



Official Comments of

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To the

**U.S. Army Corps of Engineers
Northwestern Division
12565 West Center Road
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Regarding the

***Proposed Framework for Establishing the
Missouri River Recovery Implementation Committee (MRRIC)***

SENT VIA EMAIL:

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Official Comments
Proposed Framework for Establishing the
Missouri River Recovery Implementation Committee (MRRIC)

Thank you for the opportunity to comment on the *Proposed Framework for Establishing the Missouri River Recovery Implementation Committee (MRRIC)*. The National Corn Growers Association (NCGA) represents more than 32,000 corn farmers from 48 states. NCGA also represents more than 300,000 farmers who contribute to corn check off programs and 26 affiliated state corn organizations across our country.

While corn growers recognize and work to enhance the recreational and environmental value of the Missouri River, we support management of the Missouri River that places the highest priority on economic uses of the river such as flood control for agricultural land, navigation, power generation, domestic water use and irrigation. We believe threatened and endangered species can be protected and their habitats enhanced without undermining the economic foundation of the basin.

We respectfully request that the U.S. Army Corps of Engineers make changes as necessary to the final draft of the MRRIC Framework based on the following items.

- The long-term focus of MRRIC should not extend to holistic ecosystem restoration. Its foundation is on addressing issues pertaining to Endangered Species Act (ESA) recovery, and should remain within that realm. The words “and the ecosystem upon which they depend” should be removed from all MRRIC documents. MRRIC’s focus should not broaden to overall “ecosystem restoration” but be restricted to the recovery of the federally protected species and the protection and enhancement of the socioeconomic benefits of the Missouri River.
- We adamantly oppose the wording in Section B.1 that states, “As social values have shifted over the years, the emerging consciousness of the value of a healthy ecosystem has focused the basin’s attention on restoration of the Missouri River.” We disagree with the writer’s characterization that “social values have shifted” and that “restoration of the Missouri River” should be the basin’s focus.
- The MRRIC scope of work should be well defined before any MRRIC work begins. The recovery of the federally protected species and the protection and enhancement of the socioeconomic benefits of the Missouri River should be pursued in tandem. With that in mind, the Departments of Transportation, Commerce, Energy and Agriculture should be represented in numbers equal to that of the “environmental” component of MRRIC. The goal of MRRIC should be to do no harm and only embrace those plans that would show socioeconomic benefits to, and protect the congressionally authorized purposes, people and property of the Basin while seeking to aid the species. Therefore, “socioeconomic needs” should be a category well defined and not merely an elusive concept that is adjustable throughout various contexts.

- The term “recovery” must be clearly defined and must include a nationwide definition that addresses the movement of a particular species (i.e. the pallid sturgeon) from one river basin to another. Recovery goals must be explicit with straightforward means by which to measure success and failure. Therefore, the Mississippi River should be included in pallid sturgeon recovery in order to be a viable recovery program. The fish make no distinction between the two rivers. To separate the recovery efforts and ignore Mississippi River recovery knowledge and information would not be in the best interest of true pallid sturgeon recovery.
- Too many science-related “conflicts of interest” have surfaced for stakeholders to trust the science gathering processes. The “rigorous scientific review” mentioned in Section D.2 should be composed of independent peer review from outside the Basin.
- The State of Wyoming should be completely removed from MRRIC participation. Wyoming has no direct impacts from Missouri River management and its geography is not adjacent to the river. Only states immediately adjacent to the Missouri River should be allowed input on the issues. Otherwise, states that border the Upper, Middle and Lower Mississippi River should be immediately included.
- The development of this draft MRRIC Framework did not include a “broad, unified, and transparent process that includes...tribes, stakeholders, governmental agencies, and non-governmental organizations [NGO’s]”. States and NGO’s were shut out of all the Federal Working Group (FWG) discussions. This is not dissimilar to the manner in which CDR Associates and federal agencies operated the Spring Rise Plenary. Unless all meetings are open to anyone desiring to attend, a transparent process does not exist.
- The overall format of the MRRIC Framework non-governmental selection process is one that potentially creates Missouri River Basin contention from the outset, not just between Upper and Lower Basin stakeholders, but specifically within individual stakeholder organizations.
- The requirement that a limited number of individuals can participate has already set in motion attempts by some to vie for open seats. It is unnecessary to expend the energy required by the proposed MRRIC Framework to select the representatives for the proposed non-governmental membership categories. Over the years, the principal players engaged in river discussions have not significantly changed. Given that, we anticipate that those desiring to participate on the MRRIC Planning Committee would likely include the principal players of the past.
- In lieu of the FWG membership selection process, the initial Planning Committee should be inclusive of anyone desiring to participate in the first phase of MRRIC. Limiting participation at the outset precludes the inclusiveness and transparency so often touted as a feature of the MRRIC process.
- Each participating State should have only one representative as proposed in this draft. If stakeholders must caucus and communicate to determine their positions outside of the Planning Committee, so should the States.

- The Planning Committee chair should not necessarily be familiar with Missouri River issues. In fact, it is likely that familiarity would lead to partiality, if not an outright conflict of interest.
- It is our concern that the “consensus” decision-making process will ultimately degrade to the historic “voting” process that has created ongoing contention in the Basin. Moreover, statements such as, “If the Committee is at an impasse, they could possibly ask the chair to make the final decision” and “If forward progress continues to be stymied, the sponsoring federal agencies will make a decision about how to move forward” are but examples of previously failed processes. That is not management by “consensus” but by “fiat”. If consensus is truly desired, the Committee will not move forward until all stakeholders reach a satisfactory decision. Voting, of any kind, should not be a part of the process.
- In addition, the requirement that a participant who is unable to support a proposal must “offer an alternative proposal that satisfactorily addresses not only their concerns, but also those of other members” is completely unrealistic. Some proposals (i.e. spring rise or split navigation seasons) preclude participation as ‘deal-breakers’ that would never be acceptable but would also likely never have an option that “satisfactorily addresses” the concerns of others. It is also unrealistic that the only alternative for this situation is the extreme option to withdraw as a member of the MRRIC Planning Committee. This also precludes honest participation.
- MRRIC should not include the services of the U.S. Institute for Environmental Conflict Resolution (USIECR) to procure a facilitator for MRRIC. USIECR’s fees are excessive, a burden to taxpayers and unnecessary to procure a qualified facilitator.
- Participants should be allowed the freedom to pursue media and external communications in whatever manner they deem appropriate.
- A Planning Committee schedule that includes nine months of two-to-three day meetings per month plus one conference call per month is unrealistic. The schedule should provide for no more than quarterly meetings with conference calls as a means by which to accommodate decision-making needs between meetings.

Corn growers appreciate the opportunity to provide these comments and look forward to working with the U.S. Army Corps of Engineers as the Proposed Framework for MRRIC is finalized.

Respectfully submitted,



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