



October 26, 2006

BG Gregg Martin, Commander
U.S. Army Corps of Engineers – Northwestern Division
PO Box 2870
Portland, Oregon 97208-2870

Dear General Martin:

Thank you for the opportunity to provide comments and feedback on the Proposed Framework for Establishing the Missouri River Recovery Implementation Committee (MRRIC). This basin is at an important juncture, as we are poised to work together to build a model management structure for the Missouri River that better incorporates stakeholder involvement and helps us be more forward-looking and inclusive in how we manage the Missouri. I appreciate the hard work of the Corps of Engineers in this regard, as well as that of your other partners in the Federal Working Group (FWG) in pulling together this proposed framework and seeking feedback widely from interests around the basin.

Though my comments on the proposed framework are brief, do not take this brevity as a lack of commitment to this process or to being an active and leading partner with the Corps and the rest of the FWG in building MRRIC and moving this basin forward. As you are well aware, American Rivers has been steadfast in our support of a more vibrant Missouri River, and of an approach to management that more holistically and fundamentally includes stakeholders. I will not waver from my commitment in this regard, and I look forward to engaging in the long and hard work in front of us to improve the environmental and economic health of the Missouri River and the basin through which it flows.

Scope and Authority

As envisioned in this framework document by the FWG, the proposed scope and authority of MRRIC seems to be entirely on threatened and endangered species recovery. While certainly an important task, this focus does not lend itself to the full range of environmental and socioeconomic challenges that a collaborative body must address to fully secure the long-term health of the Missouri River, stimulate broad stakeholder interest, and link human uses of the Missouri with ecosystem form and function. Thus, the proposed framework for MRRIC represents a step in the right direction but does not move the basin fully in the direction of a broad collaborative effort that address fundamental changes necessary in river management.

The role of MRRIC as exclusively advisory enhances this point, as even though the proposed body would include stakeholder involvement, ultimately its recommendations could be rejected by the Corps. This does little to improve upon the current situation of taking public comment in

various formats on different proposals, yet moving ahead with management actions that may or may not reflect that public comment. This arrangement has led to a great deal of acrimony in the basin over the years, and an accelerated effort needs to be made to repair relationships and trust between federal action agencies and the people of the basin. The proposed framework for MRRIC does not make this full connection.

It may be that we must engage in an incremental approach to dealing with fundamental problems in Missouri River management. As I mentioned previously, MRRIC is a step in the right direction and signals a continuation of what I view as generally a successful first effort in collaboration in this basin through the spring rise collaborative process in 2005. To address concerns about river management and governance outlined in the 2002 National Research Council report, *The Missouri River Ecosystem: Exploring the Prospects for Recovery*, a more comprehensive attempt at re-envisioning river management will have to be made. If MRRIC moves forward as described in the proposed framework, its goals and objectives will be important to reach. But, those involved should realize at the outset that the work of MRRIC is only an incremental approach to improving stakeholder involvement in river management and to shifting management priorities in the basin.

One step that might improve the overall approach of the proposed MRRIC format would be to establish the body as an official FACA committee. Though the FWG suggest moving away from this, I believe a FACA body might do a better job of giving stakeholders a more certain say in matters and creating a stronger link between recommendations of MRRIC and on-the-ground actions. A FACA committee might require more a more open process, more extensive meetings, and more time, but the end result is likely to be a committee that is more fully engaged in Missouri River management by seeing its recommendations acted upon.

Planning Committee

I support the formation of a Planning Committee to help pull MRRIC together. This process worked well as we formed the full collaborative Plenary Group for the spring rise process in 2005. I anticipate that, like myself, a large number of the same people involved in the spring rise Coordinating Committee will be involved in the MRRIC Planning Committee. As such, I believe the Planning Committee will be able to help the FWG tailor the MRRIC process and select a formal MRRIC body comprised of committed and knowledgeable individuals that will work in a collaborative fashion to achieve our mutual goals.

Structure

As CDR completed the Situation Assessment, I worked with several other stakeholders from a variety of interests throughout the basin to develop a common understanding of what we thought MRRIC should look like and some of its underlying principles. Though we did not reach full consensus, I believe reviewing the bulk of that work would serve the FWG well as it continues to contemplate the future of MRRIC. The following is a summation of thoughts on a proposed structure for MRRIC:

Our primary goal was to develop a proposal to help determine nongovernmental stakeholder membership on the MRRIC. After considering the structure of the spring rise Plenary Group,

evaluating several different proposals, and discussing options in detail, we propose the following structure for stakeholder membership on MRRIC:

Nongovernmental Stakeholders – 30 members total

- Three members each for Authorized Project Purposes (24 members)
 - 1) Fish & Wildlife – 3 members
 - 2) Recreation – 3 members
 - 3) Navigation – 3 members
 - 4) Flood Control – 3 members
 - 5) Hydropower/Power Production – 3 members
 - 6) Irrigation/Agriculture – 3 members
 - 7) Water Supply – 3 members
 - 8) Water Quality – 3 members
- Six “at-large” seats (6 members) – The “at large” stakeholder seats are designed to capture individuals important to the process because of their ideas and interests but who do not necessarily represent a particular organization and that do not seem to fit within the authorized project purpose categories. These seats should be filled by individuals that represents whole-basin points of view, or alternatively should be split evenly between upper and lower basin interests. Possible categories for these seats include nongovernmental Historic and Cultural Resources, Sedimentation/Erosion, Socioeconomic, or others. Discussion did center on some of these seats also being dedicated to authorized purposes. Since the MRRIC does not have an established charter or mandate, we propose the at-large seats remain unfilled until the MRRIC convenes and the stakeholders can determine the most appropriate categories for these seats based on the dominant issues facing the MRRIC in the near term.
- Some of the Authorized Project Purpose categories might experience difficulty finding three nongovernmental stakeholder members for the MRRIC. In that case, any unfilled spots in an Authorized Project Purpose category would revert to an open at-large seat.

