce the average annual cost of Mississippi River lost navigation efficiency. The MRBA spent a great deal of time developing features that would provide this benefit to the Mississippi.

Although the Missouri River and operation of the dams are critical to North Dakota's future, we realize all of the states in the basin depend on the river. North Dakota does not consider the Missouri River to be only our water, and we do want to equitably share the water, but this includes both pain and gain. Approximately one third of the Missouri River basin's total runoff

enters the river above Gavins Point dam. About 75 percent of this runoff into the mainstem reservoirs comes from Montana and Wyoming. Essentially all of the storage of the water is in North Dakota, South Dakota and Montana - over 1.6 million acres of land was acquired by the Corps for the reservoirs in these three states. Promises were made when the dams were authorized by Congress in regard to water development and water use. For example, the O'Mahoney-Milliken Amendment, which is part of the 1944 Flood Control Act, states that the use of water from the reservoirs for navigation shall not conflict with any beneficial consumptive use, present or future, in states lying wholly or partly west of the ninety-eighth meridian. Given these facts, perhaps you can understand why we become slightly annoyed when we see published comments by officials from the state of Missouri claiming it is all "their" water.

Comments have been made about the impacts of the Dakota Water Resources Act on the Missouri River. The Dakota Water Resource Act is a vastly scaled down version of the original Garrison Diversion project and provides only a fraction of the irrigation promised to North Dakota in compensation for the land lost to the reservoirs. The exact water needs for North Dakota included in the Dakota Water Resource Act have not yet been determined and, in fact, are only in the study phase. However, the amount is likely to be only a few hundred cubic feet per second compared to an average annual flow of the Missouri River at Hermann, Missouri of over 79,000 cfs. To state it another way, the Dakota Water Resources Act will put to beneficial use less than 1 percent of the annual flow at Hermann, I doubt that the USGS gage can accurately measure such a small amount.

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



Jefferson City River Terminal

*P.O. Box 104960
Jefferson City, MO 65110-4960
573-634-4880*

November 13, 2001

Corp of Engineers:

Jefferson City River Terminal and Midwest Cement Co. are involved in towing barges to and from Jefferson City, Missouri and involved in loading and unloading barges at the Jefferson City location on the Missouri River. We barge in bulk cement from Hannibal, Missouri and Clarksville, Missouri. Pre-fab concrete and transformers are barged to this location to be unloaded.

We need a minimum of an eight month navigation season to get products to Jefferson City, Missouri in the early spring and out in the fall. We are opposed to a split navigation season and ask to continue the plan that is in place at this time.

Towing barges with 8-foot draft and 1,313 ton per barge or 52 truck loads per barge, we can bring 312 truck loads to Jefferson City, Missouri with a 6 barge tow. This is burning less fuel per ton moved and the air quality from emissions from the engines is less in proportion than by truck. This is less foreign oil being used and less contamination to the air, which is an advantage for all.

By having an eight month navigation season we can be more competitive to our customers in the Missouri area.

Jefferson City River Terminal
Midwest Cement Co.

Robert Hugh Cox

**U.S. Fish and Wildlife Service
Public Comments
Missouri River Master Manual Hearing
November 13, 2001 - St. Louis, Missouri**

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

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

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

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

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

Missouri River management, endorses the science in the opinion.

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

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

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

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

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

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O'Fallon, MO 63366
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I represent myself and my family. Although I have lived in urban areas for the last 30 years, I grew up on a farm where we worked Missouri River bottomland. This gives me both a city and rural viewpoint for most issues. I support the Current River Plan, although not the Adaptive Management part of the plan. The reasons for my support of the Current Plan are based on knowledge of the effects of Spring Rise, Reduced Summer Flow, threatened species, and bank stabilization, including the proposal for Adaptive Management.

To start at the end with Adaptive Management, as I want to emphasize this point throughout, the use of Adaptive Management in itself is good, as all good plans need to modify as they move forward, but the Team that is proposed is the problem. The team needs to be a blend of Corps, Fish & Wildlife or other Environmental Groups, and business people including agriculture, navigation, recreation, and other affected businesses. Business, including agriculture, must have major input to this, as they are the group affected. If you look at a map of Missouri, a great part of the land adjoining the Missouri River is agricultural use. The farmers have the experience of a lifetime of working with the river in good and bad years, and cannot afford to have a new plan to start working against them. They must have input to the ongoing operation of the plan. Therefore Adaptive Management must include the business people involved, the Farmers.

Spring Rise is the hardest point of the plan to understand. How can anyone who has ever had anything to do with the Missouri River ever think that Spring Rise, even every 3 years, is a good plan for anything? Saying that they would control the release in high water years is irresponsible, as no one can know within 10 days what the weather will be in the lower Missouri. Not only is planned Spring Rise risky for agricultural, it endangers all businesses along the Missouri River. We have all seen the best of levees topped by Nature. Besides just endangering all businesses, it increases the problems of interior drainage and drowned-out crops even if the levees hold. Spring planting cannot move forward when interior land is soggy, and farmers and businesses who need loans in the Spring Rise years can count on higher rates, or even loan denials. I can't imagine how insurance companies who provide flood plain property coverage will account for this every third year.

The plan for Lower Summer Flow will affect me more directly as a city dweller. I commute every day on Highway 70 to my job and back. The number of tractor trailers is a bane to any traveler even if you are only going to the Mizzou game on Saturday morning. Just when we are worrying more about the safety of what trucks might be carrying, all plans except the Current Plan take away barge traffic. Just when oil drilling and the burning of fossil fuels is a major issue, all plans except the Current Plan add more trucks to the highway, burning more fuel. Highway safety is a constant goal, and yet these other plans add to the problem. Groups, who are most against the drilling and

consumption of fossil fuels, are bent to remove the more efficient barge traffic, and up the truck traffic.

As a total animal lover, as anyone who knows me would attest, I am the first to defend an animal, but as a farm girl, I learned that even my best pets did not come ahead of people and their needs. If you review your RDEIS Summary chart comparing the impact with the Current Water Control Plan, you see that for all other plans, the majority of the positive effects are for Wildlife Habitat and Fish habitat in Lakes and Rivers, with small numbers for Recreation and very small numbers for Hydropower. And if I understand your Hydropower numbers correctly, the subtractions for costs for Lower Summer flows may actually subtract from these numbers even more. I do understand from other sets of 'experts' that even the claims for Tern and Plover improvements may not be well founded. The negative affects for all plans besides the Current Plan influence the Economic issues of Flood Control, Interior Drainage, Groundwater, Navigation, and Historic Properties. All plans besides the Current Plan even have Negative affects on Riparian Habitat, so we are taking from some environmental groups and giving to others while negatively affecting all economic issues. Endangered Species Act must be weighed against all other issues, and cannot be the only driving force for every action we take no matter the consequences. Farmers live with the land and nature daily and must be listened to when these are the issues.

A few last words about Bank Stabilization. My family has lost land in recent years to the River due to removal of some dikes in the Missouri River. The farmers again were not consulted or had any say, yet their lands were negatively affected and valuable riverside habitat and woodlands are lost. The farmer must be involved in decisions affecting his livelihood.

In closing, due to the problems of Spring Rise, loss of Navigation, unsupported and economically not viable environmental claims, and loss of Bank Stabilization, the Current Water Plan is the only possible choice. Making choices based purely on environmental issues with no regard for economic factors will make future decisions unnecessary, as there will be no one left to pay for, protect, and have time to enjoy the environmental programs.

A handwritten signature in cursive script that reads "Janet K Melzer". The signature is written in black ink and is positioned at the bottom center of the page.

**STATEMENT OF DENNIS WINGERTSAHN, VICE PRESIDENT,
OPERATIONS, MISSOURI-AMERICAN WATER COMPANY**

**St. Louis, Missouri Public Meeting, November 13, 2001
U.S. Army Corps of Engineers RDEIS for the
Missouri River Master Water Control Manual**

Good evening. My name is Dennis Wingertsahn, and I am the Vice President of Operations for Missouri-American Water Company. We appreciate the opportunity to provide comments to the Corps of Engineers concerning the Revised Draft Environmental Impact Statement (RDEIS) and future management of the Missouri River.

Missouri-American operates three water treatment plants that use the Missouri River as their source of supply. Although we are in support of managing the Missouri River in a manner that protects our natural resources, it is equally important to consider the impacts of any dramatic flow changes on businesses, including the agriculture, navigation and water and power supply industries, as well as citizens of the state of Missouri.

Missouri-American Water Company depends on the Missouri River to supply over 1 million residents of St. Louis County and Jefferson City, Missouri with clean, safe drinking water. The two Missouri River water treatment plants in St. Louis County account for 80% of the potable water provided to our customers in the St. Louis metropolitan area. It is imperative that sufficient water be available to effectively provide this necessary service to Missouri residents as there is no adequate, alternate source of drinking water available.

Of the alternatives identified in the RDEIS, we support the extension of the Current Water Control Plan. Missouri-American Water Company opposes any plan to decrease Missouri River flows that may compromise our ability to pump sufficient water to meet the drinking water needs of our customers. Based on past operating history, and

difficulties in periods of low flow, we would be unable to operate effectively and economically given any additional flow reductions. Additional water restrictions could hinder our ability to provide a reliable source of potable water during the summer months when demand is at its highest, and could impair pumping operations in the winter months due to low flows. In fact, low river levels experienced as recently as December 2000 threatened to limit our ability to withdraw adequate quantities of water to meet demand. Further, a lower flowing river, as well as flooding conditions present water quality and operational problems, thereby creating additional difficulties and expense in treating water to quality standards. Our company has a paramount interest in maintaining the integrity of the river as this is the same water we must treat in order to supply the public with safe drinking water that meets the extensive drinking water quality standards set by the U. S. Environmental Protection Agency. It is also important to note that our operations rely on the ability to receive reliable electric service and it is imperative that our access to this source of power will not be compromised.

The RDEIS Summary states the Gavins Point releases would be adjusted in the spring and summer if necessary to improve habitat. While we support species habitat restoration, and believe there may be better ways to accomplish the intended objectives, the uncertainty of these adaptive management flow adjustments, and the manner in which they would be conducted, create a legitimate concern as it relates to the availability and amount of water in the Missouri River. Water flow in the Missouri River must be managed with both environmental and economic concerns in mind, and in a manner that will not place our drinking water supply in jeopardy.

In closing, the availability of a reliable and predictable water supply from the Missouri River is critical in order to provide millions of Missouri citizens with a constant source of safe, clean drinking water both now and in the future. As such, we request that the operation plan implemented by the Corps be flexible enough in nature to respond to changing downstream river conditions by adjusting releases from the upstream reservoirs to maintain the river within reasonable and necessary levels. This would include ensuring adequate flows during the summer period when withdrawals from the river for water supply are greatest, and during the winter months, when ice formation can cause unusually low river conditions. Missouri-American Water Company will continue to review and analyze historical operating data and the alternative water control plans, and will provide additional comments to the Corps prior to the close of the public comment period. Finally, it is important for us to remember that water is a nonrenewable resource, and it is critical to the State of Missouri that the Missouri River continues to be a consistent, dependable source of water to its citizens.

Thank you for your consideration of these comments.

Statement of Charles E. Kruse
President, Missouri Farm Bureau
November 13, 2001

Good evening Colonel Fastabend. My name is Charles Kruse. I own and operate a family farm in Stoddard County—about 150 miles south of St. Louis. I also serve as President of Missouri Farm Bureau, the state's largest general farm organization.

First, I want to commend the Corps staff for their perseverance and hard work. They have always been willing to answer our questions and listen to our concerns.

For the record, Farm Bureau strongly opposes the flow changes now being considered. While we remain hopeful that a balance can be achieved, with the exception of the current plan, none of the options are acceptable.

Many people in this room have been involved in this issue since its inception. In fact, I gave the following remarks at a public hearing on the Corps' Preferred Alternative in October 1994:

“To farmers, the detrimental impacts of the plan appear obvious and very immediate while some of the stated environmental goals and objectives appear far more vague and harder to verify. We fear that plans such as the Corps' preferred alternative fail to adequately consider the human population and only serve to further undermine public support for reasonable efforts to protect fish and wildlife.”

Colonel, today, seven years later, we find ourselves facing the same alternatives and our position has not changed.

Unfortunately, what started out as a debate about drought management has evolved into a referendum on the Endangered Species Act, an attempt to expand significantly the Missouri River mitigation program and an all-out assault on river commerce.

The U.S. Fish and Wildlife Service cites the Endangered Species Act as the reason for their rigid position. According to them there is but one very prescriptive way to avoid a jeopardy opinion. From where we sit, that is hard to believe.

It is ironic that Congress has voted, on several occasions, to support language prohibiting the Corps from implementing a spring rise. In fact, Congress has now made it perfectly clear the Corps must maintain all authorized uses of the Missouri River.

Colonel, we have members that farm in all twenty-five counties along the Missouri River. They continue to struggle with extremely low commodity prices and rising input costs. In fact, the federal government has had to step in for four consecutive years with emergency economic assistance.

The Bush Administration has indicated that we must be more involved in global markets. In other words, we need to be more competitive.

If that's the case, shouldn't we be doing everything possible to enhance river commerce...not only on the Missouri but other rivers such as the Mississippi? Losing river commerce not only eliminates an important mode of transportation, but also gives the green light to railroads and trucking companies to raise their rates.

