

House Concurrent Resolution No. 29

92ND GENERAL ASSEMBLY

4695L.021

Be it enacted by the General Assembly of the state of Missouri, as follows:

Whereas, the United States Fish and Wildlife Service has mandated that the United States Army Corps of Engineers implement a plan for operating the Missouri River that calls for a "spring rise" and a "summer low flow". This plan would result in an increase in the flow of the Missouri River in the spring when the risk of the flooding of bottomland farms is already high. The plan would also result in a reduction of the flow of the Missouri River in the summer of each year, thereby negatively affecting farmers, utilities, and businesses from Omaha to the Gulf of Mexico, purportedly to improve habitat for the pallid sturgeon, an endangered fish; and

Whereas, the United States Fish and Wildlife Service has dictated these controversial flow changes primarily to benefit only a short segment of the Missouri River where pallid sturgeon have not even been found in six years of sampling; and

Whereas, analyses have shown that low river flows could actually degrade habitat important to the pallid sturgeon in segments of the lower Missouri and Mississippi Rivers where pallid sturgeon have been found in recent years; and

Whereas, in the summer months of 2002 and 2003, record low flows on the Missouri River increased transportation costs for Missouri farmers by halting navigation, increased power plant cooling costs for private utilities, and caused water quality violations with the temperature in the Missouri River exceeding 90 degrees. Despite the economic harm already experienced by Missourians, the United States Fish and Wildlife Service has unilaterally mandated summer flows during the next two years that are virtually identical to those experienced in 2002 and 2003; and

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25 **Whereas**, while the United States Fish and Wildlife Service has failed to provide
26 sufficient scientific evidence that proves that their mandated "spring rise" and "summer low
27 flow" will improve habitat for the pallid sturgeon, analysis has shown that their proposal will
28 increase the risk of flooding bottomland farms along the Missouri River, will result in economic
29 harm to public and private utilities, and will risk the jobs of those who rely upon the Missouri
30 and Mississippi Rivers for their livelihoods; and
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32 **Whereas**, the so-called "drought conservation measures" under consideration by
33 the United States Army Corps of Engineers for inclusion in the Missouri River Master Manual
34 would take away usable water from Missourians by shifting the storage of more water to
35 upstream reservoirs while decreasing the amount of water available for other designated
36 downstream uses; and
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38 **Whereas**, the United States Eighth Circuit Court of Appeals recently affirmed that
39 the dominant functions of the Missouri River Reservoir System are flood control and navigation
40 with recreation and other interests being secondary uses:
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42 **Now, therefore, be it resolved** that the members of the House of
43 Representatives of the Ninety-second General Assembly, Second Regular Session, the Senate
44 concurring therein, hereby respectfully request that the President of the United States direct the
45 United States Fish and Wildlife Service and the United States Army Corps of Engineers to
46 develop a plan for operating the Missouri River Reservoir System that will not increase the risk
47 of flooding for bottomland farmers and will not harm the economy of the Midwestern States by
48 failing to provide adequate flows to meet all designated downstream uses on the Missouri and
49 Mississippi Rivers; and
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51 **Be it further resolved** that the Chief Clerk of the Missouri House of
52 Representatives be instructed to prepare properly inscribed copies of this resolution for George
53 W. Bush, the President of the United States, each member of the Missouri Congressional
54 Delegation, the United States Fish and Wildlife Services, and the Army Corps of Engineers.