

**Official Comments of**

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**To the  
U. S. Army Corps of Engineers'  
Northwestern Division**

**Regarding the**

***Proposed Framework for Establishing the Missouri River Recovery  
Implementation Committee (MRRIC)***

**October 24, 2006**

## Official Comments

### ***Proposed Framework for Establishing the Missouri River Recovery Implementation Committee (MRRIC)***

Thank you for the opportunity to comment on the *Proposed Framework for Establishing the Missouri River Recovery Implementation Committee* (MRRIC Framework). The following comments are submitted on behalf of the Coalition to Protect the Missouri River (CPR). CPR represents the diverse interests of multiple agricultural, navigational, industrial, utility and business-related entities (membership list included) and supports responsible management of Missouri River resources and the maintenance of congressionally authorized purposes of the river including the dominant functions of flood control and navigation. CPR also supports responsible habitat restoration for endangered or threatened species.

CPR members respectfully request that the U.S. Army Corps of Engineers consider and include the following items in the final draft of the MRRIC Framework.

While the following comments address aspects of the MRRIC Framework as presented in the initial draft, we have two significant concerns that we would like to address initially to be followed by other thoughts listed in no particular priority order.

- ❖ First, the words “and the ecosystem upon which they depend” should be wholly removed from all MRRIC documents. MRRIC’s focus should not broaden to overall “ecosystem restoration” but be restricted to the recovery of the federally protected species and the protection and enhancement of the socioeconomic benefits of the Missouri River. The MRRIC scope of work should be well defined before any MRRIC work begins.

The recovery of the federally protected species and the protection and enhancement of the socioeconomic benefits of the Missouri River should be pursued in tandem. The goal of MRRIC should be to do no harm and only embrace those plans that would show socioeconomic benefits to and protect the congressionally authorized purposes, people and property of the Basin while seeking to aid the species.

We adamantly oppose the wording in Section B.1. that states, “As social values have shifted over the years, the emerging consciousness of the value of a healthy ecosystem has focused the basin’s attention on restoration of the Missouri River.” The vast majority of Lower Basin economic stakeholders would likely disagree

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with the writer's characterization that "social values have shifted" and that "restoration of the Missouri River" should be the basin's focus;

- ❖ Second, we are concerned that the overall format of the MRRIC Framework non-governmental selection process is one that potentially creates Missouri River Basin (Basin) contention from the outset, not just between Upper and Lower Basin stakeholders, but specifically within individual stakeholder organizations.

The requirement that a limited number of individuals can participate has already set in motion attempts by some to vie for open seats. It is unnecessary to expend the energy required by the proposed MRRIC Framework to select the representatives for the proposed non-governmental membership categories. It is inherent in that process that the potential for conflict within specific membership categories is increased. It is our thought that the time spent trying to obtain a seat would be better spent in building relationships across the MRRIC table.

With that in mind, we propose that in lieu of the Federal Working Group (FWG) membership selection process that the initial Planning Committee should consist of anyone desiring to participate in the first phase of MRRIC and should include all participants of the Spring Rise Plenary. Just as the Spring Rise Plenary focus was specific to the development of spring rise parameters, the focus of the MRRIC Planning Committee is specific to the development of an Initial Charter.

Since the focuses of the two efforts are both specific in nature and limited in duration, participation should be open to all. Despite ongoing Basin differences, a degree of success was achieved during the Spring Rise Plenary process using an all-inclusive participation format. Relationships were also established during the Plenary that should continue to be nurtured without thought to maintaining a seat already secured during the Plenary.

Over the years, the principal players engaged in river discussions have not significantly changed. Given that, we anticipate that those desiring to participate on the MRRIC Planning Committee would likely include the principal players of the past. Moreover, limiting participation at the outset precludes the inclusiveness and transparency so often touted as a feature of the MRRIC process;

- ❖ The term "recovery" must be clearly defined and must include a nationwide definition that addresses the movement of a particular species (i.e. the pallid sturgeon) from one river basin to another. Recovery goals must be explicit with straightforward means by which to measure success and failure;
- ❖ To be a "true" recovery program for the pallid sturgeon, Lower Mississippi River States should be included in pallid sturgeon recovery and MRRIC participation. The fish do not know the difference between the two rivers and to separate the