Shouldn't we be making every effort to decrease the risk of flooding in the fertile bottoms? Our farmers already know the impact of higher flows in the spring. The fact is, we already have a spring rise and don't need to be part of a "contemporary" science experiment.

It makes no sense to force farmers and rural communities to participate in a risky scheme that may, or may not, increase populations of three species.

In closing, Colonel, we are not opposed to any change. We believe there are alternatives that could enhance aquatic habitat without major system modifications, without massive new land acquisition programs, without significant increases in energy costs, without controlled flooding and without out of basin transfers.

For this reason, we have no choice but to strongly oppose the alternatives currently under consideration.

Statement of Roger Walker, Chair, Water Committee,
on behalf of the

St. Louis Regional Chamber and Growth Association

*U.S. Army Corps of Engineers public hearing on future management of the Missouri River
November 13, 2001
St. Louis, Missouri*

The St. Louis Regional Chamber and Growth Association (RCGA) supports the Current Water Control Plan. While there must be literally hundreds of alternatives that St. Louis RCGA could support, the only plan on the table at this important public hearing that it can support is the Current Water Control Plan. The St. Louis RCGA also offers the following comments.

1. We are here today in large measure because of a longstanding desire by upper Missouri River basin states to permanently take Missouri River water for recreation, irrigation and other demands. The Army Corps is proposing drastic changes on the basis of a U.S. Fish & Wildlife Service (FWS) jeopardy Biological Opinion under the Endangered Species Act. The Biological Opinion, itself, is scientifically flawed and the Endangered Species Act is being misused by those who hope to achieve higher reservoir levels and by those who hope to eliminate other important public uses of the Missouri River including navigation. A related issue that demonstrates the mindset of some upper-basin interests is the so-called Garrison Diversion that would allow an out-of-basin diversion from the Missouri River into the Red River which flows into the Hudson Bay. This unprecedented diversion is the tip of the iceberg for additional claims to Missouri River flow.

2. The listed species: the endangered pallid sturgeon; endangered least tern; and threatened piping plover are at risk. However, the U.S. Fish & Wildlife Service has not explored any other alternatives. Indeed, the FWS has not even designated critical habitat as required by the Endangered Species Act. The FWS has chosen instead to essentially designate great lengths of the Missouri River for species recovery at the expense of all other congressionally authorized uses of the river. The Army Corps, in all due respect, essentially has presented us with two options: the current river management plan and several variations of the FWS Biological Opinion calling for a spring rise / summer low flow and higher reservoirs. It is unacceptable that the literally hundreds of alternatives to protect these species have not been examined or considered in any public debate. It is unfortunate that the

FWS would essentially handcuff the Corps in this manner by failing to provide true alternatives to protect these species.

3. All of the options except the current plan would usurp the authority of the Army Corps of Engineers' longstanding legislative authority to manage the river. The concept of "Adaptive Management" as outlined in the alternatives not only defrocks the Army Corps from this role, but also subverts the National Environmental Policy Act (NEPA) process. This NEPA process is federally mandated and the best way in which federal actions that impact the environment can receive public scrutiny. We do not want river management actions taken behind closed doors. We cannot support river management by the U.S. Fish and Wildlife Service.

4. The spring rise puts Missouri farmers and our communities at risk for flooding. We have a natural spring rise in Missouri and this proposed artificial rise put our region and state at risk in ways that we cannot predict or control.

5. We strongly oppose the split navigation season and see this as a thinly veiled attempt to end navigation on the Missouri River. Others have spoken more eloquently on the issue, but the bottom line is that our region, state and country need this alternative transportation mode in order to remain competitive in the world market. Moreover, the split navigation season not only destroys navigation on the Missouri River, but also will have a far more drastic impact on Mississippi River navigation than these proposals suggest. The Corps must do additional impact analysis of the impact to the Mississippi River navigation.

6. Finally, the rule of unintended consequences is also at play here. These proposals and subsequent implementation will put the drinking water resources of our region at risk through increased flooding, negative changes to river quality, or even inhibit the ability of our citizens to rely on the river as a drinking water source. In addition, Missouri businesses that rely on the Missouri River as a source of water or that discharge into the river are placed at significant economic and regulatory risk. These companies have expended millions of dollars to ensure compliance with environmental permits or make use of the river as a resource based on the reasonable expectations of Missouri River flow patterns. The Corps proposals place these companies at considerable financial risk -- a risk that ultimately will be borne by the public and a risk that has not been examined at all by these alternatives.

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**Oral Statement
Of
Christopher J. Brescia
President
MARC 2000**

**Missouri River RDEIS Public Hearing
St. Louis, Missouri
November 13, 2001**

Good evening Col. and welcome to St. Louis. My name is Chris Brescia. I am President of MARC 2000 which is a public advocacy coalition of entities the length of the Missouri, Mississippi and Illinois Rivers. Our members employ or self-employ over 150,000 individuals in the river basin and operate in over 24 states. Our single mission is the long-term viability of navigation infrastructure on all three rivers.

Due to the time limitations tonight, I will summarize our key concerns, submit certain documentation for the record and place certain requests on the record as permitted by the NEPA process. We hope and expect to receive formal consideration and responses in the public record of these proceedings. Prior to the completion of the public comment period, we will also submit a more complete statement for the record.

We are gravely concerned with the timing of these public hearings. We, as part of the Committee to Protect the Missouri River requested a postponement of the hearings so that all the documentation substantiating the Executive Summary and impact analysis could be provided prior to responding in public. We can only surmise by the denial of that request, incomplete documentation and incomplete impact analysis studies, that this

process is premature and should be challenged under NEPA at the appropriate time.

Over the next few nights, here in St. Louis, in Memphis and New Orleans, I would like to focus on:

- The presentation of documentation;
- The biological basis for four of the alternatives;
- The methodology used to arrive to conclusions; and,
- The clear risk posed to the sustainability of Missouri and Mississippi

River navigation

Presentation of Documentation

*ND may not be here - for my the navigation committee offered to share part
but ~~we~~ we could only give the nation
& still stay in line. It was not
enough for ND.*

Clearly your team is challenged to find ways to present very complex data affecting so many aspects of the river. However, by summarizing data over a 100-year period, the Executive Summary is rendered meaningless. Over hundred years, any major negative impacts can virtually be eliminated.

The fact that significant impacts to Missouri River navigation can still be demonstrated illustrate the severe level of destruction that could be wrought to our region's economy. Companies that cannot operate for 1-3 years without profits will close. But they are lost in your statistical compilation. Just as your hydrologists have attempted to validate their model based on known data, so too must your economists validate their impact analysis. This has yet to be done!

Biological Basis

The GP alternatives are all based on a Biological Opinion issued by the U.S. Fish and Wildlife Service. This poor excuse for a scientific document presents well-researched theory and prescriptive conclusions. What's missing is empirical testing of the theory.

Today, we would like to present, for the record, our critique of the Biological Opinion and request of the U.S. Army Corps of Engineers a response to every single point raised by our team of biological experts. If ever there are actions that diminish the credibility of government in the eyes of the public, it is when we spend extraordinary time reviewing documentation, submit our comments and receive no response.

Methodology

It is important to understand that when we evaluate the hydrological models used to present these alternatives we are mystified that public policy decisions are expected to be made with so little regard to risk analyses. For the last 7 years we have asked for plausible depletion scenarios that are still lacking. What if your model does not track with reality? Mother nature has a way of continuing to challenge the Corps of Engineers in the water resource prognostication business. A shift of one foot in river states in either direction is very likely and radically alters the feasibility of proposed changes to the Missouri River and the impact analyses.

We have challenged the presentation of impact analysis in summary table format which lead to the comparison of “apples to oranges,” misleading the public. Opponents to navigation love to compare your numbers with recreation. Yet, if the Corps were to value recreation according to the same methodology as navigation, there would be virtually no NED benefits to recreation. If you can’t water ski in Montana, you simply go to Minnesota.

Col. you have to excuse our pessimism, but right smack in the middle of your public hearings, we received a briefing from the your team on the navigation impact analysis. Some of the studies have just been initiated and here we are with a Summary document to the public which would lend us to believe we already have the answers. In that meeting we found that certain assumptions being made were erroneous. I would submit that it’s always easy to plot out answers to models when you control the assumptions. But when those assumptions don’t wash with reality, you have a flawed process.

The impact analysis on Mississippi River impacts that you share with the public is misleading and flawed. In fact, statistically your team should have eliminated outlier years that significantly skew your results. Just eliminating one year of data for 1939 radically changes the summary impacts. Imagine what the public would find if they had access to each year of record and compare against business losses and foreclosures?

Mississippi & Missouri Rivers

I would like to close with these key points regarding navigation:

1. The GP proposals will lead to the end of commercial navigation on the Missouri River. Presenting the impact as 86% is statistical, not real;
2. The MCP proposal will lead to slower death of commercial navigation on the Missouri River with shortened seasons. You cannot eliminate the down bound benefits at the end of the season and expect the retail industry to survive, neither can navigation.
3. Both the GP and MCP proposals will lead to significant impacts on the Mississippi River, contrary to your Executive Summary analysis. Your team has had access to industry representatives and principals for over 10 years and is just now getting to verify their views.
4. Missouri river navigation's impact to the region far exceeds the \$7 million quoted in your documentation. This public needs to understand that the commercial tonnage that moves on the Missouri River is but a small part of the region's benefits. There is over 38 tons of freight that move in the basin at reduced rail rates due to competition with the Missouri River. That will end with these proposals and is nowhere to be found in the documentation released to the public.
5. The reliability of the Mississippi River is threatened by these proposals. This is a river system that moves over 120 million tons per year through a section of the river that needs Missouri River water, especially in those periods the GP and MCP alternatives will deny it

water. The entire Middle Mississippi channel training structures were designed assuming the CWCP. Considerable economic and environmental costs will result under the GP and MCP plans. These impacts have not fully been evaluated.

6. With a shift of 10 million acre feet that will not flow down the river system, posed as conservation measures, it must be recognized that those benefits will only accrue to the Upper Basin states. With altered triggers and arbitrary season restrictions combined with loss of over 100 dikes on the MO River navigation system, even more water is necessary to meet minimum service navigation needs.

MARC 2000 opposes five of the six alternatives and continues to believe that the Current Water Control Plan provides the best alternative to meet all Congressionally authorized purposes, including navigation, flood control, recreation, hydropower and fish and wildlife needs. After all, it was under the CWCP that recreation grew and prospered, it couldn't have been all that bad.



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PIASA PALISADES GROUP

November 13, 2001

Colonel David A. Fastabend
US Army Corps of Engineers
Northwest Division
Attn: Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, Nebraska
68144-3869

Dear Colonel Fastabend,

Thank you for the opportunity to present testimony, regarding the citizens' desire for a balanced management plan of the Missouri River within the flow frequency conversation.

The Piasa Palisades Group of the Sierra Club believes that the primary goal of the Missouri River Management Manual should be to support native habitat restoration. All other management goals and recommendations should be subservient to this overriding goal.

The Piasa Palisades Group has been active in the attempt to maintain the health and vitality of the regional river basin. We have also been in coordination with a broad-based coalition as we study the impacts that have occurred from managing the Missouri River for navigation purposes. Ecological destruction and loss of species throughout the basin, coupled with the negative impacts on the upper basin resources should heed warning to how the Missouri River has been managed and the changes that must take place if a balanced ecosystem chances to survive and flourish in the future. The influence of dams, and levees and the resulting disassociation of the river from its floodplain, the ever-increasing wetlands destruction, and the lack of thorough scientific monitoring for water quality, habitat quality, species decline, and species recovery have lent themselves to an impaired and degraded national treasure.



Colonel Fastabend, 11/13/01, p. 2

It is time to change the river's management practices and work on improving the longest river in our nation, the Missouri River. The Missouri River once nourished an abundance of wildlife through the natural rise and fall of the water: the lower flows in the late summer and fall and the rising flows in the spring and early summer. Because of these flows, life proliferated in the river's sheltered backwaters, sloughs, mud flats, deep pools, oxbows, gravel bars, and marshes. The annual nourishment, life, and variety of habitats have been curbed by the construction of dams for a negligible navigation industry.

The Piasa Palisades Group endorses managing the Missouri River for purposes other than navigation. While this suggestion may seem revolutionary, we have found that the cost-benefit analysis does not warrant management of the lower Missouri River for navigation. The Army Corps of Engineers continues to manage the lower basin of the Missouri River for a non-existent barge industry: by comparing the original Corps waterway projections from the 1950's to the latest Corps traffic figures, one can see that the barge industry is currently at 12% to 20% of the original expectations. Commercial shipping only brings in \$7 million annually, compared to the nearly \$90 million in economic benefits each year that angling related expenditures generate, such as resorts and local boat manufacturers.

Arguments attempting to support the navigation industry on this particular stretch allege that navigational flows on the Mississippi River are dependent on the Missouri River. Yet, questions aimed at all relevant state and federal agencies assert that the Missouri flow change would not cause an impediment of the navigation industry on the Mississippi. The Corps of Engineers has asserted that a specific flow alternative would actually save the industry \$7.3 million per year (U.S. Army Corps of Engineers, RDEIS Summary, August 31, 2001, p 25).

