

# 2014 Missouri River Navigators Meeting

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## Who am I?

- ❑ Attorney with law firm of Lathrop & Gage LLP
- ❑ Former Director of Missouri Department of Natural Resources
- ❑ Represent Commercial Sand Dredging interests on the Missouri
- ❑ Stakeholder representative for Waterways Industries on Missouri River Recovery Implementation Committee
- ❑ Have been representing interests on the River for 23 years

## What are we going to discuss?

- ❑ In the big strategic picture, why is Commercial Sand Dredging important?
- ❑ Three levels of the game: the basin and flow support; the upper BSNP and the lower BSNP
- ❑ Sustaining the Middle Mississippi: the 2012 experience
- ❑ Threats to sustaining navigation from Sioux City to Cairo

## The formula for flow

- April to November Season
- Navigation given priority in the authorized purposes
- St. Louis to Sioux City
- The Mississippi River does not exist

## The formula to float

- ❑ 9 feet deep 300 feet wide
- ❑ Self scouring channel

## The formula to maintain

- ❑ Tonnage x distance = tonnage/mile
- ❑ Above the line vs. below the line allocation of maintenance dollars

## Navigation Tonnage Baseload

- ❑ Commercial Sand Dredging represents constant tonnage on the system. Much like a baseload power plant
- ❑ Commercial Sand Dredging authorized prior to 2006 = 11,000,000 ton/yr.
- ❑ Commercial Sand Dredging authorized 2014 = 5,880,000 ton/yr.
- ❑ Assuming maximum delivery (2006) versus current permitted tonnage the maximum baseload available has been reduced 46%
- ❑ Desired tonnage haul distance – 10 mile or less
- ❑ Commercial sand and aggregate represent 80+% of tonnage on the river
- ❑ Eerily similar to the “War on Coal”

## The negatives

- ❑ Reduced tonnage means less money for maintenance (formula)
- ❑ Reduced mileage means less money for maintenance (formula)
- ❑ Reduced flow certainty means greater difficulty marketing high tonnage long distance loads at the right times
- ❑ Less tonnage compromises our negotiating posture for flow
- ❑ THIS IS A NON SUSTAINABLE NEGATIVE SPIRAL (“Death Spiral Scenario”)
- ❑ Not the fishes fault, not the habitat creation fault – except when the alternatives modify flow.

## Modern Era Threats to Navigation

- ❑ “No CSD Dredging” alternatives presented in Bed Degradation studies in KC and other segments of the river - eliminating (or further attempts to dramatically reduce) baseload tonnage
- ❑ “Surplus” water for fracking in Dakotas - flow
- ❑ Resurrection of the Garrison Diversion project (using North Dakota surplus funding from oil and gas) – flow
- ❑ USACE position that the Missouri River ends at St. Louis and flow not available for the Middle Mississippi - flow
- ❑ Pallid Sturgeon – flow
- ❑ Kansas aqueduct to Denver and front range – flow
- ❑ California drought - flow

## Modern Era Threats cont.

- ❑ Environmentalist habitat positions to eliminate the BSNP north of Rulo to Sioux City due the lack of tonnage – return to natural condition argument – habitat
- ❑ USACE will to continue to fight for navigation on the Missouri - political

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