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# Appendix E

## DSEIS Public Comments and Responses

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This Appendix contains the responses to all comments received on the DSEIS during the 45-day public comment period, which lasted from September 20, 2002 until November 4, 2002. All comments were numbered as they were received. Each numbered comment letter is subdivided into specific comments and these comments are numbered sequentially within each comment letter. Every written comment received along with its corresponding response was included in this appendix. Following the

written comments included in this appendix are the transcripts from each of the six public hearings held during the comment period. Each individual's testimony is divided into comments as was done for written comments and the response to each comment is provided. The following index lists the written comments and public hearing testimony alphabetically by individual or organization and the page on which the response may be found.

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Comment noted.

**COMMENT FORM**

US Army Corps of Engineers®  
Kansas City District

Meeting Date: October 2, 2002

Open House/Public Hearing for the  
Draft Supplemental Environmental Impact Statement  
Missouri River Fish and Wildlife Mitigation Project

Name: <u>Carla Klein</u>	Address: <u>1007 N. College Suite (Columbia) MO</u>
Affiliation: <u>Sierra Club</u>	Phone Number: <u>65801</u>
Email: <u>carla.klein@sierraclub.org</u>	Phone Number: <u>(523) 815 8250</u>

Please write your comments on the Draft SEIS in box below. Your comments may also be sent to the address on the reverse side, and must be post marked NO LATER THAN NOVEMBER 4, 2002.

*The Opack Chapter of the Sierra Club would like to go on record as being in support of the Wildlife Mitigation Project for the Missouri River. We will submit detail comments by the deadline.*

Circle back on other side

1. Comment noted.
2. Increased shallow water habitat up to 20,000 acres, adaptive management, and a monitoring program are components of the Preferred Alternative.

**COMMENT FORM**

**US Army Corps of Engineers®**  
Kansas City District

Meeting Date: October 8, 2002

Open House/Public Hearing for the  
Draft Supplemental Environmental Impact Statement  
Missouri River Fish and Wildlife Mitigation Project

Name: ROGER STILL	Address: 2620 Forum Blvd, Suite C-1
Affiliation: EXECUTIVE DIRECTOR, AUDUBON SOCIETY OF MISSOURI	Phone Number: (313) 447-2244
Email: RSTILL@AUDUBON.MO. NAHARRA@AUDUBON.ORG	

Please write your comments on the Draft SEIS in box below. Your comments may also be sent to the address on the reverse side, and must be post marked NO LATER THAN NOVEMBER 4, 2002.

1  
The Columbia Missouri, the state office of the National Audubon Society, suggests the Missouri River Fish and Wildlife Mitigation Project is a good example of the Corps of Engineers. Audubon's 10,000 members in the state are supportive of efforts by the Corps to mitigate the adverse impacts of the Channelization and straightening of the Missouri River.

2  
The Missouri River valley is one of the world's great systems and should be restored to preserve the natural heritage and to provide recreational opportunities to the growing number of wildlife watchers. Audubon further recommends the Corps to increase shallow water habitat to 20,000 acres or more if possible in the SEIS, to provide for adaptive management.



③ — 1651 NE ANTIKID RD #2  
 KANSAS CITY, MO 64117  
 ROBERT S. THURTCHEY

US ARMY CORPS OF ENGINEERS

DEAR SIRS,

I AM A LIFELONG ENJOYER OF OUTDOORS MISSOURI. I SUPPORT THE PREFERRED ALTERNATIVE OF EXPANDING THE MITIGATION PROJECT BY 118,650 ACRES. IT WILL BENEFIT MISSOURI FISH AND WILDLIFE, IT'S ALSO GOOD FOR PEOPLE, SINCE THE RESTORED AREAS WILL PROVIDE INCREASED RECREATION OPPORTUNITIES AS WELL AS NATURAL FLOOD CONTROL.

DON'T OVER ENGINEER THE SITES - LET THE RIVER DO AS MUCH OF ITS OWN WORK AS POSSIBLE. HABITAT RESTORATION IS NOT A REPLACEMENT FOR RESTORING MORE NATURAL FLOWS. BOTH HAVE TO BE DONE SIMULTANEOUSLY.