Therefore, the Piasa Palisades Group proposes the cessation of navigational management on the Missouri. This critical step would allow for 1) the restoration of a more natural lower river channel below Sioux City, 2) the partial restoration of seasonal in-stream flows, and 3) the elimination of a heavily subsidized and uneconomic system.

If the Corps of Engineers do not choose such a proposal, then the Piasa Palisades Group of the Sierra Club supports the "split-season" flow regime for spring high flows once every three years, with low summer flows occurring every year. The rising spring and early summer flow will help to create river habitat and provoke fish reproduction cycles. The low water in the late summer and fall will expose sand bars, which provide essential shallow water habitat. Revising dam operations to accommodate both of these stages is essential if the Army Corps of Engineers' is to manage the river in a balanced manner. Such management would undoubtedly be a positive environmental, community, and economic benefit as it works toward the prevention of species extinction, provides recreation and tourism opportunities such as fishing, canoeing, boating, hiking, and camping, and even provides for some barge traffic. Of the diminutive amount of cargo

Colonel Fastabend, 11/13/01, p. 3

that is transported by barge, at least 80 percent of it moves before July and after August. This points to the ability to continue barge traffic under the recommended “split-season” flow changes.

It is time to shift the focus from managing the river for nonexistent barge traffic and tailor it to a practice that benefits both the environment and the economy. One prime example is the high local and tourist dollars that are generated through angling. It has been found that such hydrological flows would increase populations of walleye, sauger, smallmouth bass, and other game and bait species. Fishermen could be more active on the river, as the flows create better boating conditions on the lower river, on the upstream reservoirs, and on the river’s remaining semi-natural segments. A high flow release every one in three springs would trigger a stronger spawn for game and baitfish, while nourishing the backwaters, sloughs, and other habitat areas that serve as nurseries for the young fish. Currently, the angling sport brings in \$90 million. A restored Missouri River could increase that figure significantly.

We also would like to stress that such recommended changes would provide 99 percent of the flood control benefits provided by the current water control plan. The spring rise would only happen an average of once every three years. No spring rise would occur if the Missouri River below Gavins Point Dam is flooding or threatened by potential flooding. We have a true understanding that the Corps would continue to work to limit any increased risk to these croplands, and efforts should be made to help these farmers deal with drainage problems.

We would also like to note that a fall rise is not justified, either historically or ecologically. Some agencies and interests may be pushing for such an artificial rise because it may be beneficial to the navigation industry. Because the Piasa Palisades Group urges the Army Corps of Engineers to manage the river for purposes other than navigation, we consider a fall rise to be unnecessary and urge the Corps to seek the leadership of the USGS to determine the fall flows by adaptive management reviews with independent review and analysis.

The flow regime is only one of many components in the quest to return to a more natural river hydrograph. In order to manage the river to support native habitat, changes will inevitably have to be made within the Army Corps of Engineers’ management system. Concerns include the topics of levees, the reconnection of floodplains and the river, dams, Conservation Easement Funding, and thorough and scientific monitoring for water quality, habitat quality, species decline, and species recovery. To accommodate some detail and explanation, this comment paper will briefly go over the main points of such assertions.

- *Levees and The Reconnection of The Floodplains and The River:*

No new levees should be approved or constructed on the Missouri River that protect beyond the agricultural level of a 5-year flood. This is because industrial levees that accommodate 100+ year floods have separated the river from its flood plains. Flood heights are often increased when the river is cut off from its floodplain by levees and dams. The Missouri River should have the ability to expand into its floodplain during high-water events as each acre of wetlands can store up to 1.6 million gallons of floodwater depending on the type of wetland. This translates into less water moving downstream and into adjoining communities. Thus, the river should not be limited to a channel that is designated by the Army Corps of Engineers but should be allowed to inundate its floodplain. For the restoration of a natural floodplain habitat that can accommodate both existing industry and native species in a riparian corridor, the industrial levees should be set back 1500 feet from the “Ordinary High Water Mark” to allow for an escape valve for flood water.

- *Dams*

No new dams should be considered or constructed on any of the tributaries of the Missouri River. Current dams have caused major disruptions in the ecology of the river basin as they replaced the seasonal fluctuations of water flows to accommodate the barge traffic. People, fish, and wildlife have had to pay the price for the damage that is still occurring. Currently there are three species on the brink of extinction as a direct result of dams: the least tern, the pallid sturgeon, and the piping plover. The Army Corps of Engineers has failed to meet the least tern and piping plover reproduction goals in eight of the last ten years; the two years when the reproductive goals were met occurred when habitat conditions improved due to natural flooding. The number of barges that require the Army Corps of Engineers to operate the dams is small enough to warrant the cessation of maintaining the current dams for navigation, let alone building any new ones.

The Piasa Palisades Group supports finding ways to redistribute the sediments and water flows that are necessary to reestablish the natural communities of the basin, including the stretch from the lower Missouri River to the Gulf of Mexico. Thus, it is also highly recommended that Gavins Point Dam should be retired as a flood control or water retention structure. Sediment build-up is pointing to the end of the dam’s useful life. Upon this end, the Army Corps of Engineers should consider its removal because of the importance of restoring the sediment flows to the river. If this option is not viable, the dam should become a “run of the river” structure where the water comes in and out at will.

- *Conservation Easement Funding:*

Floodplains and wetlands store floodwaters, improve water quality, recharge groundwater supplies, provide habitat for native river wildlife, and provide recreation opportunities for the community. Poor land-use decisions that allow development in a floodplain are putting more people at risk and eliminate the natural flood control functions of these areas. For instance, flood deaths and damage are on the rise:

- *Total flood deaths rose from 74 in 1989 to 105 in 1999.
- *Total flood damages rose from \$1.1 billion in 1989 to \$5.5 billion in 1999.

Easements should be purchased through Wetlands Reserve Program (WRP) and the Enhanced Wetlands Reserve Program (EWRP). Set-aside programs would make certain that development would not occur in such sensitive areas where fallow upland areas are subject to erosion. This would ensure that human lives would be protected, property damage would be minimized, wildlife habitat would be restored, water quality would be improved, and recreational opportunities could be expanded. These and other permanent or long-term set-aside programs need to have management support from federal agencies like the US Corps of Engineers. When possible, the floodplains and riverine wetlands should be purchased directly, like the Big Muddy Wildlife Refuge of the USFWS.

While we support economic development of our nation, we do not do so at the expense of our natural ecosystem. Overall, United States Citizens would save money through such proactive procedures as placing land into easements.

- *The monitoring for Missouri River Management Plan*

Monitoring should be accomplished in a thorough manner to ensure that water quality, habitat quality, and species recovery is truly occurring. Species recovery should include “endangered” species while accommodating the prevention of further habitat loss and consequent indigenous species decline. In terms of costs and timesavings, both the science and economic community confer that it is more efficient to prevent species from becoming threatened or endangered than it is to fully recover a species once it is on the edge of extinction. A scientific based agency, such as the USGS, USFWS, or the states’ fish and game management agencies should conduct the monitoring.

A key component of such monitoring is making adaptive changes to the management plan when the expected results do not come to fruition. This will allow the management plan to address problems that may occur with regards to water quality, habitat quality, or species decline. Such adaptive management is supported and encouraged by the Piasa Palisades Group. The US Geological Survey should conduct management monitoring and any subsequent recommendations for changes

Colonel Fastabend, 11/13/01, p. 6

because of the extensive monitoring training and research training that exists for biological and geological systems that they possess.

Thank you for giving us the opportunity to comment regarding one of our Nation's waterway management plans, the Missouri River Master Water Control Manual. We are pleased to see that the Army Corps of Engineers is actively working towards a river management plan that balances traditional uses of the river with environmental concerns, namely the restoration of native habitat and species recovery. In determining the flow regime, we hope the emphasis lies on native ecosystem restoration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christine M. Favilla".

Christine Favilla
Three Rivers Project Manager
Piasa Palisades Group of the Sierra Club

Tuesday, November 13, 2001

Johanna Beaudean
4997 Fairview Ave.
St. Louis, MO 63139
Johannabeaudean@yahoo.com

Re: Missouri River Master Water Control Manual

I'm Johanna Beaudean. I have lived in the city of St. Louis for the past six years and work as a project manager for a large investment firm. I grew up on a farm near Hermann and own land in the Missouri River bottom.

I would like to voice my support for the Current Water Control Plan, with modification to the call for adaptive management. My support for this plan is based on a knowledgeable and logical understanding of the effects of spring rise, reduced summer flow, adaptive management, species and habitat restoration, and rock dike removal.

Our family lost 34 acres of bottomland forest when rock dikes were relocated or removed from the Missouri River. The removal of these dikes affected navigation on the river, in addition to the effects it had on the family farm. Business owners in the area were not consulted prior to the decision being made to remove these dikes. As I stated earlier, this was 34 acres of bottomland forest. It was not land that was suitable for farming. It was not bringing in revenue for the farm. However, it was an environment well suited for many species of wildlife.

This brings me to the point of species and habitat restoration. The business owners and people on and along the Missouri River are committed to restoration of wildlife habitat. They would be concerned with preserving, rather than restoring, wildlife habitats if groups such as the Coalition to protect the Missouri River had been consulted prior to making such changes to the Missouri River system. The Coalition to protect the Missouri River is made up of 25 organizations including the Missouri and Iowa chapters of the Farm Bureau, the Corn and Soybean Growers Association, Ameran UE, and the Midwest Area River Coalition, which is made up of river navigators.

The business owners cannot do their part to adequately manage the privately owned land along the Missouri River, without being part of the Adaptive Management Agency Coordination Team. This is a great opportunity for improved management of privately owned lands along the Missouri River. Involving the business owners in the decisions allows them to manage their lands in the best possible way, as they can work toward accomplishing the same goals as the other members of the Agency Coalition Team. It is also a great opportunity for the state of Missouri to gain input on expanding the use of publicly owned land along the Missouri River to improve wildlife habitats. The Coalition to protect the Missouri River will add a great deal of knowledge and value to the Agency Coordination Team. It would be a grave mistake to overlook the importance of this group in an Adaptive Management plan.

Greater investigation into the plan for reduced summer flow reveals the damage that implementation of such a plan would have on the state of Missouri.

The effect of reducing the summer flow will be the reduction of navigation on the Missouri River. Reduction of navigation on the Missouri River will result in increased traffic on Missouri highways. The statistics that I received from the Missouri Department of Transportation state that it would take 900 tractor trailers to haul a load equal to that of one tug boat pushing a maximum of 12 barges. The elimination of one tug boat from the Missouri River would increase pollution, as 900 tractor trailers use an enormous amount more diesel fuel than one tug boat. Highway safety would be further degraded as a result of increased traffic. Costs would increase for transporting the cargo, if it were transported by plane, train or truck instead of by barge. I don't believe that any of these factors were considered when proposing a reduced summer flow. If they were considered, I cannot believe that any reasonable citizen of this state would be willing to incur these financial and environmental costs on the **chance** that it **might** save one species of bird.

The last point that I would like to touch on is the proposal for a spring rise every third year. It is very difficult for me to see how any benefit will come of this. I have reviewed documentation from the U.S. Fish and Wildlife service and could not find sufficient proof to justify a spring rise every three years. A spring rise is one alternative for **possibly** increasing the spawning period for the pallid sturgeon. However, the USFWS has not proven that a spring rise would actually prompt increased spawning or that increased spawning can save the pallid sturgeon. Again, the plan that has been proposed for a spring rise will no doubt jeopardize the people of this state and this country and there is a **chance** that it

might save a sub-species of fish. I challenge the USFWS to provide alternative solutions to saving the pallid sturgeon, solutions that do not endanger human life or livelihood in the process. The proposed spring rise is neither "reasonable nor prudent", with respect to the business owners or individuals who work and live along the Missouri River. The USFWS states that a spring rise is both "reasonable and prudent" on their website. How soon we forget the damage and costs associated with flooding! It has only been six years since this country and the state of Missouri paid millions of dollars in flood relief and welfare to the business owners and families living along the Missouri River. There were millions of dollars spent in addition on clean-up and rebuilding of towns and highways.

I would like to restate my support for the Current Water Control Plan, with the before suggested modification to the call for adaptive management. I ask that the Corps of Engineers include the Coalition for protecting the Missouri River as a member of the Agency Coordination Team. I hope I have made clear the costs associated with a spring rise and a summer flow reduction. Again, I challenge the U.S. Fish and Wildlife Service to develop solutions that can be **proven** to save these three specific species and sub-species of fish and bird that does not jeopardize human lives and livelihood in the process.

MISSOURI COALITION FOR THE ENVIRONMENT

6267 Delmar Blvd. 2-E • St. Louis MO 63130 • 314-727-0600 Fax: 314-727-1665 • moenviron@moenviron.org • www.moenviron.org



STATEMENT OF POSITION MISSOURI RIVER MANAGEMENT NOVEMBER 13, 2001

The Missouri Coalition for the Environment supports changes in the management of the Missouri River as proposed by the U.S. Fish and Wildlife Service. The Coalition also shares the concern of other Missourians about the possibility of large depletions of Missouri River water by upper basin states in the future and opposes any additional depletions, especially proposals that would transfer water out of the River's basin.