This breakdown of nongovernmental stakeholders as decision-making members of the MRRIC was developed with the assumption of each basin state having one decision-making member (8 members), and the Missouri River Tribes being represented by 8 decision-making members. The federal agencies are currently not final decision-making members on the MRRIC, so between the stakeholders, Tribes, and basin states we end up with a MRRIC Governance Committee of **46 official decision-making members**. At this point, six federal agencies will participate on the MRRIC Governance Committee: COE, FWS, EPA, NPS, BOR, and WAPA.

A few explanatory notes and items for discussion:

- **The operating protocols, purpose, and goals of the MRRIC will be originally determined by the convening members of the MRRIC through agreed-upon principles, direction, and authority.**
- **This whole process must be transparent and open at all stages.** Especially since the federal agencies at this time are not considered decision-making members of the MRRIC and will retain discretion as to actions implemented on the river, those agencies and all other interests involved must be party to all deliberations, negotiations, discussions, and information to avoid the perception or reality of exclusion and “backroom deals”.

- **It is imperative that funding for nongovernmental stakeholder travel expenses be built into the MRRIC budget.** Stakeholder involvement is paramount in this effort, but without travel expense funding, many important stakeholders will simply be unable to participate because of travel distances due to the size of the basin, the number of meetings that will be required, and the length of time this process will take.
- Though six federal agencies will participate in the MRRIC, we anticipate that several additional agencies will participate to provide information and advice. The same holds true for elected officials from all levels and the general public.
- Through MoRAST, the Tribes and basin states have already formed a powerful caucus to help these entities achieve their individual and collective goals on the Missouri River. This caucus will also amplify the role of the states and Tribes in the MRRIC process, which is yet another reason to ensure that nongovernmental stakeholders have strong and fair representation on the MRRIC.
- Organizing stakeholders according to the authorized project purposes will require leaders to emerge among each category to build “interest caucuses” that can communicate between meetings to ensure these varied interests are being properly and equally represented on the Governance Committee. This will require significant time and effort on the part of stakeholders outside of the MRRIC meetings, but is fundamental to moving issues forward and ensuring that individuals interested in the process are not excluded.
- The recovery committee should operate on a consensus basis. This will require more time and effort, but it will lead to greater buy-in of solutions and actions and will level the playing field among all interests in the basin. Consensus is preferable to any kind of official voting structure, as voting is likely to lead to individuals focusing on “protecting their turf” rather than on the give and take of true collaboration. Operating by consensus will also make it less important to try and build a recovery committee that focuses on equalizing the number of interest representatives, and instead allow us to build a committee that contains a broad array of representatives and personalities that will lead to successful work. Given the size of the basin and the diversity of interests, consensus seems to be the only operating protocol that will enable a large recovery committee to accomplish its goals. Since the MRRIC would operate on consensus, the weight of each person’s presence within this structure is generally equal.

Missouri River Conservation Caucus

During the spring rise collaborative process in 2005, conservation groups in the Missouri River basin formed the Missouri River Conservation Caucus. Our aim was to improve communication among our respective groups, develop unified thoughts on how to engage in collaborative efforts in the basin like the spring rise process and MRRIC, and ensure our ideas and concerns were fairly addressed as the Corps and other agencies moved forward with river management decisions. This Caucus remains in place, and though we have not worked formally together since the end of the spring rise process, we are prepared to move into action again to ensure the MRRIC process succeeds. These comments represent my own thoughts and not those of the Caucus as a whole, though I am certain other Caucus members will submit their own comments on this proposed framework that reflect many of these same sentiments. As you move forward with the process of establishing the Planning Committee and building the formal MRRIC body, member organizations of the Missouri River Conservation Caucus will work together to ensure a unified voice in the process.

Conclusion

Even if it is only an incremental step, MRRIC is a step forward in how we approach Missouri River management. Ultimately, more stakeholder involvement in management decisions will level the playing field in this basin and will ensure more support for actions of the Corps and other agencies with management authority. The proposed framework for MRRIC continues the momentum built during the spring rise Plenary Group process, and we should work quickly to capitalize on that momentum. More work needs to be done either through the MRRIC process or through another avenue to strive for more transparency and involvement in decision-making on the Missouri River, so I urge the Corps and the rest of the FWG to consider establishing MRRIC as a formal FACA committee and to re-think the ultimate scope and authority of MRRIC to be more visionary and more central to river management actions. In any case, I look forward to working with the FWG and many other stakeholders from around the basin to help plan the formation of MRRIC and to improve the environmental and economic health of the Missouri River and its communities.

Thank you for the opportunity to provide these comments. If you have any questions, you can reach me at (402) 423-7930 or csmith@americanrivers.org.

Sincerely,

//sent via electronic mail//

Chadwin B. Smith, Director
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