*Robert S. Thurtchey*

1. Comment noted.
2. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design.
3. Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, are being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.

1. Comment noted.
2. Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, is being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.

④

DEAR ARMY CORPS OF ENGINEERS

I WOULD LIKE TO VOICE

MY SUPPORT OF THE MISSOURI

RIVER FISH & WILDLIFE MITIGATION

PROJECT. HABITAT RESTORATION

IS GOOD FOR FISH & WILDLIFE,

BUT ALSO FOR PEOPLE. IT

ALLOWS FOR MORE RECREATION

OPPORTUNITIES.

HOWEVER, HABITAT RESTORATION

IS NOT A REPLACEMENT FOR

RESTORING MORE NATURAL FLOWS,

BOTH NEED TO BE DONE

CONCURRENTLY, THANK YOU.

Sincerely, MIKE HURD

⑤

Attention US Army Corps of Engineers

As members of the Sierra Club and residents of Parkville, Missouri, we feel strongly for the long-term health of the Missouri River. We chose to move to Parkville to be right on the banks of this wonderful natural resource. We hope you take into consideration our support of the MO River Fish and Wildlife Mitigation Project to restore fish and wildlife habitat losses due to the outdated channelization of the MO RIVER.

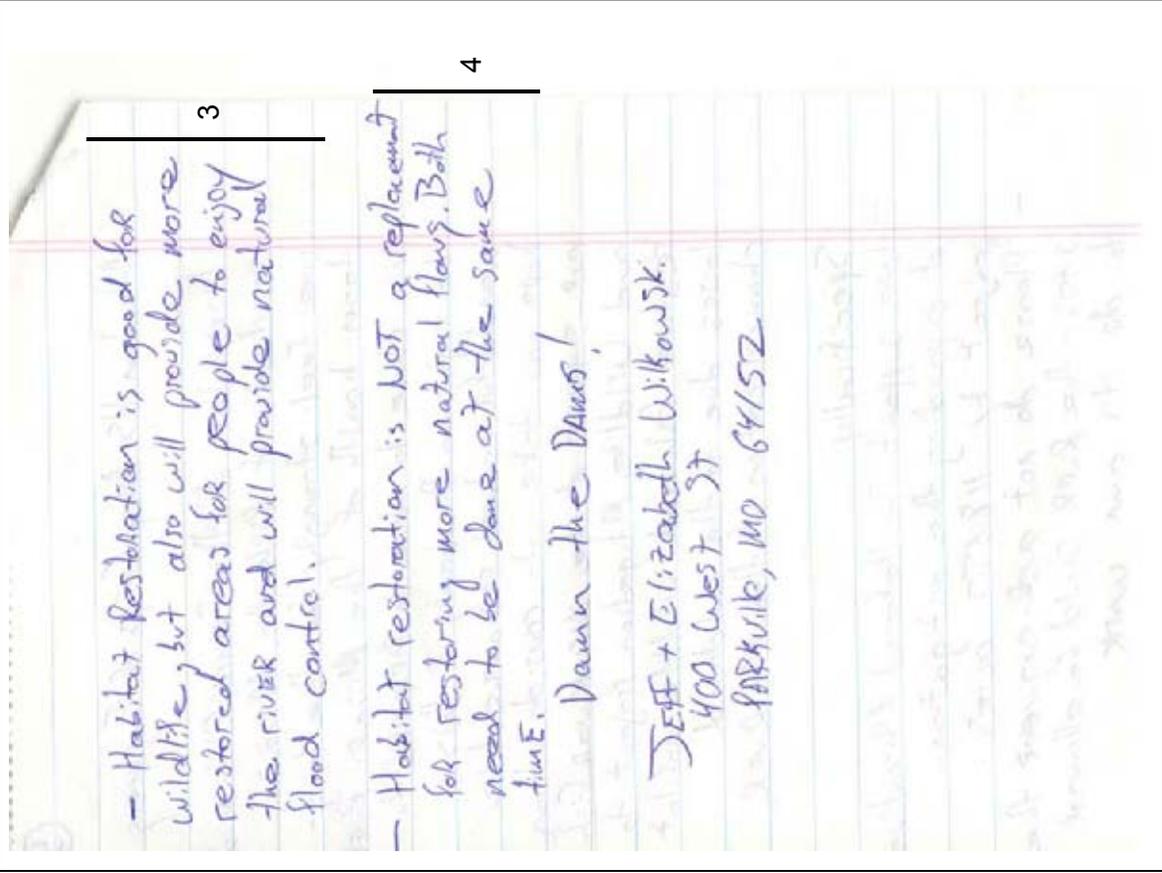
1

Specifically

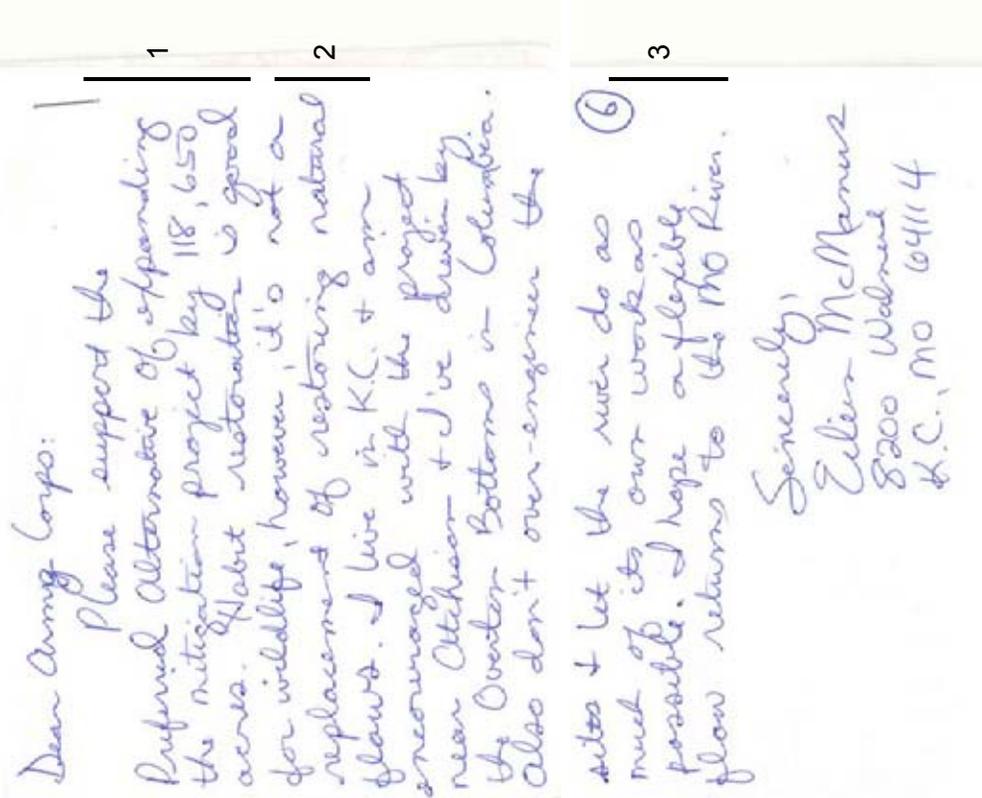
- We support the Preferred Alternative of expanding the mitigation project by 118,650 acres
- Please do not over-engineer the sites - the RIVER should be allowed to do it's own work

2

1. Comment noted.
2. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design.



3. The DSEIS detailed the benefits of the Preferred Action to recreation and access and the potential benefits to flood control.
4. Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, is being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.



1. Comment noted.
2. Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, is being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.
3. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design.

Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, is being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.

⑦

Kelly Ryan  
 CEN W.K. PMCSJ.  
 US Army Corp of Eng.  
 Kansas City  
 Dist 601 E. 12th St.

Washington Mo.  
 Oct 16, 02

Please add my name  
 in protest of releasing water from the  
 reservoir into spring. The construction  
 dept. are worried about a few birds and  
 fish species. Most of the human species  
 Spring flooding is no time to add  
 more water. Use your common  
 sense.

Thank You  
 Mrs. Arthur Stallman  
 514 E. 7th St.  
 Washington Mo  
 63090

Dear Sirs: ⑧

Please consider the needs of the people and DON'T release water from the reservoirs in the spring. You should put this in the right perspective.