Human manipulations of the River over the past century have brought some benefits to society, but the counterbalancing environmental and economic costs have become too great to continue current management practices. It is time to return some degree of balance to the Missouri River ecosystem by replicating historic flow patterns and restoring significant areas of fish and wildlife habitat.

The Fish and Wildlife Service has been indicating for more than a decade that changes are needed to the Corps of Engineers' management of the River. Any further delay will risk the extinction of at least three species and will certainly bring about litigation by private parties that may result in a court ordered management plan. To its credit, the Corps has undertaken partial measures to aid the three threatened and endangered species at issue, but these efforts are not sufficient to prevent their extinction. A comprehensive management plan that addresses both flow patterns and habitat restoration should be implemented as soon as possible.

The Coalition supports alternative GP2021 as set forth in the Corps' Revised Draft Environmental Impact Statement because it comes closest to matching the Fish and Wildlife Service's recommendation. However, GP2021 is only part of the solution. In addition to altering the River's flow, it is also necessary that the Corps implement habitat restoration efforts that are not provided for in the alternatives in the RDEIS. To bring about the partial restoration of the Missouri River ecosystem and avoid further violations of the Endangered Species Act, the Corps should immediately implement measures that provide additional shallow water habitat and reconnect a significant part of the floodplain to the River.

We commend the Corps, the Fish and Wildlife Service and the Missouri Departments of Conservation and Natural Resources for their existing efforts to restore habitat along the River's course. Areas such as Overton Bottoms and Lisbon Bottoms in central Missouri are a good start to bringing about the recovery of the three threatened and endangered species and improving conditions for numerous other species. These agencies should continue their efforts to acquire significant acreage in the floodplain where it is possible to create side-channels and remove existing levee systems. Public land management should focus on restoring ecosystem functions as opposed to managing for a few select species. A healthy ecosystem will maintain populations of all species,

including those that are pursued by people who hunt and fish along the River. In particular, we encourage the Department of Conservation to take a more careful look at its management plan for Columbia Bottoms just north of St. Louis and restore natural processes on this large area of Missouri and Mississippi River floodplain.

Site specific restoration in the floodplain should be coordinated with significant modifications to the Corps' Bank Stabilization and Navigation Program on the lower River. As the Fish and Wildlife Service concluded in its Biological Opinion, it is impossible to avoid jeopardizing the existence of endangered species and restore sufficient ecosystem functions without modifying wing-dikes and bank fortifications. We are concerned that the alternatives developed by the Corps in the RDEIS do not come close to providing the amount of shallow water habitat recommended by the Fish and Wildlife Service. The Corps should immediately plan for and implement modifications to its system of navigation structures in order to restore twenty to thirty acres of shallow water habitat per river mile. These changes should take place simultaneously with the alternative flow regimes set forth in the RDEIS. The Coalition encourages Missouri's Congressional delegation to support additional funding for the previously authorized mitigation program being carried out by the Corps.

The RDEIS calls into question the past practice of managing the Missouri River primarily for the benefit of navigation. The economic benefits of the barge industry on the Missouri River are small in comparison to the benefits of recreation and the many other uses of the River. The National Economic Development data produced by the Corps show that altering the current flow regime to more closely mimic historic patterns will produce an increase in total economic benefits.

A significant amount of concern has also been generated relating to the possibility that the proposed changes in flow will cause more frequent flooding. The degree of these fears is not supported by the Corps' models, especially within the State of Missouri. Under alternative GP2021, flood control benefits would be reduced by less than one percent on the entire River as compared to the existing flow management plan. Moreover, the Corps will retain flexibility that will allow it to alter planned flow increases during times of potential flooding. The Coalition asserts that changes in land use along the Missouri River, including the construction of industrial levees and other constrictions, have had and will continue to have far greater negative impacts on flood heights than the proposed alteration of flows.

The Coalition does share the concern of other Missourians about the possibility of large depletions of Missouri River water by upper basin states in the future. As recommended by the Fish and Wildlife Service, the Corps should initiate a study to determine the extent and impacts of current and future depletions. The history of harmful depletions in the western U.S. shows that, over the long-term, this could be more of a threat to the Missouri River ecosystem than even the current flow and navigation operations. Therefore, it is essential that the impact of current depletions be understood and future proposed depletions be carefully scrutinized. The Coalition opposes any additional depletions from the Missouri River, especially those that would transfer water out of the River's basin.

ORAL TESTIMONY: 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 Jayne Glosemeyer. I am an agricultural producer in Warren County, MO and my family farms 700 acres in the Missouri River bottoms. I am here tonight representing the Missouri Corn Growers Association. I am on the MCGA Board of Directors. Our organization represents corn growers across Missouri.

MCGA will support the current water control plan because it is the only feasible alternative presented by the Corps of Engineers. All the other alternatives that are being presented would be absolutely devastating for agriculture.

We are opposed to higher reservoir levels in the upper basin lakes. Increased reservoir levels reduce the water available and flood control abilities to the lower basin. Managing the Missouri River flow based on the wants of upstream recreation goes against the original intent of Congress to manage the river for multiple uses including flood control and navigation. We are also adamantly opposed to what is referred to as “the spring rise”. First, increasing water releases would flood or decrease drainage on thousands of acres in the Missouri River bottoms. The Corps and Fish & Wildlife Service claim that they can curtail water releases from Gavins Point Dam if downstream flooding occurs. This cannot be true! Once the water is released it will take 8 to 11 days to reach the mouth of the Missouri at St. Louis. If we are already experiencing high water levels from

unexpected heavy rain falls, this proposed “controlled flood” would turn minimal flooding into a major devastating flood damaging many farms and businesses that lay in the flood plain. These higher water tables create interior drainage problems that could delay spring planting even if major flooding does not occur. There are approximately 10,000 acres in our farming community and at least 1/3 of those acres would be affected by poor interior drainage associated with a high spring river stage.

It is also proposed that these increased spring flows would be offset in the late summer by a split navigation season. During July through September, water releases would fall below levels needed to maintain navigation. This would end navigation on the Missouri River.

As you know, barges are a low cost transportation alternative for agricultural commodities and inputs. Barge transportation places competitive pressure on regional rail rates. Railroads can only raise rates to the point where they would start to push traffic onto alternative modes of transportation, for example, barges. It has been demonstrated numerous times that in areas throughout the country that do not have access to barge transportation, rail rates are higher. In their own analysis, the Corps estimates that barge competition reduces rail rates in the Missouri Basin by up to \$200 million annually. The importance of barge competition is further heightened as the rail industry continues to consolidate. If barge traffic is eliminated the only other competition would be the trucking industry. Can our highway system support the truck traffic needed to replace barge capacity for transporting commodities?

The Missouri River is also a major source of water for the Mississippi River. During the drought of 1988, Missouri River discharges accounted for 63% of the water flowing past St. Louis from July through October. If planned flow reductions by the Corps would coincide with another summer drought, navigation on the Upper Mississippi would be interrupted, costing the Nation's farmers and industries millions of dollars a day.

We also have concerns about what the Corps calls "adaptive management". Through this proposed adaptive management, the Corps would be given considerable power to make flow release adjustments. These adjustments would be made primarily through consideration of one interest, the endangered species. If it is determined by the government agencies that for the sake of the species it is needed, the highest spring rise and lowest summer flows could be implemented. We cannot assume that any other alternative would be proposed and accepted by the Fish & Wildlife Service. They have single mindedly always proposed a spring rise and split navigation season as the **only** alternative that would benefit the species. They have not proposed any other reasonable and prudent alternative.

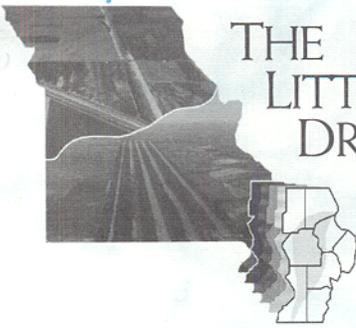
MCGA is concerned that adaptive management will result in the loss of the public's ability to be involved in the decisions involving flow management for the Missouri River. It does not follow the law that is provided by the National Environmental Protection Act (NEPA) that allows for public input. Through adaptive management the Corps assumes power not given to it by Congress. Congress did not intend for the Corps to assume the power to implement any changes they feel are necessary or want to try as

an experiment.

In summary, a spring rise is unwarranted and unscientific. It threatens farms and towns with increased risks of flooding and financial losses through reduced internal drainage. The reduced summer flows would end navigation on the Missouri and threaten barge traffic on the Mississippi river. MCGA believes there are other non-flow alternatives to be found, but this will not happen if our government agencies remain narrow-minded and focus their concerns only on the wildlife use of the river. It is time we demand a plan that will consider not only the wildlife but also all those affected by the river and the needs that are met by its use.

Thus, MCGA supports the current water control plan. We recommend that the Corps keep the water plan now in operation!

Thank you.



THE LITTLE RIVER DRAINAGE DISTRICT

FLOOD CONTROL & DRAINAGE
SINCE — 1907

STATEMENT OF THE LITTLE RIVER DRAINAGE DISTRICT CAPE GIRARDEAU, MISSOURI November 13, 2001 St. Louis, Missouri

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Blytheville, AR

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

Gentlemen:

My name is Larry D. Dowdy, Executive Vice President of The Little River Drainage District headquartered in Cape Girardeau, Missouri. Our District is the largest drainage and levee District of its kind in the nation. We are involved in the movement of surface runoff of two (2) million acres of farmland and upland runoff each year. We are a totally tax financed organization.

We are opposed to any changes in the current plan of operation of the Missouri River. We are downstream some one hundred (100) miles from St. Louis but areas within our system are effected adversely and directly with any flooding that occurs on the Mississippi River at Cape Girardeau, Missouri. In 1993 if it had not been for our District, our levee system, and other features within our District water from the Mississippi River would have flowed through the delta of the Bootheel of Missouri for 150 consecutive days beginning in April going through most of September. To receive any more water than normal would not have been acceptable to our landowners. Our levee system was never in any danger of breaching, but additional waters would have continued to put more pressure on an already saturated levee which is not desirable.

Downstream of that levee is the livelihood of more than 3,000 private landowners in parts of seven (7) counties. The safety and welfare of those people and many others is dependant upon our levee system working. We object to any plans that would cause our levees to be jeopardized in any way.

Our citizens welfare, safety, and the investments they have already made in our District, and up and down the Mississippi River, and Missouri River are far more important than the least turn, pallid surgeon, or piping plover.

We must remind you and those who advocate making those changes the reservoirs and the improvements which have been made on the Mississippi River and on the Missouri River were authorized by Congress based upon the benefits of flood control, drainage, and navigation. The environmentalists, the conservationists, and other such entities have reaped many benefits from the construction of those reservoirs and from the improvements the U. S. Army Corps of Engineers have made on those two (2) rivers. We do not want to circumvent what Congress has authorized and justified to the taxpayers of this nation.

We are at a point in our nation that we must be exploring every possible means of reducing our dependency upon the foreign oil markets. We need to utilize anything and any mode of transportation which is more economical than our highways. Water borne commerce and transportation is far more economical for moving goods throughout the heartland of our nation. It is much more environmentally acceptable than the many emissions that come from our trucking industry and it is the safest means of transportation we have. We need to look to improve our waterway infrastructure and not be looking for ways to discourage development of those assets. We need to improve, grow and construct more hydroelectric plants on the rivers not less. The people who are advocating these changes for the most part do not live here in the valley, they do not make their living here, they do not have investments here yet they have caused at least three (3) and perhaps more hearings on this same issue over the past few years which is asinine. We continually are wasting the taxpayers money by continually studying these issues, holding these hearings, and striving to find a plan to the benefit of the least turn, pallid sturgeon, and the piping plover. We need to be better stewards of our taxpayers than this.

The last hearing we attended on this issue we learned throughout the Missouri and Mississippi River Valleys that few if any individuals rose to speak in favor of the proposed changes. Our current two (2) Senators, our former Senator, our former Governors, our current Governor, and even the Missouri Department of Conservation and the Missouri Department of Natural Resources have told the Corps this plan is not acceptable and we do not need to make any changes. It is time the Corps of Engineers listen to those people who are affected directly the most.

The information that is bandied about by the U. S. Fish and Wildlife Service has no scientific basis and is highly flawed. In my District's dealings with the U. S. Fish and Wildlife Service we have found them to be an organization that speaks without any validity to the data they put out and most of their information and statements are salted with prefixes such as "this may happen", "this could happen", "this might happen". They never say unequivocally "this will happen". Those groups which support them such as the Sierra Club and other such organizations are based outside the area in question and have no vested interest in the area. We are thankful the U. S. Fish and Wildlife Service, the Sierra Club, and other like agencies did not exist at the

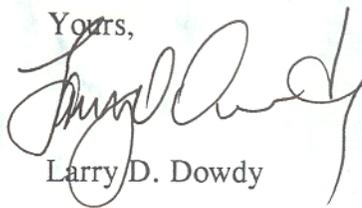
time our forefathers begin developing this country. Had they existed we would still be a third world country and not the leader of the entire world as we are today.

