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November 23, 2022

BG Geoff Van Epps
Commander, Northwestern Division
U.S. Army Corps of Engineers
P.O. Box 2870
Portland, Oregon 97208-2870

Re: Missouri River Mainstem System 2022-2023 Draft Annual Operating Plan

Dear General Van Epps:

The Coalition to Protect the Missouri River (CPMR) appreciates the opportunity to comment on the Missouri River Mainstem System 2022-2023 Draft Annual Operating Plan (AOP). CPMR, established in 2001, is made up of more than 30 members in six states and supports the responsible management of Missouri River resources, as well as the maintenance and enhancement of congressionally authorized purposes of the river, including flood control, navigation and water supply. We also support science-based habitat restoration for endangered or threatened species, provided that management actions are responsibly conducted and properly balanced with our members' interests.

CPMR appreciates the opportunity to review the draft AOP and ask questions of USACE staff during in-person meetings and a virtual meeting held in October and November. Though we understand the St. Louis meeting was canceled due to unforeseen scheduling challenges, we request that the USACE reach out to CPMR in these instances for assistance in rescheduling as quickly as possible. With a large portion of the Missouri River navigation community based closer to the St. Louis region, it is critical to have an in-person meeting easily accessible to these constituents, especially in a historically low water scenario.

In addition, the rescheduled virtual meeting proved to be challenging for many of our stakeholders as it was scheduled at the same time as a Missouri River Recovery Implementation Committee (MRRIC) meeting. For stakeholders, these overlapping meetings are unacceptable. Our request is to coordinate with the other divisions and offices in the Missouri River basin to ensure a lack of overlap on critical meetings.

We do appreciate USACE's commitment to release a final AOP in December so people who work alongside or directly on the Missouri River can plan for the upcoming year. As drought and low water conditions continue, CPMR encourages USACE to maintain consistent communication with stakeholders. In this low runoff scenario, we request that USACE prioritizes and focuses on supporting navigation and utility intakes, while maximizing flood control. This will ensure that human health and safety remain the priority and the river stays open for business during a critical economic period where the cost of shipping has real-world impacts on everyday consumers.

In addition, CPMR has the following specific feedback regarding the draft AOP:

- 1) We appreciate the continued update regarding retrofitted Mesonet sites and the effort to improve runoff forecasts through the Upper Missouri River Basin Monitoring Network for Soil Moisture and Plains Snow (UMB MN). As soil moisture continues to be a critical factor in predicting the improvement of current drought conditions, improvements in this system are urgently needed.
- 2) As we head into another forecasted low runoff year, CPMR requests that USACE does not release extra water to satisfy Endangered Species Act (ESA) requirements that may not be necessary. For example, if flows during the nesting season are adequate to support navigation and water intakes, additional water should not be released to impact plover nesting as that water should be conserved to support navigation and water intakes later in the season. Outside of unexpected local flooding events, if water is needed later in the navigation season it can be assumed that water levels have remained at a level that will not impact plover nesting.
- 3) We are pleased to see Fort Peck test releases are not being considered under any runoff scenario. As mentioned above, in a low runoff scenario, it is critical USACE ensures stakeholders such as Missouri River irrigators have access to needed water. We maintain our opposition to releasing water via the Fort Peck Dam spillway for this experiment.
- 4) Page 15 states: "However, if during the 2023 navigation season there is no commercial navigation scheduled to use the upper reaches of the navigation channel, MRBWM will consider not providing navigation flow support in those reaches to conserve water in the System, reduce flood risk, and/or minimize incidental take of the protected species during the nesting season."

Given the current low runoff scenario, a flow target at Kansas City may be critical earlier in the season than normal to support navigation flows closer to St. Louis. Reducing releases due to lack of navigation in the upper reaches is likely to have a negative impact

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to commercial traffic within the lower reaches if low runoff conditions persist throughout the basin and when lower reaches of the river lack critical tributary inflow.

- 5) Lastly, CPMR recognizes that due to the continued drought scenario the USACE may consider shortening the navigation season in a Lower Quartile and Lower Decile situation. We respectfully request that USACE remain in close contact with CPMR and stakeholders well prior to any final decisions to shorten the season. We also ask you consider the actions in the above comments, which we believe will help ensure maximum navigation throughout the season, support water intakes, and prevent or minimize a shortened navigation season resulting from decisions to release water earlier in the season for the sole purpose of impacting bird nesting.

Thank you again for the opportunity to comment on the draft AOP. Should you or your staff have any questions, please do not hesitate to contact me.

Respectfully,



Shane Kinne
Executive Director

C: Beth Coffey, Director of Programs, Northwestern Division
John Remus, Chief, Missouri River Basin Water Management Division