I am pastor of a church for 40 years and represent many registered voters of which I am one.

Rev. Robert Templeton  
Helen Templeton  
and The Gloriosa Comm.  
Church of God  
5012 Timbulone  
Gerald, MO. 63037

Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, is being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.

9



**US Army Corps of Engineers**  
Kansas City District

**COMMENT FORM**

Meeting Date: October \_\_, 2002

Open House/Public Hearing for the  
Draft Supplemental Environmental Impact Statement  
Missouri River Fish and Wildlife Mitigation Project

Name: <u>Maria Proctor</u>	Address: <u>1 Buckingham Drive</u>
Affiliation: _____	Phone Number: <u>Washington, Mo. 63086</u>
Email: _____	_____

Please write your comments on the Draft SEIS in box below. Your comments may also be sent to the address on the reverse side, and must be post marked NO LATER THAN NOVEMBER 4, 2002.

1  
Please, do not flood the grounds in  
the spring. I don't approve of what you  
are trying to do. Also, don't stop the bridges  
on the river.

2

Continue on other side

1. Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, is being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.
2. Navigation would not be adversely affected by the Missouri River Fish and Wildlife Mitigation Project. The Corps is obligated to maintain the existing nine-foot deep and 300-foot wide navigation channel constructed as part of the BSNP. Mitigation sites developed under the Missouri River Fish and Wildlife Mitigation Project will be designed to avoid any adverse impacts to navigation.

Comment noted.

To Coupe - Kelly 10/19/02 (10)

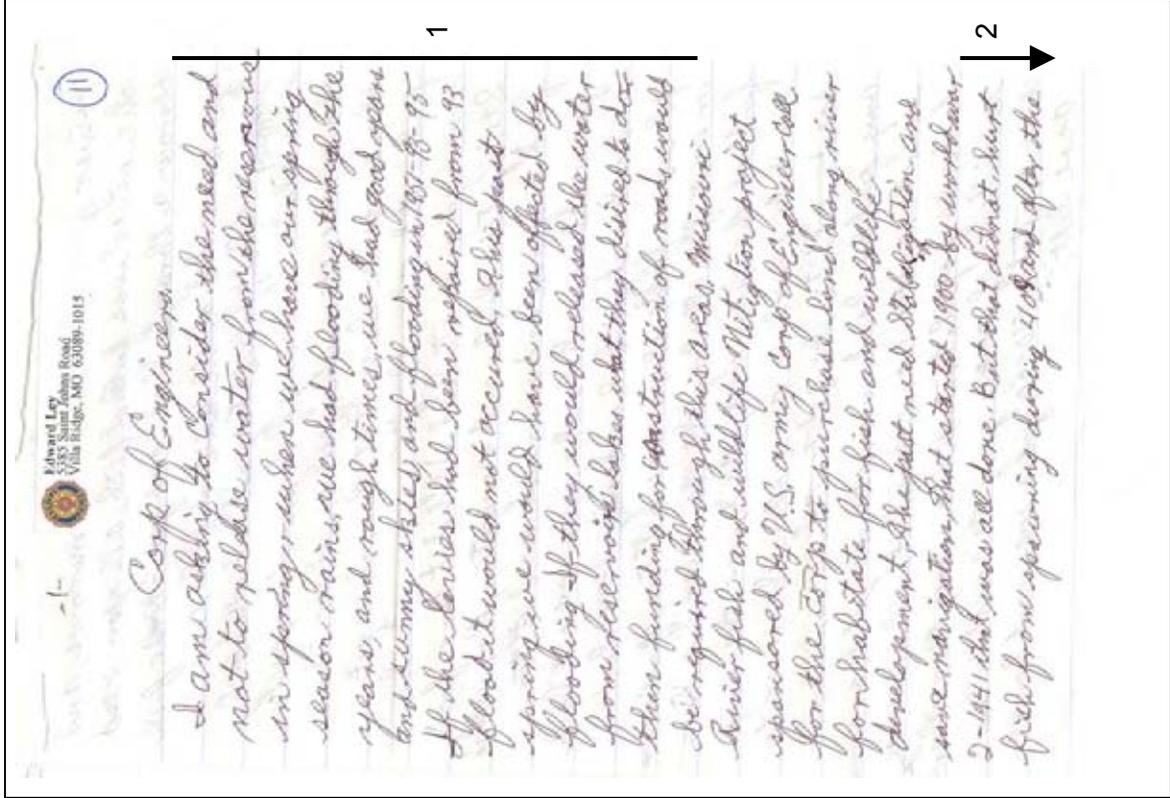
Please stop buying land along the Mo. river with my (our) tax money. People, jobs, food, are more important than a navigation for species of food + fish.