I wish a good friend of mine, who is a retired river boat captain, could have been persuaded to appear before this hearing and make some of the statements he has made to me concerning the Missouri River. His name is Mr. Reece Sanders from Cape Girardeau, Missouri. Mr. Sanders is 83 years old and worked as a river boat captain on the Missouri River in the 1930's. Mr. Sanders has told me on numerous occasions before the U. S. Corps of Engineers took control and had the responsibility of improving navigation, flood control, and drainage on the Missouri River it was practically impossible to take a tug boat without any barges up and down the Missouri River. Mr. Sanders stated to me on numerous occasions the best thing that ever happened to the Missouri River was the U. S. Army Corps of Engineers and the dredging and dike work they constructed and have maintained. He further stated there is much much more that could and should be done on that river.

We believe it is time to quit holding these hearings and it is time to quit studying changes to the Missouri Master Water Control Plan. We believe it is time to tell the U. S. Fish and Wildlife Service and any others that are advocating these changes they are not going to be made and we are going to continue to operate the Missouri River and the Mississippi River in the manner that Congress authorized and approved. Further, please tell them we are going to explore ways and means to improve and grow our navigation, flood control, and drainage interests on these two (2) great waterways of our nation.

Thank you very much for your time and your kind attention.

Yours,

A handwritten signature in cursive script, appearing to read "Larry D. Dowdy".

Larry D. Dowdy

November 13, 2001

Oral Testimony:
St. Louis, 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.

The energy impacts of the proposed alternatives have received only a cursory discussion in public hearings to date as compared to the impacts of RDEIS alternatives to agricultural and navigational interests. The implementation of alternatives other than the current water control plan has the potential to be as adverse for energy interests as for anyone affected by river management change.

President Bush's goal of supplying reliable and affordable energy to our nation's electric consumers cannot be overemphasized and, therefore, must not be overlooked or under analyzed in this public comment period. In fact, any recommendation that merits inclusion in the final environmental impact statement should be analyzed heavily in regard to the President's May 18, 2001 Executive Order 13211 that concerns regulations significantly influencing energy supply, distribution and use. **Any alternative that is in direct conflict the President's Comprehensive Energy Policy should be rejected.**

There is great concern among Lower Basin utilities that such a conflict may exist with alternatives other than the current water control plan (CWCP). It's also obvious, that consumers receiving electricity from hydropower plants in Upper Basin states may experience an increase in electric rates if these alternatives are implemented. Energy suppliers, distributors and consumers may experience unnecessary and unjustified impacts resulting from lower summer flows that in the end may cost them millions of dollars in new infrastructure investment or rate increases.

Missouri has several energy generating plants that supply energy for both rural and urban customers who use Missouri River water to cool their plants. Ameren, Utilicorp, Kansas City Power and Light and Associated Electric Cooperatives serve several million customers who are dependent on their ability to supply reliable and affordable electricity in the heat of summer or debt of winter. **Lower summer flows increase the likelihood of full or partial outages.** Such an occurrence during peak summer temperatures when demand is highest could jeopardize the safety of thousands and cause adverse economic consequences to thousands of businesses.

Just this past August, Associated Electric's Chamois plant experienced river water temperatures that came close to restricting operations in order for them to comply with NPDES permit effluent limitations. River flows in August at the Kansas City station measured about 38,000 cubic feet per second with average August releases from Gavins Point of 25,300 to hit navigation targets. August releases were higher than what are predicted in the proposed GP2021 alternative. Obviously, had the flows been lower, Chamois could have had to come offline or reduce generation. The age and size of the Chamois plant make modifications such as cooling towers that address low water events cost prohibitive for Associated to consider.

Several statements were made in the Nebraska City hearing addressing the thermal discharge issue. It's apparent the current flows that are higher than those of the GP2021 already create water temperatures extremely close to the maximum allowed before restrictions occur. Lower flows may exasperate a situation that is already at a threshold

level. Rural Electric Cooperatives have testified they do not support summer flows below 40,000 cubic feet per second. Clearly, lower flows may jeopardize the ability of suppliers to reliably provide an energy source for the cooling and heating requirements their customers trust them to offer and at a rate they can afford.

Utilities are concerned the Corps has underestimated the potential impacts the proposed flow reductions may have on their ability to meet and comply with current water quality standards. I request the Corps reevaluate this water supply issue to determine with greater accuracy the realistic impacts of the proposed alternatives on energy generation.

This nation demands a reliable and affordable supply of electricity to meet its ever-increasing energy needs. Any options recommended for Master Manual management should not curtail or reduce the ability of energy suppliers to meet these energy needs in an economically viable way. At this time, the current water control plan is the only feasible plan that assures utility companies this will be possible.

Before I get into my prepared remarks, I would like to say that I am thankful that I live in this country, a country that has a Constitution and a Bill of Rights.

Among these rights are the freedom of speech and the freedom of assembly, which is what we are doing here today.

It also means that we have the responsibility to be truthful, courteous, civil and have a willingness to listen to, and respect the other persons ideas, concerns, and needs.

Missouri River Master Water Control Manual:
SPRING RISE

I am opposed to the Spring Rise.

My name is Marvin Meyer. I am a retired farmer from the Black Walnut, Portage Des Sioux area of St. Charles Co. Missouri, which is about 15 miles upstream from the confluence of the Missouri River with the Mississippi River.

I have been a farmer all of my life. My daughter and her husband are on the farm now. It has been a hard, but good, honest, and satisfying life. My farms are more fertile and productive today than they were in Lewis and Clark's time. It was being cultivated and had been surveyed before their journey. It was settled by the Payne and Fallis families in the 1700's.

As far as I know, most of my ancestors were farmers, just as most of my relatives today still are. We were and still are good stewards of the soil. You take care of what takes care of you. We were concerned about, and protected the environment, to the best of our abilities, long before words like environment and conservation were invented.

I believe that some of the changes to the Missouri River have not been the best, but a Spring Rise will only create more problems. I call it "Planned Flooding". The Corps of Engineers are wrong when they say that a Spring Rise will cause little increase in flood frequency or damages. Any time that you inject extra water into a river during prime flood season, without chance of recall or greater protection, you increase flood damages. It takes 10 or 11 days for a release from Gavins Point dam in South Dakota to reach St. Charles, MO. If there are huge rains in the lower Missouri watershed, especially from Kansas City to the mouth of the

Missouri, there is no question that the probability of flooding will be increased.

The Corps either doesn't know the facts, is ignoring them, or is trying to appease other groups.

In defense of the Corps, neither they, nor Fish and Wildlife, can do anything without the approval of Congress. It is Congress who sets public policy. It is Congress who provides funding.

And who is Congress? It is us. We elect them. They pass a law. Bureaucrats write the rules, and that is the law, unless it is overturned by the courts. Congress seldom reviews the rules to see that they conform to the intent of the law. Because we, the farmers in the valley, are so few, we are seldom heard.

In April 2001 (Wall Street Journal, 7-10-01) a U.S. Federal Court held that the taking of water for endangered fish in California constituted a clear government "Taking of Property", and that farmers must be compensated. The Fifth Amendment to the Constitution is intended to bar government from forcing some people alone to bear public burdens, which in all fairness and justice, should be borne by the public as a whole.

I call this a "REGULATORY TAKING OF RIGHTS". I believe that the Spring Rise and the flooding that will surely follow is the same principle.

It is folly to think that we can recreate the conditions of Lewis and Clark's time. It cannot, will not, and should not be done. The memories of the past are always better than the reality.

I did not cause the problem, but I am one of those who will be wronged by the Spring Rise, which I call "Planned Flooding", and will have to pay the consequences. It is my firm belief that this will lead to the eventual elimination of most agriculture from the

river valley.

I am certain that agriculture will be damaged.

It will mean more frequent and disasterous floods.

It will mean more scouring and sand deposits.

It will mean more blow holes and ring levees.

It will mean more farmers going broke from levee rebuilding expenses.

It will mean that someday, the Corps will say that we will not help rebuild your levees because the costs exceed the benefits.

Fish and Wildlife cannot be certain that their ideas will work. What will their next demand be? Will they then have exactly what they want, at absolutely no cost to them?

Neither the Corps or Fish and Wildlife have the emotional or financial interest in the farms that I have. Our soils and farmers are a resource that we cannot afford to discard.

I would have been proud if my grandsons, Sean and Mark, would like to stay on the farm. But I absolutely will not encourage them to do so. I will discourage them because of the constant erosion of our right and ability to farm and make a decent, honest living.

Another wrong will not make a right.

Will my family become an endangered species? Will we receive the same rights and concerns that birds and fish get? Is this what we want? Aren't there better answers?

I believe that we are more important.

Marvin H. Meyer

Marvin H. Meyer

over

3004 Hollrah Dr.
St. Charles, MO 63301
(636)946-9725

Wilmer Erfling
RR#3, Box 130
Hermann, MO 65041

erfling@ktis.net

I am in favor of the current Water Control Plan without adaptive management.

I wish to address the following issues:

- Spring rise
 - Interior drainage
 - High ground water
- Reduced summer flow
 - Loss of navigation
- Adaptive Management
 - Lack of balanced input
- Bank Stabilization
- Habitat restoration

I was born and raised with river bottom farming. My father-in-law, who is nearly 80 years old, actually cleared some of this land with mules and grubbing hoes. He has farmed for over 65 years and is still actively involved. We are very familiar with the Missouri River and its ecosystem.

A spring rise causes flooding and high flows, which eliminate internal drainage, cause high ground water and drown crops. The proposed spring rise makes flood control impossible. Rainfalls and inflows from tributaries below the Mainstem, including the Osage River, make it impossible to properly manage releases from the Mainstem dams. Instead of spring rises, this area experiences floods. This past spring, more than twenty percent of the spring-planted corn was lost, even though the levees were not

topped. This occurred because of a lack of effective, coordinated efforts between the Mainstem and the Osage Reservoirs management.

If adaptive management is to be considered, flood control must be a part of the decision-making process because of the high economic stakes. Unless all of the stakeholders are permitted to be involved in these decisions, all areas of concern will not ^{be} heard. Adapted management is not an acceptable consideration because landowners, farmers, private business, navigation, municipalities, and the general citizenry do not have adequate opportunities for input. All of these groups have environmental concerns, and they also have substantial economic concerns.

On my family's farm at mile 94 below Hermann, Missouri we have lost more than 35 acres of land, bottomland forest and sand bars, in approximately one-half mile of river due to high flows. This area was prime river habitat for many species. Due to improper management (dike notching and rock placement) mandated by the Missouri Department of Conservation and "so-called environmental experts" this land is lost to wildlife and to our family. The unproven benefits of a spring rise for endangered species would also have similar, negative effects on other native species and their habits.

The master manual should include provisions for the enhancement of navigation and river terminals. I do not understand how the elimination or reduction of navigation on the Missouri River can even be responsibly considered at this time. The elimination of just one barge tow will put 900 tractor-trailer trucks on our already overcrowded, deteriorating, and unsafe highways. Shouldn't the Environmental Impact Statement be held accountable for damages and changes to air quality, safety, and energy conservation?

Our family farm was settled in 1864, and we are the fifth generation of farmers to reside on it. There is a love and respect for the land that is passed from generation to generation along with the land. The American farmer must be the best conservationist, the most resourceful environmentalist; for it is his livelihood and this country's heritage that he holds. The Historic Preservation Act of 1966 recognized this when it included any farmstead of 50 years or more in its list of eligible sites. We are concerned this Environmental Impact Statement has not given significant attention to the protection of designated historical sites.

No government has the right to purposefully plan for the destruction of the livelihood a group of American citizen or even one citizen. A purposeful destruction will take place under the revisions put forth in this Environmental Impact Statement.

Respectfully submitted



Wilmer Erling

Missouri Levee & Drainage Association; director

Warren County Soil and Water Conservation District; board member and district director

US Dept of Agriculture, UM Cooperative Extension Service; board member

Missouri Farm Bureau

Hermann Area Chamber of Commerce

St. Paul United Church of Christ

Gore-Case Community Club

Missouri Department of Conservation

Wildlife Federation

Jim Holsen
419 E. Argonne Dr.
Kirkwood, MO 63122
(314) 822-0410

ST. LOUIS AUDUBON SOCIETY

Radisson Hotel, 200 N. 4th St. U.S. Army Corps of Engineers, Hearings on Missouri River Alternatives at St. Louis, November 13, 2001.

My name is Jim Holsen, I am the past ~~vice~~ president of the St. Louis Audubon Society. ~~In the~~
~~position of president~~ I spoke to the Corps in a similar, ~~but rather rare~~, hearing in St. Louis
in ~~1994~~ 1994. I recall ending my remarks with the observation that my wife had applied to the
dashboard of her car a saying from a Chinese cookie to the effect that "You are heading in the
right direction," and I ~~thought~~ ^{said} that described how I felt about the Corps of Engineers. Now,
perhaps seven years later, I think the Corps ~~had been~~ ^{is still} heading in the right direction, but they ~~were~~ ^{have been}
diverted by officials in Washington from following the suggestions of the Fish and Wildlife
Service ~~to provide for a spring rise in the flow of the Missouri River.~~

At the time of that earlier hearing I had intended to ~~come to the hearing and~~ argue that the Corps
could provide both for environmental restoration of the river and for the traditional navigation or
barge interests at the same time. But as I thought through the alternatives, it became clear to me
that the two were ~~incompatible~~ ^{not fully}. A spring rise and lower flows during the summer months ~~did~~ ^{do} not
fit with the demands of the barge industry, but ~~were~~ ^{are} essential to the ecological restoration of the
Missouri River.