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- recovery efforts and not take advantage of Mississippi River recovery knowledge and information would not be in the best interest of the fish;
- ❖ The State of Wyoming should be removed from MRRIC participation. It has no direct impact from Missouri River management and plays no role in species' recovery issues;
  - ❖ Each participating State should have only one representative as proposed in this draft. If stakeholders must caucus and communicate to determine their positions outside of the Planning Committee, so should the States;
  - ❖ The Planning Committee chair should not necessarily be familiar with Missouri River issues. In fact, it is likely that familiarity would lead to partiality;
  - ❖ The development of this draft MRRIC Framework did not include a “broad, unified, and transparent process that includes...tribes, stakeholders, governmental agencies, and non-governmental organizations [NGO's]”. States and NGO's were shut out of all the FWG discussions. This is not dissimilar to the manner in which CDR Associates and federal agencies operated the Spring Rise Plenary that ultimately led to distrust of the process. Unless ALL meetings are open to anyone desiring to attend, a transparent process does not exist;
  - ❖ It is our concern that as outlined in the MRRIC Framework, the “consensus” decision-making process will ultimately degrade to the historic “voting” process that has created ongoing contention in the Basin. Moreover, statements such as, “If the Committee is at an impasse, they could possibly ask the chair to make the final decision” and “If forward progress continues to be stymied, the sponsoring federal agencies will make a decision about how to move forward” are but examples of previously failed processes. That is not management by “consensus” but by “fiat”. If consensus is truly desired, the Committee will not move forward until all stakeholders reach a satisfactory decision. Voting, of any kind, should not be a part of the process.

In addition, the requirement that a participant that is unable to support a proposal “offer an alternative proposal that satisfactorily addresses not only their concerns, but also those of other members” is unrealistic. Some proposals (i.e. spring rise or split navigation seasons) are showstoppers that would never be acceptable and would also likely never have an option that “satisfactorily addresses” the concerns of others. It is also unrealistic that the only recourse for this situation is the option to withdraw as a member of the MRRIC Planning Committee. In essence, if one does not agree with the masses but has no alternative to offer, his only option is to quit. That is unacceptable;

- ❖ MRRIC should not include the services of the U.S. Institute for Environmental Conflict Resolution (USIECR) to procure a facilitator for MRRIC. USIECR's

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fees are excessive, a burden to taxpayers and unnecessary to procure a qualified facilitator. Moreover, conflict resolution and collaboration seem to be diametrical opposites;

- ❖ Participants MUST be allowed the freedom to pursue media and external communications in whatever manner they deem appropriate;
- ❖ A Planning Committee schedule that includes nine months of two-to-three day meetings per month plus one conference call per month is overkill. The schedule should provide for no more than quarterly meetings with conference calls as a means by which to accommodate decision-making needs between meetings;
- ❖ If the proposed Planning Committee schedule is maintained in the final draft, not only should travel reimbursement be made available as proposed but a daily per diem should be provided for participants (i.e. volunteers) not paid by their employers to represent them on the Planning Committee;
- ❖ The proposed makeup of the FWG and the Planning Committee relies heavily upon the “environmental” component of recovery while overlooking the “socioeconomic” component that should also be a top priority of any species’ recovery efforts. With that in mind, the Departments of Transportation, Commerce, Energy and Agriculture should be represented in numbers equal to that of the “environmental” component of MRRIC;
- ❖ A specific process should be incorporated into the MRRIC Framework to accurately quantify the socioeconomic impacts of all recovery efforts. While species’ recovery is important, it should not be at the expense of any economic industry and particularly at the expense of a congressionally authorized purpose;
- ❖ It is the perception of many that the current science within the Basin is nothing more than “inbred” science created by the same entities that work with each other to arrive at predetermined positions. The “rigorous scientific review” mentioned in D.2. should be composed of independent peer review from outside the Basin.

The perception that many Basin science entities are racing to consume the science-based “cash cow” is increasing proportionate to the huge recovery appropriations and the ongoing use of science without empirical support. Too many science-related “conflicts of interest” have surfaced for stakeholders to trust the science gathering processes;

- ❖ A clearly defined format must be enacted that requires ALL scientific information to be publicly released in a timely manner. No scientific information should be withheld for any reason; and,

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❖ The role of the federal agencies in the MRRIC process should be advisory only. I appreciate the opportunity to provide these comments on behalf of CPR. Please feel free to contact me if you have any questions.

## Coalition to Protect the Missouri River Membership List:

AGRIServices OF BRUNSWICK LLC	Associated Electric Cooperative, Inc.
Brunswick River Terminal, Inc.	Ameren
American Waterways Operators (AWO)	Associated Industries of MO (AIM)
Central Electric Power Cooperative	David Sieck
DeBruce Grain	Illinois Corn Growers Association
Iowa Corn Growers Association	Iowa Farm Bureau Federation
Midwest Area River Coalition (MARC 2000)	Midwest Terminal Warehouse Co., Inc.
Missouri Chamber of Commerce	Missouri Corn Growers Association
Missouri Farm Bureau Federation	MO Levee & Drainage Dist. Assoc.
Missouri Soybean Association	Missouri Soybean Merchandising Council
National Corn Growers Association	Nebraska Farm Bureau Federation

Respectfully submitted by,

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