

Comments of

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to the

**U. S. Army Corps of Engineers
Northwestern Division
*Proposed Framework for Establishing the
Missouri River Recovery Implementation Committee (MRRIC)***

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The American Waterways Operators (AWO) is the national trade association for the U.S. tugboat, towboat, and barge industry, a vital segment of America's transportation system. The industry safely and efficiently moves over 800 million tons of cargo each year, including more than 60 percent of U.S. export grain. The fleet consists of nearly 4,000 tugboats and towboats, and over 27,000 barges of all types. The tugboat, towboat, and barge industry provides the nation with a safe, secure, low-cost, environmentally-friendly means of transportation for America's domestic commerce.

Despite operating the river at minimum flows, decreasing the navigation season significantly for three years in a row, and a complete shutdown in 2002 and 2003 by the U.S. Army Corps of Engineers, the U.S. Fish & Wildlife Service and court orders, the Missouri River continues to provide economic power to the lower Missouri River basin. For example, a Japanese company constructing a new power plant in Council Bluffs, Iowa, (MM 606), hauled over \$350,000,000 worth of parts on the Missouri River in 2005. The parts, made in Japan, were shipped to New Orleans and then hauled to Council Bluffs on barges. The parts could not have been transported via truck or rail. If the plant had been forced to rely on truck or rail, the plant could only have been built to generate 600 megawatts of power, instead of 795 megawatts. Also in 2005, a nuclear power plant in Missouri brought in \$80,000,000 worth of equipment by barge.

In 2006, a power plant in Blair, Nebraska moved over \$80,000,000 worth of equipment on the Missouri River. Another \$5,000,000 worth of equipment moved on the river to another power plant in Brownsville, Nebraska. In 2007, a coal fired power plant from Nebraska City, Nebraska is considering movement of equipment by barge.

Despite consistently unreliable flows in 2006, agricultural movements on the river did increase slightly this year. It is clear that the river continues to be an economic engine. Further recovery of potential economic positives will only occur when the Corps provides reliable Missouri River flows for the river's primary purpose -- navigation.

AWO thanks the Corps for the opportunity to comment on the framework proposal for establishing the Missouri River Recovery Implementation Committee (MRRIC). Our comments focus on both the planning process and on the MRRIC itself.

Comments:

- During the public meetings, the Corps made it clear that the Spring Rise Plenary Group and MRRIC are separate entities. However, it is reasonable and prudent to learn from the mistakes of the Spring Rise process. One issue that concerned almost every stakeholder was the total inability to quantify socio-economic costs and benefits. One strong recommendation made by the Spring Rise group was to set up a group or groups to evaluate all socio-economic factors of the basin at the beginning of MRRIC. This is clearly a long process to first identify the socio-economic information needed and then to begin collecting or developing studies to provide practical and credible information. **AWO strongly recommends that process begin immediately and be incorporated into the decision making process of MRRIC.**
- It is troubling that the government agencies continue to communicate that the goal is to have a transparent process, yet the stakeholders were once again ignored and kept in the dark during the process. **AWO requests that stakeholders be involved with all future MRRIC processes.**
- **AWO strongly requests that MRRIC be chartered under the Federal Advisory Committee Act (FACA).** The planning committee should also adhere to the requirements of FACA. If a "broad, unified and transparent" process is the goal, FACA will ensure the stated goal. The FACA group should be set up by Congress and provide travel funds for a core group.
- The entire formation process is flawed. Viewed historically, the Spring Rise Plenary Group, the follow-up meeting in Omaha, and the composition and actions of other Missouri River decisional groups would indicate that the same groups and individuals are concerned enough about the future of the Missouri River to attend and actively participate. This group of individuals are the most likely to be actively engaged with, and the most thoughtful about, the process. **AWO suggests that invitations be sent to those involved with the Spring Rise Plenary group to be part of the group chartering MRRIC.** If there are any conflicts on the final makeup of the planning committee or MRRIC, the Institute for Environmental Conflict should have the final say.

- Determining the composition numbers for the planning group appears arbitrary, and in some cases, diametrically opposed to the purposes of the river, especially the primary purposes. Given that flood control and navigation are the primary purposes, the number of participants the agencies have outlined are inexplicably short of navigation and flood control representatives.
- Participants must be allowed to, and indeed, be encouraged to engage the media and other outside participants as needed to ensure a "transparent" process.
- The agencies representing the stakeholders are heavily slanted away from commerce. There are no representatives from the Departments of Transportation, Commerce or Energy and only one from the Department of Agriculture. The agencies with a decidedly philosophic direction have five representatives from the Department of Interior and one from the Environmental Protection Agency.
- In D.2 "vigorous scientific review" is discussed. The planning group must clearly define what that means. It can not mean that one agency from the same Department is verifying the other agencies' scientific information.
- Also in D.2 there is mention of a "watershed approach to recovery." This is too broad and unworkable. If MRRIC is focused on the recovery of the three species described as endangered and threatened, the direction of MRRIC should specifically state just that, without further expanding and confusing the scope of the work. The scope of work must be clearly and completely defined before MRRIC begins its work. Without knowing the goal, all work is futile and pointless.
- In D.4 there is reference to "recovery." "Recovery" must also be clearly defined before the work of MRRIC begins. Once again, without an unambiguous goal, the work would be futile, pointless and a waste of taxpayer money. "Recovery" definitions must include a nationwide definition, especially with species such as the pallid sturgeon that move from the Missouri River to the Mississippi River on a routine basis.
- AWO agrees that each state should only have one representative appointed by the governor during the process to create MRRIC

and one once MRRIC is established, as stated in F.2.a. Wyoming should not have any representation. If states that are not directly adjacent to the Missouri River are to be included, then all states adjoining the Mississippi River should be accorded a seat.

- AWO believes there should be no federal agencies represented on the planning committee or on MRRIC, as stated in F.2.b. The federal agencies should serve as advisors only.
- As stated earlier, the stakeholders involved with the Spring Rise Plenary Group should receive invitations to sit on the planning committee. If other stakeholders wish to participate, a process within the Institute of Environment Conflict should be set up for vetting the individual (as was done with the Spring Rise Plenary Group). AWO requests that stakeholders from the Mississippi River Basin System be included.
- (F.4) The chairman should only be appointed after receiving supermajority consent from the planning group.
- As stated in F.7, travel assistance for the MRRIC planning committee must be established.
- In F.8.b. the timeline is outlined. This timeline and the number of meetings are unreasonable for a volunteer group, especially given the large geographic area in which members may be asked to travel. This process should be scheduled to be completed in one to two years, with meetings every three months. If needed, conference calls and work groups could meet between the main meetings.
- In F.8.g.1 the process for "consensus" is outlined. However, if a consensus cannot be attained, the "process" moves to a vote. This will destroy any attempts to reach consensus. A format that allows for either a consensus with an ability to provide a minority opinion (which will be equally considered by the federal agencies), or moving forward on items that are accepted by a supermajority should be put in place.

Thank you for the opportunity to comment. I would be happy to answer any questions.