Jim Hober
p. 2 of 2 - 11/13/01

As residents of St. Louis, we frequently cross the Missouri River on the Boone Bridge ~~on~~
~~Highway 40/1-64~~ or at St. Charles on the I-70 bridge. We almost never see a tow with barges on
the Missouri River -- hardly ever. Even the Corps reports that the economic benefits of barge
traffic are much less than those of other activities such as recreation ~~on the Missouri River~~. And
the economic benefits from recreation can only be enhanced by the ecological restoration of the
River. A very high percentage of the tonnage reportedly carried on the river is either rip-rap
hailed by the Corps for its own flood control structures or is sand dredged from the river bottom.

The alternatives that provide for a spring rise, such as GP 2021, do not eliminate barge traffic, but
do restrict it during the summer months. But those are not peak months for moving commodities
to market. And these alternatives actually promote barge traffic on the Mississippi by providing
higher flows in the fall months, assisting navigation on the Middle Mississippi between St. Louis
and Cairo, Illinois.

The St. Louis Audubon Society has endorsed the GP 2021 Alternative, the alternative that most
closely resembles the recommendations of the U. S. Fish and Wildlife Service. I am speaking to
second that recommendation. ~~I am glad to see that the Missouri Department of Conservation also~~
~~agrees with the concept of a spring rise~~. We have an unusual opportunity to repair some of the
errors of earlier years, errors which most of us looked upon ^{at the time} ~~then~~ as progress, although we know
better now. Let us make the most of this opportunity.

*And let me add a reminder. If the Corps is going to
continue to reach decisions through cost/benefit analyses,
it must devise some way to include those real
benefits such as wildlife and wildlife habitat, which
are difficult to quantify.*

**U.S. Army Corps of Engineers
Missouri River Master Manual Hearing
St. Louis, Missouri - November 13, 2001**

Good Evening. My name is Robert Neff, and I am Manager of Coal Supply and Transportation for AmerenEnergy Fuels and Services, a subsidiary of Ameren Corporation which purchases coal, oil and gas for use at Ameren power plants. Ameren Corporation provides electric service to 1.5 million electric customers in Missouri and Illinois.

I am here tonight to express concern over the reduced summer flows that will occur in the in the Missouri River under the alternatives plans proposed by the Corps. More specifically, I am concerned about the negative impact the reduced flows in the Missouri River will have on Mississippi River navigation and how that will affect our ability to economically fuel our coal-fired power plants.

Ameren purchases 32 million tons of coal annually for electrical generation at nine coal-fired power plants. This coal moves by rail, barge, and truck. In the past, three of the nine plants had facilities to receive coal by barge. Ameren recently invested millions of dollars to be able to receive coal by barge at two additional power plants on the Mississippi River-the Sioux and Rush Island plants. Also the Meramec plant is being equipped with a rail transfer and barge loading facility to facilitate the movement of coal by barge to other Ameren plants. To accommodate these barge movements, Ameren recently purchased 30 barges.

Considering the large volume of coal that Ameren moves every year, fuel transportation cost is one of our largest expenses. Movement of coal by barge is the most energy-efficient and often the lowest cost method of transportation. One barge can hold the equivalent of 15 railroad cars or ~~200~~⁵⁰ trucks. Replacing one fifteen barge tow with trucks would mean ~~3000~~¹⁰⁰⁰ additional trucks on already crowded highways.

Ameren is constantly looking for ways to lower the cost of electricity to its customers, and has continually reduced costs of coal transportation by initiating new options and sources of coal delivery. We knew that the recent construction of barge facilities at our three power plants would help keep transportation costs down and allow us to continue to offer competitive electricity prices to our customers.

Our barge facilities provide us with an additional means to bring fuel into our plants that improves the overall reliability of our generation system. We understand that during periods of drought, Missouri River water accounts for up to 60% of Mississippi flows between St. Louis and Cairo. The heat present during summer-time droughts places a great strain on the electric system, driving electricity demand and the need for coal even higher. However, if the Corps were to select one of the alternatives that further restricts Missouri River flows, our ability to deliver coal to our plants would be limited at a time when the coal is needed most.

In summary, I urge the Corps to act responsibly and refrain from selecting a Missouri River management plan that could hurt Mississippi River navigation. Accordingly, Ameren supports the Current Water Control Plan, as it is the only one of the six that would provide adequate flows for both the Missouri and Mississippi Rivers.

On behalf of the Ameren organization, I would like to thank the Corps for providing me with the opportunity to share our views on this important issue.

MY NAME IS DAVID BONDERER, I OWN A RETAIL AGRICULTURE SUPPLY BUSINESS IN WEST ALTON, MO. AND FARM 2200 ACRES IN THE ST. CHARLES COUNTY RIVER BOTTOMS. I AM ON THE BOARD OF DIRECTORS OF MISSOURI AGRICULTUE INDUSTRIES COUNCIL, MEMBER OF CORN GROWERS, SOYBEANS ASSOCIATION AND REPRESENTING FARMERS IN OUR AREA.

I WOULD LIKE TO THANK THE CORP OF ENGINEERS FOR THIS OPPORTUNITY TO MAKE MY COMMENTS HEARD.

I AM HERE TO VOICE MY SUPPORT FOR THE CURRENT PLAN THAT THE CORP OF ENGINEERS HAS IN PLACE. I BELIEVE THIS IS FAR SUPERIOR TO ANY OF THE FIVE ALTERNATIVES PRESENTED.

ANY PLAN THAT CALLS FOR A SPRING RISE COULD POTENTIALLY BE DEVASTATING TO ANYONE WHO LIVES OR DEPENDS ON THE AGRICULTURAL LANDS ALONG THE RIVER. NORMALLY IN THE SPRING OF THE YEAR WE ARE ALREADY FIGHTING HIGH WATER FROM MOTHER NATURE WE DON'T NEED THE ADDED WATER FROM THE CORP. OF ENGINEERS. WE CANNOT FINANCIALLY WITHSTAND ANOTHER 1993 FLOOD. IF SPRING RISES AND SPLIT NAVIGATION PLANS ARE APPROVED THE NEXT THING ON THE ENDANGERED SPECIES LIST WILL BE THE FARMER.

13 NOV 2001

UPPER MISSISSIPPI, ILLINOIS & MISSOURI RIVERS ASSOCIATION

November 13, 2001

Affiliate Members
Illinois Valley Flood
Control Association
Missouri Levee and
Drainage District
Association

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Quincy

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319-524-2883

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

RE: Comments on Missouri River Water Control Plan

Thank you for the opportunity to comment on proposed changes to the Current Water Control Plan for the Missouri River. Our organization is a membership organization that represents those people, businesses and communities who rely upon the rivers and their productive valleys or protection from the rivers' ravages for their livelihoods and their ways of life.

Several aspects of the proposed alternatives for managing the Missouri River concern our membership.

- The proposed *spring rise* would lessen flood protection levels on the Missouri and the mid-Mississippi. a) Increasing spring releases from the Gavin's Point reservoir will increase the river stage, thereby lessening the amount (or height) of existing flood protection. b) Upon their release from Gavin's Point, millions of gallons of water will travel more than 10 days before they reach St. Louis. A large rainfall at any point along the Lower Missouri could result in the river overtopping levees. c) The effects of flooding can be experienced without a levee or floodwall overtopping. Specifically, higher waters lead to increased seepage that creates higher groundwater tables. In agricultural areas, this increase in groundwater and resulting delays in planting or harvesting could cost farmers half their yield. The window for planting, in particular, is narrowly framed by optimum soil temperature and moisture as well as anticipated weather conditions. If high groundwater prevents farmers from planting at the otherwise optimum time, then the government should compensate farmers for their losses.
- We oppose *greater variation in flow rates* because we anticipate it will cause riverbanks to erode more quickly. Fluctuating heights of water, duration of the stage, and rates of flow will scour the banks. The increased erosion will result in more sediment in the river and, in many cases, less levee to protect the valley.
- Changes to Missouri River flows impact a *large geographic area*. a) Communities, individuals and businesses that are located in the mid-Mississippi Valley immediately north of St. Louis and south between St. Louis and Cairo, Illinois closely monitor the weather patterns across the lower Missouri because its flows directly impact their level of flood

protection and navigation service levels. b) Increased spring flows and low summer flows, especially in a drought year, could severely limit navigation between Alton and Cairo, Illinois. This stretch of river is critical to commercial activity of the entire Midwest because of the large total tonnage of cargo that moves each year through Lock and Dam 27 at Granite City and other locks to the north. In turn, much of the cargo that moves from the Upper and Mid-Mississippi is funneled to the world market through the Port of New Orleans.

- Lowered summer flows would *limit navigation* on the Missouri River. a) Commercial towing companies estimate that lowering flows to the levels outlined in the alternatives would essentially end commercial navigation on the Missouri River. b) Navigation is critical to the operations of many small- to mid-sized businesses on the Missouri River. Any policy that ends navigation on the river would discriminate against small- to mid-sized businesses. c) Waterborne transportation is also a key element to setting freight rates among multiple modes of transportation. Although north-south trade corridors dominate the Plains States, the east-west capability of the lower Missouri plays a substantial role in keeping bulk commodity freight rates competitive for suppliers to move products that customers can still afford. (In other words, freight rates are a limiting factor that determines whether a product is sold in a timely fashion or stored where it could rot or become outdated.)

- One of our members' largest concerns is the *precedent* the decision making process on this issue could set for other tributaries and situations outside of the river and its valley. a) The Corps of Engineers is mandated to maintain a navigation channel, to assist with flood protection and emergency readiness, and to manage reservoirs for adequate water to produce energy. The Corps also has a fairly new mandate of managing environmental factors to preserve environmental quality and limit its degradation. As an agency, the Corps of Engineers has the technical capability and Congressional authorization to perform these functions. Yet, it appears the Corps is being held hostage by the U.S. Fish and Wildlife Service which threatens to open the Corps to lawsuit on endangered species. b) Last fall we viewed data compiled by biologists that revealed the Current Water Control Plan provides more shallow water and sandbar habitat that is said to be necessary for the least tern, piping plover and pallid sturgeon reproductive cycles, than the flow changes being advocated by the U.S. Fish and Wildlife Service. This example indicates the U.S.F.W.S. places habitat – that would lead to growing numbers of the jeopardized species – as a lower priority than gaining power to determine how the river should be managed. c) Additional data also indicates that activities outside the main channel – and therefore relatively independent of the flow rates and timing – would provide an environment where the species' populations could grow.

In summary, we oppose any revisions, specifically a spring rise and lowered summer flows, which would negatively impact our members on the Missouri and Mississippi rivers.

Sincerely,

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

Heather Hampton+Knodle
Executive Director

Contact Information:

James J. Nyberg
P.O. Box 50401
Clayton MO 63105

1. Quality of Life

- * We seek solace and peace in unspoiled nature; walking, boating, fishing, etc.
- * We feel responsible to future generations to not spoil the environment we inherited.
- * Friends and I have canoed and camped on the Missouri River numerous times.
- * We can not go back to the pristine river that Lewis and Clark explored, but we should **do our best to restore the Missouri River to its natural state.**

2. Missouri River Navigation

- * We canoed on the Missouri River from the Gasconade River to New Haven two weekends ago, watching birds and camping on one of the relatively few gravel bars. In two days we saw only one towboat, pushing two barges. During the same time we saw 32 railroad freight trains along the riverbank during daylight, before losing count.
 - * On other canoe trips we have typically seen as much Corps of Engineers maintenance traffic as commercial traffic. It would be a laughing matter if it were not so destructive.
 - * Navigation is a trivial part of transportation along the river and costs us taxpayers plenty.
 - * Wingdikes and levees channel the current and offer no wetlands.
- Navigation should be abandoned.**

3. Wetland and Riparian Habitat

- * The Corps must obey existing environmental law as recommended by USFWS.
- * Wetlands are nurseries for fish, birds and other life-forms.
- * Wetlands reduce flooding by retarding water flow. Levees raise floodwater levels.
- * Wetlands improve **Water Quality** by filtering the water.

Wetlands should be preserved, restored and established.

Dam releases should promote wetland habitat.

GP2021 is the best of the alternatives present^{ed}.

Commercial interests have a right to advocate for their advantage, but please keep in mind that the **river belongs equally to all of us**, the vast majority, so river management should not be biased in favor of navigation and agriculture.

Thank you.

Master Water Control Manual
Hearings

November 13, 2001

Richard W. Stegmann - Lange - Stegmann Co.
My name is RWS, President LSCO a 75
Year old St. Louis Company.

LSCO operates a barge unloading
facility at mile 182.7 UMR just north
of downtown and south of the
confluence of the Missouri and
Mississippi Rivers

We are a primarily a supplier of Crop
Nutrients for Agriculture, Industrial
products and professional turf
markets in the Midwest. We also offer
barge unloading services dry and
liquid products.

My presence here tonight is two fold.
First and foremost is the threat to my
business should the CORP follow

through with any plan to regulate the flow of water coming down the Missouri River other than to maintain its current water flow management practices.

The Missouri River contributes approx. 60% of the water flowing through the St. Louis Harbor daily on the Mississippi River. The "spring rise" is concerning but in St. Louis we are protected by a wonderful flood protection system. Reducing the flow when the water levels are already drastically low in the summer would be a significant cost for river navigation, but more importantly to my company it would cost us hundreds of thousand of dollars to dredge to keep our river dock open and would probably put us out of business. A lost of many jobs in the metropolitan area.

