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Following are my personal comments as Executive Director of Missouri Sedimentation Action Coalition (MSAC) relative to the *Proposed Framework for Establishing the Missouri River Recovery Implementation Committee*, as set forth in the August 29, 2006 submittal from Brigadier General Gregg F. Martin, Division Commander. These comments are made based upon my knowledge of the proposed process and my experience in this field, including serving on the Plenary Committee for the spring pulse.

Page 1, Para 2 This paragraph contains very important language, which states that the FWG envisions reestablishing a healthy, self sustaining ecosystem, "while continuing to meet the needs of society." MSAC agrees with this statement, as it indicates that needs such as flood control, power production, water supply, navigation, etc. will not be set aside.

Page 2, Para 2, Line 7 states that non-governmental members of the Planning Committee (PC) will be representative of all major interest in the basin. Water supply/quality is not included in the proposed membership list. MSAC believes that this is a major, and very important, stakeholder interest in the proceedings of the PC, and they should be included.

Page 5. The box at the top of the page states, on the last line, "Social preferences have shifted greatly in the Missouri River basin over the past fifty years." This is not true, in my opinion. The need, and desire, of society is that we have power, irrigation and drinking water, flood control, and all the other benefits that come from the dams and reservoirs. Ecological restoration has become another factor which needs to be recognized and developed, but not at the sacrifice of other basic human needs. This box could be construed as stating that ecological restoration is the dominant program, and must be accomplished at the expense of other benefits provided by the dams and reservoirs.

Page 12, No. 5 This paragraph states that MRRIC is advisory only, and is to make recommendations, which the federal agencies are free to accept or reject. The federal agencies have committed to fully consider the recommendations, and to explain to MRRIC why a recommendation is not implemented. These reasons should be explained, in writing, to all PC members.

Page 13, Part F. The proposed schedule is ambitious, but is not likely to be attained unless the definition of consensus, as set forth on pages 18 and 19 is changed. That problem will be discussed in order.

Page 14 – 15. Item 3, Non-governmental membership categories. Earlier in the document, and in these comments, I have referred to the fact that water supply and quality are not represented. Given the fact that both North Dakota and South Dakota rely on the Missouri River and its reservoirs to provide water to the majority of the geographical area and a high percentage of the population of those states, and the fact that other major cities in other states rely on the river for their domestic water supply, MSAC strongly recommends that another category be added for Water Supply/Quality, with 4 members, two from above Gavins Point Dam and two below

Gavins Point Dam. The proposed categories of River-focused Community Groups, or the At-Large category do not work for inclusion of this important category. Further, water quality is greatly affected by run-off from agricultural lands. Therefore, I would recommend that one of the At-Large members be a representative of a Conservation District, familiar with land and watershed management practices.

Page 18 and 19 CONSENSUS. Even with the proposed level 1 through 5 proposed levels of agreement (or disagreement in Levels 1 and 2), consensus is still defined as requiring 100 per cent support of all the voting members. If no agreement can be reached through a series of votes and alternative proposals, the Chair can be asked to make a decision, or the federal agencies will make a decision. This will not work. One person can effectively bog down and totally disrupt the process. If it comes down to the Chair or federal agencies making a decision, why is MRRIC even needed? If we should have learned one thing from the efforts of the Plenary Group, which met four times in 1005 at a great cost of time and dollars, it is that the insistence to hold to a 100 % vote in support of an issue to gain consensus destroyed the effectiveness of what we were trying to do. I was a member of that group, and was totally frustrated by the fact that one or two members could bog down the process simply by disagreeing with the proposed action. I know that nearly every one else was equally disappointed. If the PC is to do its job, we must recognize that there will be instances where a majority vote must rule. If this PC, and subsequently MRRIC, are to be successful, we must adopt a process where agreement does *not* require a 100% consensus. Therefore, I make the following proposal.

On any issue, a thorough discussion will take place, controlled by the impartial Chair. After no more than one hour, or a longer limit set by the Chair if the Chair deems it advisable, a vote will be taken. If at least eighty percent (80%) of the voting members approve of the proposal, those opposed will have one hour to present an amendment. A vote on the amendment will then be taken, and if a simple majority approves the amendment, it will be adopted. A vote on the original proposal, as amended will then be taken. If at least eighty percent (80%) approve of the proposal as amended, it will be adopted as amended. If the amended proposal does not receive 80% support, the proposal as amended will die, and another vote on the original proposal will be taken. If at least eighty percent (80%) approve, the original proposal will be adopted.

The above outline is intended to replace the 100% consensus requirement, which, given the highly diverse and often opposing interests in the Missouri River basin, will be literally impossible to attain on any contentious proposal. If 100% is required, it is highly likely that the PC and MRRIC will spend a lot of time and money with no, or very limited, results. The writer is open to any other proposal which will effectively negate the chance for one or two members to disrupt the process. I do not want to repeat the frustrating Plenary Group process. MRRIC can be an effective advisory team, and needs to be given the tools to be effective. To do that, the PC needs to be effective through being able to resolve areas of dispute in a timely and efficient manner. A one hundred percent consensus requirement will severely restrict, or even destroy, any chance of either the PC or MRRIC achieving their goals.

Page 19 Item 2. This paragraph states that members of the PC with assistance of the Chair and Facilitator will determine the process for resolving disputes prior to commencing work on the drafting of the initial charter. I must assume that any action on the proposed process will require a 100% consensus. I can not see some of the proprietary interests in the basin giving up their chance to stop adoption of a proposal in the PC process that will affect negatively their chance to stop adoption of proposals with which they do not agree in the final MRRIC process. I believe the previous proposal, or an adaptation thereof, should be the one adopted by the FWG as a process for resolving disputes before the PC meets.

Page 19-20, Item h. This item implies that each member of the PC should have an alternate to attend a meeting if the member can not. This is a good idea, but it does require that the alternate be fully briefed by the member, or the alternate should attend all meetings as an observer. The alternate should then carry out the wishes and directives of the member at that meeting, and not interject his own views over those of the member.

Page 22, Item m. The first paragraph states that "Any press releases or media contact regarding the process or its outcome will be conducted through the Chair, unless----". The second paragraph states that "All committee members will be free to interact with the media, but ----". To interact means there will be contact with the media, which, in paragraph l is to be conducted only through the Chair. This needs further clarification, as it is possible that an unhappy member could use the second paragraph to hinder or obstruct the process of the PC through media pressure. I do not wish to limit any members' right to discuss and express his views relative to his own constituencies, but I can see a potential problem with allowing media interference in the PC process. I do not have an answer or a proposal to correct the concerns I have expressed here, but I do believe this media contact issue needs more work before being adopted.

The above are my comments on the proposed PC process framework. I thank you for the opportunity to review the document and provide my input.

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