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November 20, 2006

Brigadier General Gregg F. Martin
Commander and Division Engineer
Northwestern Division
U.S. Army Corps of Engineers
12565 W. Center Road
Omaha, NE 68144-3869

Dear General Martin:

Thank you for providing an opportunity to comment on the 2006-2007 Draft Annual Operating Plan (Draft AOP) for the Missouri River Mainstem Reservoir System. I also appreciate the willingness of your agency to host two public meetings in Missouri to discuss the Draft AOP. Since the AOP is such an important document to Missouri River users in making critical business decisions for the upcoming year, it is crucial for the U.S. Army Corps of Engineers (Corps) to adhere to the final AOP.

Recent federal court decisions have underscored the fact that navigation and flood control are the two dominant functions authorized by the U.S. Congress for the Missouri River Reservoir System. When the Master Manual was revised in 2004, the Corps committed to providing a safe and reliable navigation channel. Due to inadequate releases from the upstream reservoirs and poorly maintained navigation structures, the Corps did not keep that commitment during the 2006 navigation season. For several weeks during the 2006 navigation season the river was either unsafe or closed to shippers because the Corps did not provide a reliable navigation channel. Given that the Corps already had shortened the 2006 navigation season for almost two months, the fact that the Corps did not provide a reliable navigation channel during the middle of the navigation season was not only devastating to the navigation industry but also showed a lack of commitment to support one of the primary Congressionally authorized purposes of the reservoir system. In 2007, I fully expect the Corps to honor their commitment by maintaining a reliable navigation channel throughout the entire navigation season.

Approximately one-half of Missouri's citizens rely upon the Missouri River for their drinking water. In addition, a high percentage of the state's electricity is generated by power plants that receive their cooling water from the Missouri River. If drought

conditions persist, there is a possibility that the Corps will not provide adequate flows in 2008 to support navigation on the Missouri River. I am concerned that pressure from upstream states to conserve more water for their uses will influence the operation of the reservoir system in a manner that could harm downstream users.

In the 2006 Revised Master Manual (Master Manual), the Corps made a commitment to provide adequate flows to support the intakes of water supplies and power utilities. However, the summer release goals from Gavins Point Dam as outlined in the Master Manual are not adequate to meet water supply and power plant cooling needs during times of low tributary inflows. With the understanding that Missouri's utilities have taken all reasonable steps to prepare for low water, the Corps must honor its commitment to release adequate water to meet downstream water supply and power utility needs. During times of decreasing tributary inflows, the Corps must adjust releases from the reservoir system to meet the basic water supply requirements for utilities on the lower Missouri River. In order to insure that these basic needs are met during non-navigation periods, I am requesting that the Corps establish downstream stage targets to meet the operational needs of Missouri's water supplies and power plants rather than relying on the release goals presented in the Master Manual.

The State of Missouri has historically objected to any form of a man-made "spring rise" experiment because of the unnecessary risk of increased flooding. Congress expressly established the Missouri River Reservoir System to control flooding. Yet this year for the first time a man-made spring rise was implemented by the federal government purportedly to learn more about the needs of the endangered pallid sturgeon. Even though the State of Missouri continues to oppose any man-made spring rise that increases the risk of flooding for our citizens, we do appreciate the fact that the Corps elected to implement the spring rise this year without changing the flood control constraints. Although the existing flood control constraints do not remove the risk of flooding, they do lessen the risk. Any increase in the constraints would increase the risk of flooding. When Congress authorized the Missouri River Reservoir System in the 1944 Flood Control Act, the body recognized that flood control should be one of the two dominant functions of the system; navigation is the other. In August 2005, the 8th Circuit Court of Appeals reaffirmed this priority by writing in its opinion "*...if future circumstances should arise in which ESA compliance would force the Corps to abandon the dominant FCA purposes of flood control or downstream navigation, the ESA would not apply.*" The State of Missouri considers any change in the technical criteria that would increase the duration or magnitude of the spring rise to be in direct violation of the 1944 Flood Control Act.

Earlier this year, I joined Senators Bond and Talent in requesting that the United States Geological Survey (USGS) develop a research proposal (absent a man-made spring rise) that would allow researchers to gain a better understanding of the biological needs of the pallid sturgeon. As the lead federal agency, I am requesting that the Corps join USGS in

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an effort to develop an alternative approach to conducting research on the pallid sturgeon that will not increase the risks of flooding for our farmers and riverside communities.

Through the years, the State of Missouri has supported the Missouri River Mitigation Project. Thousands of acres have been restored for fish and wildlife along the lower Missouri River. While the State of Missouri will continue to support the mitigation program, I am requesting that the Corps study the effects that the restoration activities (i.e. dike notching, chute construction, etc.) have had on the reliability of the navigation channel. I also ask that the Corps investigate whether current navigation flow targets are adequate to provide a reliable channel.

Thank you for providing this opportunity to comment on the 2006-2007 Draft AOP. The State of Missouri looks forward to continuing to work with you and your staff in addressing the many management challenges of the Missouri River.

Sincerely,

Matt Blunt

MB/mjb

c: Senator Christopher Bond
Senator Jim Talent
Congressman William Lacy Clay
Congressman W. Todd Akin
Congressman Russ Carnahan
Congressman Ike Skelton
Congressman Emanuel Cleaver
Congressman Sam Graves
Congressman Roy Blunt
Congresswoman Jo Ann Emerson
Congressman Kenny Hulshof