As taxpayers we will be funding millions of dollars of additional dredging services to keep the navigation channel open for barge transportation from St. Louis to Cairo. And what advantage is that to aquatic life when it could averted. A chain is only as strong as its weakest link and this St. Louis to Cairo is the weakest link for Central and Northern United States for economical river transportation.

The second reason for being here is for my customers. As LSCO Focuses on Agriculture, a significant amount of our sales go to Ag Supply Dealers that supply to the family farms, which operate in the MO River bottoms. If the CORP alters the MO River flows many of these family farms would no longer exist because of the additional

“spring rise” flooding. These farms were the foundation of our great country.

How many livelihoods have to be ruined so that others can have recreation.

We are facing trouble times ahead in our economy and country in general.

IF IT'S NOT BROKE DON'T FIX IT.

KEEP THE MO RIVER FLOWS AS THEY ARE CURRENTLY.

THANKS FOR THE OPPORTUNITY FOR ME TO EXPRESS MY THOUGHTS

GOD BLESS AMERICA

September 27, 2000

RE: Critique of Missouri River Biological Opinion

Chris Brescia, President
MARC 2000 (Midwest Area River Coalition 2000)
906 Olive St. Suite 1010
St. Louis, MO 63101

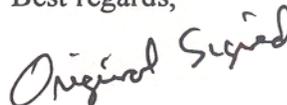
Dear Mr. Brescia,

Attached are comments you requested concerning the August 21, 2000 Revised Draft of the Missouri River Biological Opinion (MRBOP) prepared by the U.S. Fish and Wildlife Service (USFWS). John Dentler, Jim Broadway and I reviewed all or portions of the MRBOP received from you and collaborated to prepare these comments.

Despite the short time allowed for this review, it was apparent that there are a number of shortcomings with the MRBOP. Although we are not providing you with legal advice, it appears that certain aspects of the approach taken in the MRBOP may be subject to legal criticism, and perhaps challenge, if pursued in the final report. At times, conclusions are drawn without reference to scientific literature, and others are drawn from unpublished sources or yet-to-be published materials that have not had the scrutiny of peer review. Certain conclusions are drawn from data presented in the MRBOP that the USFWS states are not reliable, while other data that contradict particular conclusions are ignored. Additionally, certain options that would be available to the USFWS are not pursued in favor of asking for radical alterations of current flood control and navigation systems.

Please contact me if you have questions concerning these comments.

Best regards,



Curtis J. Johnson
Vice-President EHS Systems Development
Turnstone Environmental, Inc.

cc: John L. Dentler
Jim Broadway

We have reviewed the draft Missouri River Biological Opinion (MRBOP) by the U.S. Fish and Wildlife Service (USFWS or the Service), and offer the following comments.

- The Endangered Species Act (ESA's) Section 7 consultation process is, by law, linked to specific proposed federal actions. In this instance, the Service has linked the consultation process to the U.S. Army Corps of Engineers' (CORPS) Missouri River Operation Plan and Bank Stabilization and Navigation Program. However, rather than identify specific "reasonable and prudent alternatives" to avoid a jeopardy determination, the USFWS apparently aims to use the consultation process itself to develop a number of federal actions (some of which are defined and some of which are not) to achieve "ecosystem restoration" of the Missouri River. The USFWS' "adaptive management" process (MRBOP at 321) is an open-ended approach to various studies that appears at best to represent an attempt to continue consultation *ad infinitum* and, at worst, to usurp the Corps' role in managing the Missouri River for other uses (e.g. navigation, flood control, etc.). Clearly, the USFWS desires to create what it conceives to be historic river conditions under the name of "ecosystem function." See, e.g. MRBOP at 323 (USFWS regulating through "Agency Coordination Team"). This approach if pursued in the final MRBOP is unlawful. If the USFWS desires additional consultation it may do so only on the basis of reinitiating of consultation rather than using this single consultation to gain continuous control of Missouri River management.
- Throughout the document the USFWS assumes it is ordering the Corps, another independent agency, to undertake the Service's version of ecosystem restoration. The term "shall" is used throughout the final portions of the document. The ESA Section 7 process does not provide authority to the USFWS to direct other agencies on how to implement authority that was delegated solely by the Congress. The Corps may, if it so chooses, not follow the commands and edicts that the USFWS wishes to issue in the MRBOP and the MRBOP would be a more balanced document if the USFWS recognized this fact.
- The ESA Section 7 process is, by law, tied to listed species or adverse modification of critical habitat. However, the USFWS appears to believe that the Congress has amended the Section 7 process to allow consultation on the basis of "ecosystems." This is simply not the case, and the Service's attempts to rewrite Section 7 by referring to hortatory statements found in Section 2(a) of the ESA does not make it so. See MRBOP at 37 (stating that an ecosystem consultation approach is consistent with section 2(b) of the ESA). The USFWS may consult on the effects of the federal action on designated critical habitat. However, the USFWS readily admits that it has failed to identify or designate any critical habitat for the species at issue. While the USFWS apparently does not have enough information to determine or designate critical habitat, it nonetheless cannot resist the temptation to use the Section 7 process to force the Corps to not only manage "critical habitat" but also to manage an entire "ecosystem". ("The Corps shall . . ." undertake various studies to, in essence, determine critical habitat and achieve "ecosystem" features that the USFWS would like to achieve without having identified critical habitat.) (See for example. MRBOP at 342-349).

- USFWS has lost sight of the legal framework for Section 7 consultations. In essence, the USFWS must determine whether the federal action at issue would “jeopardize the continued existence” of listed species (16 U.S.C. § 1536(a)(2)). Throughout the documents, no framework is provided to determine whether the action would, in fact, “jeopardize the continued existence of the species at issue, the bald eagle, piping plover, least tern or pallid sturgeon. Instead the USFWS makes general and largely unsupported conclusions about the importance of "ecosystem functions."
- Even if one were able to accept the USFWS ecosystem approach to assuring protection of the Species of concern in the MRBOP, nowhere in the MRBOP is there a defense of why this particular river system is sufficient. In fact, the Service presents information to the contrary (that a much larger area would be needed), and then ignores its own research. See MRBOP 102 (“Current wintering areas of the interior least tern remain unknown (USFWS 1990). Least terns of unknown populations/subspecies are found during the winter along the Central American coast and the northern coast of South America from Venezuela to northeastern Brazil (USFWS 1990).” and 107 (“Further, they [Thompson 1982, Jackson and Jackson 1985, Thompson et al. 1997] state that regular immigration for the Gulf Coast population may be an important influence on the dynamics of the interior population of least terns.”)
- The USFWS has taken the approach of passing judgment on whether the proposed action would result in the creation of a Missouri River ecosystem of its choosing. Apparently, the Missouri River ecosystem sought by the USFWS is the ecosystem encountered by the Lewis and Clark Expedition of 1805-1806. However, there is no discussion of whether the vastly altered hydrology of the Missouri River’s watershed would allow the re-establishment of anything approaching such conditions. Moreover, the Service provides no rational basis for rejecting the proposed actions, other than its desire to achieve a 19th century vision of the Missouri River, to the virtual exclusion of other viable economic activity in the river, such as navigation, recreation, and flood control.
- In many instances, USFWS's conclusions are not supported by the best available science or commercial data. Instead, many conclusions are tautological and not supported by reference to scientific literature. An example is found in the following passage:

"Given the importance of shallow water habitat to the maintenance of the aquatic ecosystem, and the large disparity between pre-development aquatic habitat condition and the habitat provided under the current operations and maintenance, the summer and fall habitat needs of the pallid sturgeon and other native river fishes are not being adequately met. They will only be met by a combination of improvements in the main stem reservoir operation to help create sufficient form and function of the river for the survival and recovery of the species." (MRBOP at 272) (Emphasis added).

No citation to authority is provided and no objective standards are presented in support of this remarkable statement.

- The USFWS largely ignores commercial and recreational fish harvest effects on pallid sturgeon. Although the USFWS could control this source of mortality by enforcing existing laws, it clearly does not intend to exercise this authority. Instead, it appears intent on forcing a sister agency to do the heavy lifting and in so doing radically alter flood control, navigation and many other activities of great import to the Midwest region.
- Although the USFWS concludes that the federal action would not jeopardize bald eagles, it states that there is a need for mature vegetative stands, such as cottonwoods for nesting sites. See MRBOP at 275. On the other hand, the USFWS states that current operations and the action at issue would result in vegetative development on banks and islands, altering habitat features (sand bars) that the USFWS believes important to least terns and plovers. See MRBOP at 278. In other words the two goals appear at odds.
- The USFWS fails to conduct any analysis of the relationship between its "reasonable and prudent measures" to minimize take and its "reasonable and prudent alternative" to avoid jeopardy. For example no analysis is presented from which to determine whether jeopardy would be avoided if such measures as predator management techniques (See MRBOP at 362) or a host of other measures (i.e., the Service's Measures to Minimize Take Numbers 1 through 6 in MRBOP) were implemented. Instead the USFWS seems to conclude, without analysis, that all of the identified measures must be implemented in the name of ecosystem restoration, rather than considering its "reasonable and prudent alternative" to avoid jeopardy.
- The USFWS concludes that the loss of high spring runoff is a major impediment to pallid sturgeon spawning success ("missing environmental cues") See for example, MRBOP at 365); however, there appears to be virtually no data or authority cited upon which to render such a conclusion. Further, according to many sources most fish spawning is triggered by photoperiodicity rather than flow rates.
- Much of the "Reasonable and Prudent Measures" (RPM) section for pallid sturgeon as well as other species is so imprecise and the stakes so high that the Corps will be unlikely to achieve any objectives other than those that the USFWS first blesses. For example, the USFWS states that "[t]he Corps shall avoid annual operational changes that may affect spawning activities and survival of pallid sturgeon." See MRBOP at 367 (RPM 1). The USFWS itself appears to know little regarding pallid sturgeon spawning in the wild as well as conditions affecting juvenile survival. (See for example, MRBOP 133 "Little is known about age and growth of pallid sturgeon.") USFWS statements about sturgeon in the RPM section are imprecise and perhaps incomprehensible because of a lack of credible data upon which the USFWS can determine whether or not jeopardy and, indeed, "take" itself, would occur under a suite of flow regimes. Other RPMs are similarly vague. Although the USFWS directs the Corps to

engage in public relations efforts with regard to pallid sturgeon it fails to state what the objective of such public relations efforts might be.

- The Incidental Take Statement for pallid sturgeon reflects that the USFWS has no idea of the level of "take" that would sufficiently minimize impacts to pallid sturgeon so as to avoid "jeopardy." See MRBOP at 369 ("The take of pallid sturgeon through habitat modification that results in actual death or injury shall not exceed that level of habitat modification preventing the pallid sturgeon from naturally reproducing, recruiting and surviving in the wild in pallid sturgeon recovery areas except as identified . . . "). The complete lack of understandable guidance underscores that the USFWS is simply unable to give meaningful conclusions as to whether the Annual Operating Plan (AOP) and Bank Stabilization and Navigation Plan (BSNP) results in "jeopardy" to the pallid sturgeon in the first place.
- The MRBOP appears to ignore current actions designed to minimize impact on the listed species. For example, although the USFWS recognizes that navigation is currently suspended during high flows to protect piping plover and least terns and that uniform release rates are implemented during the nesting season (MRBOP at 63-64), these measures are not factored into the MRBOP. On its face such an oversight appears arbitrary and capricious.
- The USFWS acknowledges that least tern populations have been increasing, in fact dramatically so (100 percent increase) (MRBOP at 105-106) and that the recovery goal for the least tern population has been met. *Id.* However, the USFWS ignores its own findings to determine that AOP and BSNP somehow jeopardize the least tern. Despite the fact that the recovery population number has been met, the USFWS seems to find a black lining in a silver cloud and concludes that subpopulation numbers are not as high as it would like. Such reasoning defies their own recovery document and goal and underscores what appears to be USFWS desire to take control over management of the Missouri River, notwithstanding improving least tern populations.
- The USFWS seems to ignore the fact that a host of measures including habitat conservation and enhancement, predator control, etc. could be responsible for achieving population increases in least terns. *See* MRBOP at 66. Again, the USFWS seems intent on finding jeopardy so as to take control of Missouri River management despite the fact that the current suite of conservation measures implemented by the Corps and the states has worked to recover the least tern.
- The USFWS has also chosen to ignore the possibility that pollution and contaminant uptake are responsible for impacting the population of least terns saying (at MRBOP 111) "The extent of this impact (*bioaccumulation*), however, is undocumented." The next three sentences in the paragraph go on to document evidence of contaminants in the population ending with "Allen and Blackford (1997) found 81 percent of 104 least tern eggs collected from the Missouri River exceeded 3µg/g dry weight selenium concentration, the level

currently considered safe for avian reproductive success.” A similar discussion regarding piping plover (at MRBOP 124) states, “...Ruelle (1993) found selenium concentrations in piping plover eggs collected from the Missouri River in South Dakota similar to concentrations known to be embryotoxic in other birds.”

