

House Concurrent Resolution No. 68

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LOEHNER (Sponsor), NANCE, WILSON (119),
SUTHERLAND AND SANDER (Co-sponsors).

5277L.011

1 **Whereas**, the State of Missouri contains 553 miles of the Missouri River, which
2 borders 23 Missouri counties and over 50 Missouri communities, making it one of Missouri's
3 greatest natural resources; and
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5 **Whereas**, the Missouri General Assembly recognizes that eighteen power plants,
6 which have a capacity to generate over 11,000 megawatts of electricity, draw cooling water from
7 the lower Missouri River basin;
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9 **Whereas**, over half of Missouri citizens get their drinking water from the Missouri
10 River and its alluvium, and the State of Missouri has constructed infrastructure to support water
11 supply in the lower Missouri River basin with the understanding that reliable navigation flows
12 would be maintained in the future; and
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14 **Whereas**, Missouri is the origin or destination for over one-half of all commercial
15 tonnage shipments on the Missouri River, with the Port of St. Louis just downstream from where
16 the Missouri River enters the Mississippi River, being one of the largest inland ports in the
17 United States; and
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19 **Whereas**, the Missouri River is a vital link in Missouri's total transportation system
20 and this valuable asset needs to be maximized in order to move freight and support our state's
21 economy; and
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23 **Whereas**, barge transport allows for significant economic benefits and cost
24 savings, since one barge can transport the same amount of freight as 16 rail cars or 70 trucks; and

25 **Whereas**, river transportation is the most environmentally friendly form of
26 transporting goods and commodities, creating virtually no noise pollution and emitting 35 to 60
27 percent fewer pollutants than either trucks or trains; and

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29 **Whereas**, barges are also the most fuel efficient method of freight transport.
30 Barges can move one ton of cargo 576 miles per gallon of fuel compared to 413 miles per gallon
31 of fuel for rail and only 155 miles per gallon of fuel for trucks; and

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33 **Whereas**, the Missouri General Assembly recognizes that the State of Missouri is
34 investing more of its resources to develop and improve public ports in the state, including those
35 on the Missouri River; and

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37 **Whereas**, in the Flood Control Act of 1944, the United States Congress authorized
38 the construction of the Missouri River Mainstream Reservoir System for the federal purposes of
39 flood control and navigation, as well as irrigation, power, water supply, water quality, and
40 recreation; and

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42 **Whereas**, the June 4, 2003, and August 16, 2005, decisions of the United States
43 Court of Appeals of the Eighth Circuit confirmed that navigation and flood control are the two
44 dominant functions of the Flood Control Act of 1944; and

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46 **Whereas**, the Missouri River is operated in accordance with the updated Missouri
47 River Master Water Control Manual, which contains the management plan for the River and was
48 adopted by the United States Army Corps of Engineers in 2004; and

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50 **Whereas**, the Missouri General Assembly recognizes that the United States Army
51 Corps of Engineers utilized extensive public processes to complete the 2004 Missouri River
52 Master Water Control Manual and worked to balance the needs and desires of many competing
53 stakeholder groups in establishing the Manual's navigation guidelines; and

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55 **Whereas**, the 2004 Manual was finalized after 15 years of debate and litigation and
56 after the expenditure of over \$35 million in federal funds; and

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58 **Whereas**, the 2004 Manual reduced the length of the navigation season, shifting
59 a large amount of water away from navigation and other downstream uses of the Missouri River
60 to benefit upstream uses, such as reservoir recreation; and

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62 **Whereas**, despite the opposition of the Missouri Congressional delegation, the
63 Omnibus Appropriations Act of 2009 authorized the United States Army Corps of Engineers to
64 conduct the Missouri River Authorized Purposes Study at a total cost of \$25 million, which will
65 review the original authorized purposes of the Flood Control Act of 1944 and will determine if
66 changes to those purposes and existing federal water resources infrastructure may be warranted;
67 and

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69 **Whereas**, the United States Army Corps of Engineers began conducting the
70 Missouri River Authorized Purposes Study in October of 2009; and

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72 **Whereas**, the scope of the Study, as defined by the United States Army Corps of
73 Engineers, exceeds the scope of the congressional authority for the Study, in that, the Corps
74 intends to develop recommendations and alternatives to the authorized purposes that Congress
75 did not request; and

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77 **Whereas**, federal taxpayers' dollars should not be wasted to develop
78 recommendations and alternatives that Congress did not request or authorize; and

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80 **Whereas**, the Consolidated Appropriations Act of 2010 authorized the United
81 States Department of Transportation to conduct an independent and comprehensive study and
82 analysis at a total cost of \$2 million to supplement the Missouri River Authorized Purposes
83 Study and to develop a comprehensive understanding of the full value of river flow support to
84 users in the Mississippi and Missouri Rivers; and

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86 **Whereas**, the consolidated Appropriations Act of 2010 also authorized the
87 Missouri Department of Transportation to conduct a Missouri River Freight Corridor Study at
88 a total cost of \$900,000, which will examine how to increase freight tonnage moved on the
89 Missouri River, long-term development opportunities along the Missouri River corridor, and
90 ways to better use Missouri waterways to relieve infrastructure stress and congestion; and

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92 **Whereas**, at times, the Missouri River provides over 60% of the water in the
93 Mississippi River that passes St. Louis; and

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95 **Whereas**, if the navigability of the Mississippi River is negatively impacted
96 between the confluence of the Missouri and Mississippi Rivers and the confluence of the Ohio
97 and Mississippi Rivers, barges would no longer be able to travel from the far northern portions
98 of the Mississippi River to the Gulf of Mexico, which would devastate the barge industry, the
99 agricultural industry, and the transportation industry as a whole; and

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101 **Whereas**, it is imperative that the Missouri River Authorized Purposes Study
102 consider Mississippi River navigation when evaluating if changes to the authorized purposes of
103 the Flood Control Act of 1944 are warranted:

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105 **Now, therefore, be it resolved** that the members of the House of
106 Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate
107 concurring therein, hereby express our continued opposition to the Missouri River Authorized
108 Purposes Study and to the alternation of the Missouri River's primary purpose of navigation and
109 flood control; and

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111 **Be it further resolved** that the Missouri General Assembly urges the
112 Missouri Congressional delegation to actively oppose funding of the Missouri River Authorized
113 Purposes Study in future fiscal years; and

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115 **Be it further resolved** that the Missouri General Assembly urges the United
116 States Army Corps of Engineers to narrow the scope of the Missouri River Authorized Purposes
117 Study to make it consistent with congressional authority and to include Mississippi River
118 navigation in any evaluation of the authorized purposes under the Study; and
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120 **Be it further resolved** that the Chief Clerk of the Missouri House of
121 Representatives be instructed to prepare a properly inscribed copy of this resolution for the
122 United States Army Corps of Engineers and each member of the Missouri Congressional
123 delegation.

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