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October 5, 2006

Reference: Proposed Framework for Establishing MRRIC.

Dear Ms Hargrave:

The purpose of this letter is to discuss various aspects of the Missouri River Recovery Implementation Committee (MRRIC). I have read the "Proposed framework for establishing the Missouri River Recovery Committee" by the Federal Working Group (31 August 2006). In this letter I wish to discuss some aspects of the report and more importantly offer some thoughts or suggestions on what would likely make a workable MRRIC.

First some general comments:

* **Bad science and collaborative problem solving:** Collaborative problem solving based on bad science will, of course, likely fail as it did for the spring-rise initiative when we were asked to design a spring rise to cue the pallid sturgeon to spawn. Will MRRIC be able to advise the USFWS and USACE on the validity of the science, especially in the Biological Opinion? The USACE and USFWS should not request that the MRRIC spend their time on plans that are not based on an hypothesis that is not based on the best available science. (The USACE and USFWS should immediately reinstate consultation and correct both the biological opinion and the amendment to the biological opinion before initiating MRRIC.)

Conflict of interest: If MRRIC is organized similar to the spring rise effort, there will be a conflict of interest by many "investigators" if they are MRRIC decision making delegates. This problem was brought forward to the CDR team but it was swept under the rug as it was not included in their final situation assessment or supporting documents. There is apprehension that the present investigations by the various states and other agencies are strongly being driven by the desire to obtain funding for their organizations from the USACE, even if the investigations are based on bad science. This problem is not discussed openly. These organizations, in general, are advocates and often authors of publications that espouse the present faulty science. How can it be expected that their investigations will be fair and balanced? How can it be expected that they will be objective as decision making delegates in MRRIC? This is a clear conflict of interest.

* **Sharing of Information:** Information must be readily and freely available to MRRIC and all entities. During the "Spring Rise" initiative of collaborative decision making, it was found that investigative agencies would all too often not release their information even in preliminary or data report formats. These investigations are funded by public

funds yet many agencies refuse to share their information. Some of this information was collected 5 or more years ago.

The unwillingness to share information enhances the perception of conflict of interest. Additionally, information from previous studies is seemingly largely distributed within the 'club' of investigators. The effects of this inbred and parochial science are many. For example, it is perceived that requests for information or results from others who are not in the 'club' are evaluated by those in the 'club' as to what manner the inquirer might use the information. If it is believed that the enquiring person will not promote the 'official club' line, the enquirer will not receive the information.

If MRRIC is to be successful it must be transparent and persons involved forthright. Procedures and relationships that existed in making investigations and that also were apparent in the 'spring rise' must be changed if MRRIC is to be transparent.

*** How the Missouri River is to be Managed:** The Missouri River is to be managed to serve congressional purposes and with consideration of endangered species. An additional concept is that the Corps should try to balance these uses except that flood control and navigation shall not be abandoned.

*** NFST stakeholders and collaborative problem solving:** It is often stated that the non federal, state and tribal stakeholders (NFST) are negative and are resistant to any change. In the 'spring rise' effort, they were depicted by many as an unknowledgeable group and were often treated in a condescending manner. It is my experience that the stakeholders were a very knowledgeable group that brought a wide range of knowledge and expertise to the table. In my experience, the NFST stakeholders were less hesitant to change and more willing to consider new ideas than most stakeholders. The negative attitude by the self appointed effete elite has not been shown to be useful to collaborative problem solutions.

*** Membership of MRRIC:** In general, MRRIC should be open to all who want to participate. This is consistent with the goals of outreach, and the desirability that everything about MRRIC be transparent. However, there should be a definite and limited number of "decision making" (voting) delegates. The number of delegates must represent a balance of the various uses of the Missouri River. Thus, no matter how many persons are in attendance that represent or espouse a specific interest, only the specified delegates will be voting on any particular matter. For example, apparently MoRAST believes it needs two members from each state. If this is the wish of their governors, that is certainly ok. However, there should only be one voting (decision making) decision per state. This is logical and also is essential if the number of voting delegates is not to be excessively large and if a balance is to be maintained.

The tribes request one member per tribe. It is, of course, helpful to have active tribal participation and representation. It is suggested that the number of decision making delegates for tribal interests be eight, which is the same as the number of delegates for the states. Twenty-eight decision making delegates are not warranted and would make the size of the decision making delegation of MRRIC too large.

Federal agency membership and participation is, of course, essential. However, the 'spring rise' effort indicated that it is probably better that the federal agencies not be

voting members. Federal coordination is important and can be handled in many manners, including the Federal Roundtable forum.

The number Non Federal, State, and Tribal (NFST) stakeholders should be unlimited, but the number of decision making delegates should be defined. Propositions that MRRIC membership will be decided by Federal, State, and Tribal (FST) members are unreasonable (and insulting). In relation to this proposition, it is understandable that some NFST persons have the opinion that MRRIC should only have NFST delegates. However, both propositions are unreasonable.

It is suggested the USACE host a NFST meeting. All potential NFST stakeholders should be invited. Press releases should be used to announce this meeting and invite interested persons to attend the NFST meeting. At the meeting, categories of NFST members will be finalized, and MRRIC delegates will be identified.

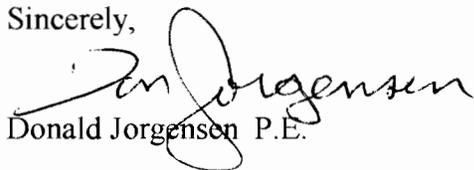
* **Other Delegates:** A category for multi-interest NFST identities should be included. This category would include civic organizations that are devoted to the development, enhancement, and protection of the river. CDR identified this category as 'bridging' organizations.

In summary: The problems of 'bad science' and conflict of interests have to be resolved upfront. In general, most NFST delegates will be resistant to any studies or plans based on bad science. This will likely be a show stopper.

MRRIC activities have to be fair and transparent for MRRIC to succeed. The distribution of the membership of the voting delegates must be fair and balanced.

It is hoped that these observations are useful to USACE. I feel that MRRIC is very important, and MRRIC can offer many opportunities and can potentially develop win-win situations on most topics.

Sincerely,



Donald Jorgenson P.E.

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