- The USFWS acknowledges that it lacks sufficient data and understanding of the pallid sturgeon, (MRBOP at 70) yet has not the least hesitation in stating that current conditions jeopardize the continued existence of the sturgeon populations would occur. The USFWS appears to avoid any meaningful analysis of sturgeon populations in order to reach its "jeopardy" conclusion. Such a conclusion is not supported by the facts and is arbitrary.
- Much of the MRBOP is based on speculation. As a result, conclusions are reached that are unsupported by studies or citation to authority. For example, many suppositions are made regarding the Corps' regulation of reservoir levels and impacts on least terns but citations are not provided to document a chain of causality between the two. MRBOP at 67.
- The USFWS recognizes that least terns nest in recently disturbed sites but appears to discount the likelihood that habitat enhancement measures not involving wholesale changes in flow regimes could continue to improve least tern population status. (MRBOP at 108, stating that least tern nesting occurs in sand and gravel pits and dike fields along the Mississippi River). Similarly, the USFWS recognizes that least terns use side channels for foraging but appears to discount such habitat enhancement as a means to avoid a jeopardy opinion.
- The USFWS in one instance states that least terns are quite adaptable, nesting in parking lots, agricultural fields and gravel roof tops (MRBOP at 109) yet then goes on to state that the least tern is generally restricted to "less altered river segments." (MRBOP at 111). Interestingly, the USFWS provides citation to authority for the former statement but provides no data or citation for the latter proposition.
- With regard to piping plover, the USFWS acknowledges that the northern Great Plains region population has remained stable (3,467 adults in 1991 and 3,284 adults in 1996); notwithstanding this data, the USFWS somehow concludes that piping plovers would be jeopardized by the enhanced river management system now being implemented by the Corps. MRBOP at 117. The Service seems to take the approach that, regardless of what the data may say, and the lack of any rational basis for tying river operations to the population dynamics of the species in question, it desires historic river conditions and intends to use the Section 7 process to bootstrap its desired result.
- The USFWS appears to recognize that ichthyologists and geneticists cannot distinguish the difference between pallid sturgeon and shovelnose sturgeon. See MRBOP at 127 (“None of the studies detected significant genetic differences between pallid and shovelnose sturgeon, but suffered from a lack of complete understanding of the genetics of the scaphirhynchus

species.”) Notwithstanding this information, the USFWS continues to maintain that the pallid sturgeon is a separate species, apparently based on a single yet-to-be published study. See MRBOP at 128 (Sloss et al. (in press)).

- At the same time that the USFWS acknowledges the inherent problem in differentiating the pallid sturgeon as a different species, and accepting that commercial catch data did not commonly discern between pallid, shovelnose and lake sturgeon as late as the mid-1900’s (See MRBOP at 137), the Service is willing to accept historical records to estimate both the total population of sturgeon and the portion made up by pallid sturgeon. This approach, without more supporting information, is arbitrary and capricious.
- Much of the USFWS's MRBOP jeopardy conclusions regarding pallid sturgeon appear to be based largely on the conclusion that June and July flows are needed to provide reproductive cues for successful sturgeon spawning. MRBOP at 133. (“Without the increased flows in June and July, combined with water temperatures expected during that period, the cues for pallid sturgeon to spawn *probably* are no longer present under existing main stem dam operations, throughout much of the Missouri River.”). The only evidence to support such a conclusion appears to be based on unpublished data that has not had the scrutiny of peer review (See MRBOP at 147 “As water temperature increases to 62-65F (16.7C - 18.3C), pallid sturgeon initiate spawning activity (Steve Krentz, USFWS, pers. comm.)”). In latter portions of the MRBOP, this conclusion is stated without any reservation. See for example, MRBOP at 169. Elsewhere, the MRBOP states that historic pallid sturgeon spawning was in the spring period. MRBOP at 136. The MRBOP also fails to contain evidence that changes in flow regimes will assist in the recovery of the pallid sturgeon.
- It is not clear from the information presented in the MRBOP how numerous pallid sturgeon actually were in the Missouri River system. Moreover, the USFWS recognizes that “[a]bundance estimates for pallid sturgeon . . . were not considered reliable.” Notwithstanding the lack of reliable historic information and population status and trends, a jeopardy opinion is somehow reached – apparently based on the fact that the sturgeon's habitat has been substantially altered.
- The USFWS indicates that many states allow shovelnose sturgeon to be harvested and recognizes that illegal and incidental harvest of pallid sturgeon results from both commercial and sport fishing harvest. While the USFWS is prepared to force a disruption of many river-based commercial activities of great economic importance, it does not appear to be poised to stop the unlawful take of sturgeon by sport and commercial fishers. MRBOP at 152. Rather than enforce the law, the USFWS seems intent on forcing the Corps to implement a nebulous public education program and completely altering the beneficial uses of the River system.
- The USFWS seems to confuse recovery objectives (population numbers) with a desire to achieve wholesale ecosystem changes in the Missouri River system. For example the USFWS

states that a "recovery objective" is the management of reservoir levels "to the benefit of the species." MRBOP at 199. However, the USFWS appears to lack the data and studies to support its Reasonable and Prudent Alternative (RPA) and its RPMs.

- With regard to piping plovers, the USFWS states that piping plover populations increased in 1986 to 1991 and then subsequently declined while fledging ratios returned to normal in 1996 and 1997. MRBOP at 205. Clearly these population fluctuations were occurring notwithstanding AOP and BSNP by the Corps and, further, notwithstanding management measures designed to benefit listed species. These population fluctuations suggest that factors other than the AOP and "artificial" flow regime are influencing piping plover populations. Yet the USFWS appears to ignore this possibility and instead remains steadfast in its conviction that it should be managing the Missouri River ecosystem as it sees fit.
- While the Corps seems to be tasked through the MRBOP to implement major changes in flow regimes that will impact navigation and other uses on the Missouri River, the USFWS appears not to be willing to use its authority to control impacts caused by commercial and recreational fishers (MRBOP at 214, 238) recognizing that the majority of tagged pallid sturgeon were killed in recreational and commercial fisheries, or to control recreational uses that result in the "take" of piping plovers. MRBOP at 237. Again, this result is odd if not arbitrary and capricious.
- While the USFWS identifies hypolimnetic release of cold water as an adverse impact to pallid sturgeon, the Service does not appear to require any corrective action in this regard within its biological opinion. This alternative should be examined in lieu of major changes in flow regimes that will adversely affect navigation, flood control, irrigation and other beneficial uses.
- The USFWS concludes that organic matter shortfalls will continue under the Current Water Control Plan (CWCP) but does not provide any meaningful data or reference point for what levels of organic material are necessary to prevent jeopardizing the relevant listed species or how the federal action may be modified to provide the as yet unidentified level of organic material. MRBOP at 269.
- The MRBOP concludes that shallow water is important to the maintenance of the aquatic ecosystem, and that the summer and fall habitat needs of pallid sturgeon will only be met by returning the river to "sufficient form and function" for survival of the sturgeon. MRBOP at 272. However, the document itself lacks any specificity as to what "aquatic ecosystem" needs would prevent jeopardizing the sturgeon.
- No specific criterion seems to have been developed or used in determining population levels for least terns or piping plover. The Service seems to conveniently ignore that such populations are increasing (100 % in the case of the tern) or have recently increased (piping

plover). This phenomenon suggests that neither the AOP nor the BSNP is responsible for recruitment variation or population levels of the piping plover.

- Although the MRBOP provides little information in the way of habitat requirements for pallid sturgeon, the USFWS does not hesitate to conclude that BSNP is responsible for perpetuating unsuitable habitat conditions that affect pallid sturgeon. MRBOP at 295. However, no solid analysis of the factors affecting pallid sturgeon is presented, and no evidence is presented to determine what factors, if any, are limiting pallid sturgeon populations.
- Although the USFWS states that "altered environments" are "suspected" to play a "major factor" in hybridization between pallid and shovelnose sturgeon, insufficient discussion and evidence is presented upon which to make any conclusions. MRBOP at 297. Further the USFWS acknowledges that any relationship between navigation structures and habitat alterations are unclear. However, the USFWS then uses this "suspected" relationship to buttress a solid conclusion regarding its "jeopardy" opinion, again, however, based on an ecosystem approach.
- The USFWS concludes that the population viability of the piping plover, least tern and pallid sturgeon are threatened unless operations of the Missouri and Kansas River Reservoir Systems and BSNP are changed. MRBOP at 309. However, the MRBOP never states how the USFWS developed the population viability thresholds. Unless these viability threshold numbers are presented, discussed and evaluated, the MRBOP jeopardy decision is arbitrary and capricious. Instead of discussing the basis for this conclusion, the USFWS jumps to the conclusion that, because it has listed the least tern, piping plover and pallid sturgeon species as threatened or endangered, there is a need for the USFWS to manage the Missouri River ecosystem. Id.
- The USFWS concludes that operations and maintenance of the Missouri and Kansas River Reservoir Systems and the BSNP will result in secondary effects including "transference and homogenization of contaminants." MRBOP at 315. No information appears to be presented in the MRBOP to support such a conclusion.
- The reasonable and prudent alternative presented appears to result in flow levels precluding navigation during much of the year in the Missouri River. However, as the USFWS notes, RPAs must be capable of being implemented in a manner consistent with the intended purpose of the action. It appears that the RPA would prohibit the Corps from achieving some of the purposes of the program, namely navigation and flood control. MRBOP at 316. It appears, therefore, that the RPA is outside the scope of authority delegated to the USFWS under the Endangered Species Act. Further, the USFWS concludes that all of the measures it identifies to restore the "ecosystem" of the Missouri River to historic conditions must be adopted in order to restore the original "form and function" of the river. MRBOP at 317. However the authority vested in the USFWS via Section 7 of the ESA does not include the

authority to turn back the hands of time to restore the Missouri River, or any other river system, to historic conditions. The ESA includes only the authority to recommend alternatives to prevent jeopardy to specific listed species. As drafted the MRBOP is unlawful as it is outside the Agency's delegated scope of authority.

- The USFWS states that "Species may not need full restoration [of historic River conditions] to pre-project conditions to avoid jeopardy conditions, but sufficient restoration of major missing components of the ecosystem as proposed by the Service and other big river managers to successfully reproduce and recruit [sic]." MRBOP at 319-20. The MRBOP remains problematic in this sense because only the USFWS can say when enough restoration is sufficient because it provides no objective basis for such a determination. Instead the USFWS provides amorphous "ecosystem function" concepts for determining jeopardy conditions and only the USFWS would be in a position to pass judgment on such matters. Id. Aside from its void for vagueness aspect, the Service's conclusory approach and its resulting edicts to the Corps are arbitrary and capricious, and outside the scope of the enabling legislation.

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November 13, 2001

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

Gentlemen:

We are enclosing, herewith, comments for your consideration concerning the Revised Draft Environmental Impact Statement (RDEIS) which addresses the Master Water Control Manual for the Operation of the Missouri River System and proposed alternatives. Thank you for your consideration in this matter.

Sincerely,



David A. Visintainer, P.E.
President

Position Statement
on the
Revised Draft Environmental Impact Statement (RDEIS)
Relating to the
Missouri River Master Control Manual

By the
MISSOURI RIVER PUBLIC WATER SUPPLIES ASSOCIATION

November 13, 2001

In my capacity as President of the Missouri River Public Water Supplies Association (MRPWSA), I am pleased to provide the following comments for consideration related to the RDEIS for the Missouri River Master Control Manual. The MRPWSA is a volunteer, non-profit organization consisting of sixteen utility members who use the Missouri River as a source of supply for municipal drinking water. Collectively, these members serve four million people in the states of Iowa, Nebraska, Kansas, and Missouri. The MRPWSA conducts studies and research on behalf of its members, provides a forum for information exchange, and presents position statements such as this in an effort to enhance and preserve the value of the Missouri River as a water supply source.

Member utilities of the MRPWSA must be continuously aware of changing conditions with respect to the quantity and quality of river water passing their raw water intakes. Although it is the extremes of flooding and drought which cause the greatest risks to water supply, even minor seasonal fluctuations in river conditions can significantly impact on water treatment plant operations.

For these reasons, the MRPWSA has concerns related to several of the proposed alternatives and specifically with respect to the major elements of the modified conservation plan. Included in this plan are increased storage and reservoir levels in the upper river basin. This would result in reduced storage for flood control purposes and could worsen flooding condition in lower basin areas, especially during severe flood events.

Maintaining increased water elevations in the reservoirs would also result in lower flows to support drinking water supply and utility operations, especially during summer periods when the Corps proposes to reduce releases to 21,000 to 25,000 cfs in order to maintain minimal navigation service. These low flows during high temperature summer periods will result in significant algae growth and

increased treatment problems for public water supplies.

The modified conservation plan proposes a "spring rise" every three or four years beginning in mid-May. Weather conditions during this seasonal period are highly variable and unpredictable. Serious flooding can be generated in lower basin areas over a relatively short period without significant advance warning. Since water releases from Gavin's Point can take ten to eleven days to reach St. Louis, heavy precipitation in downstream areas could aggravate and increase flooding risks already presented by releases for a spring rise. Also, this spring rise would occur when the transport of sediments, nutrients and pesticides is most likely to occur from agricultural areas adjacent to the river, thus impacting on water quality and treatment.

Thank you again for the opportunity to present these comments for your consideration.



David A. Visintainer
President, MRPWSA