DEPARTMENT OF THE ARMY

U.S. ARMY CORPS OF ENGINEERS (NORTHWESTERN DIVISION)

PREPARED STATEMENT

FOR THE PUBLIC FIELD HEARING BEFORE THE

UNITED STATES HOUSE SUBCOMMITTEE ON

GENERAL FARM COMMODITIES AND RISK MANAGEMENT

SPEAKERS LOUNGE, MISSOURI STATE CAPITOL BUILDING

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The Corps operates the Missouri River Mainstem Reservoir System to serve the Congressionally authorized purposes of flood control, navigation, hydropower, irrigation, recreation, water supply, water quality, and fish and wildlife. The Corps' goal is to best serve these authorized purposes while complying with all applicable laws, including the Endangered Species Act or ESA, while fulfilling our responsibilities to federally recognized Native American Indian Tribes.

The Corps has been consulting with the U.S. Fish and Wildlife Service (USFWS) under the ESA since the early 1990s on the operation of the Missouri River Mainstem Reservoir System, the Bank Stabilization and Navigation Project, and the Kansas River projects. In November 2000, the

USFWS provided the Corps a Biological Opinion which concluded that the Corps' operation of these projects jeopardized the continued existence of the interior least tern, piping plover, and pallid sturgeon; three animals protected under the ESA. As a result of additional information and the listing of critical habitat for the piping plover, in 2003 the Corps and USFWS reinitiated ESA consultation. In their 2003 Amended BiOp, the USFWS concluded that the Corps' actions jeopardized the continued existence of the endangered pallid sturgeon. However, in the 2003 Amended BiOp, the USFWS provided a Reasonable and Prudent Alternative, or RPA, to jeopardy. The RPA includes a requirement for a bimodal spring pulse from Gavins Point Dam.

Intense efforts continue by the Corps, with assistance from the USFWS, U.S. Geological Survey (USGS), States, and other natural resource experts, to restore physical habitat for the pallid sturgeon in the Missouri River below Gavins Point Dam. This restoration work will provide the habitat for young sturgeon to develop and survive. However, under the 2003 Amended BiOp, habitat creation does not substitute for changes in river management to provide the flow conditions that promote sturgeon reproduction. The 2003 Amended BiOp requires the Corps to implement the bimodal spring pulse releases no later than the spring of this year. However, the BiOp also allows for consideration of the existing hydroclimatic conditions such as drought, in the decision on whether or not to implement the bimodal spring pulse in any given year. The bimodal spring pulse releases are designed to cue pallid sturgeon spawning by

partially restoring some semblance of the river's natural hydrograph, characterized by spring pulses at the times when major snowmelt occurs first in the plains and then in the mountains. Spawning and recruitment will be key to recovery of self-sustaining sturgeon populations in the Missouri.

The Missouri River basin is currently experiencing an extended drought, and system storage is at unusually low levels. The Corps has taken these low levels into account in developing the criteria for this year's bimodal spring pulse release plan, as allow for in the BiOp, along with public input regarding the risks associated with the spring pulse releases. The plan for this year is presented in the Corps' 2005-2006 Annual Operating Plan (AOP) for the Missouri River Mainstem System. This plan was developed based on the requirements of the 2003 Amended BiOp, intense analysis of hydrologic data, input from the spring pulse Plenary Group (composed of more than 50 Basin stakeholders), Tribal consultations, and public comments received on the draft AOP. This collaborative process was facilitated by the US Institute for Environmental Conflict Resolution and included representation from the USFWS, the Corps, Tribal representatives, basin states, and a wide range of stakeholders. These discussions were key in the identification of a bimodal spring pulse plan for 2006 that greatly reduces the potential for negative impacts as compared to the plan identified in the 2003 Amended BiOp. One key change was a reduction of the peak of the spring pulses from one to two weeks down to two days. This not only saves water in System

storage, which is very important during the current extended drought, but also reduces the duration of the higher river stages downstream. The Plenary Group discussions, and extensive discussions with the USFWS, also helped the Corps identify exactly how to adjust the magnitude of the May spring pulse in response to hydroclimatic conditions. During drought these adjustments substantially reduce or eliminate the spring pulses. We believe that the bimodal spring pulse plan presented in this years AOP comply with the requirements of the 2003 Amended BiOp while being responsive to hydroclimatic conditions in the basin.

The Corps understands farmers concerns over the potential for flooding of cropland during the bimodal spring pulse releases and their concern over crop insurance benefits during those releases The bimodal spring pulse plan includes criteria specifically designed to minimize the risk of downstream flooding and crop damage. First, the Corps and USFWS agreed that the established downstream flow limits would not be changed under the 2006 AOP, providing similar downstream flood control during the spring pulse releases as has been provided in previous years. Second, the Corps has agreed, at the request of the downstream farmers, to integrate the National Weather Service's precipitation forecasts into its daily Missouri River operational forecasts during the spring pulse period, and will adjust releases accordingly. And third the Corps will integrate estimated actual rainfall derived from weather radar information into its forecasts during the spring pulse releases. These measures, along with the reduced duration and magnitude of the pulses, will reduce the potential for downstream

flooding of cropland. It is also important to note that because System storage is low due to the current extended drought, that releases for navigation in 2006 will be 6,000 cubic feet per second lower than normal, thus resulting in lower peak flows due to the spring pulses. All of this information has been discussed with the USDA and their Risk Management Agency to help foster their understanding of the spring pulse operation for 2006.

In conclusion, the Corps remains committed to operate the Missouri River Mainstem System to serve the Congressionally Authorized project purposes, fulfill our Tribal Trust and Treaty obligations, and comply with all applicable law, including the ESA. We are convinced that this can be best accomplished in a sustained collaborative process that includes the entire spectrum of Basin interests. Working together as a team – Federal, Tribal, State, local agencies, and stakeholders – we can identify solutions that benefit the Basin as a whole.