Too much government involvement in more problems in most cases.  
 Example: check the address on this envelope: 7 that right 7 level for an address. Dms!!!  
 Dan B.M. P.S. other side →

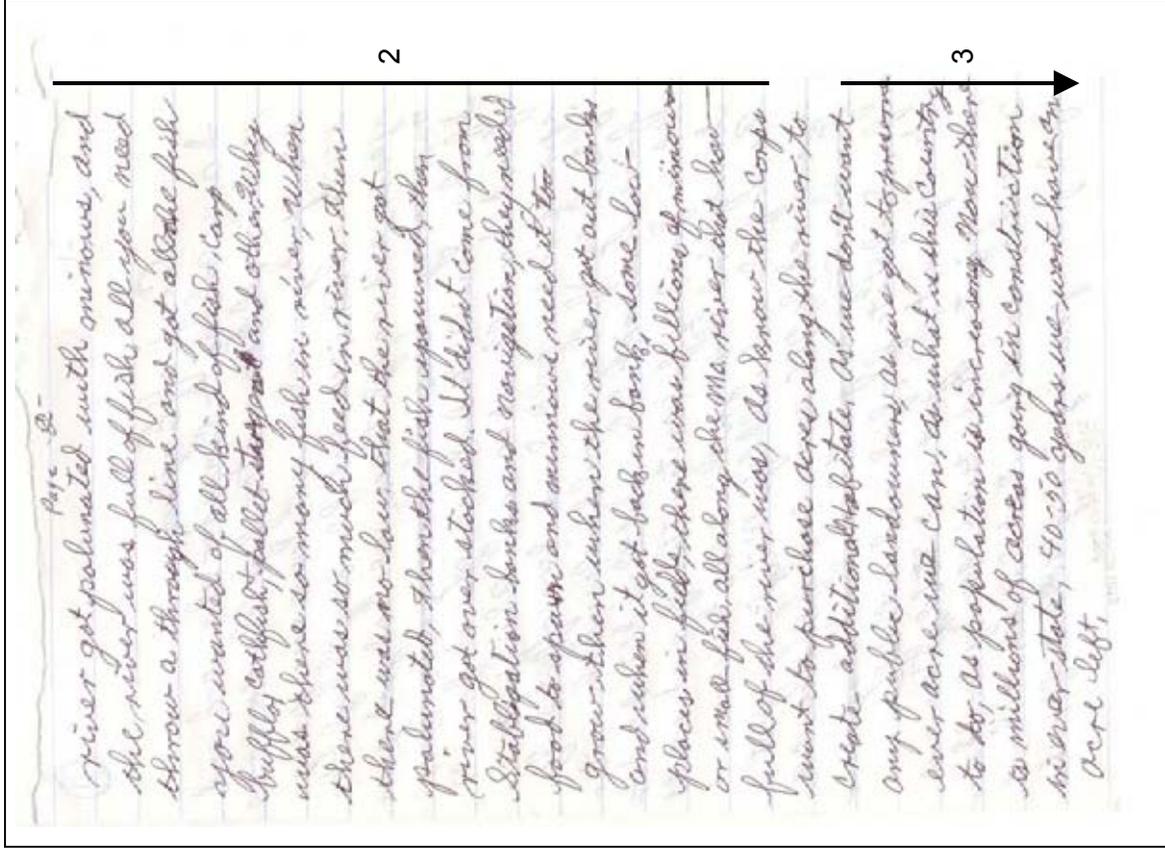
If you were spending your hard earned money (after I pay taxes you want <sup>expense.</sup> I believe you would think twice

Please reply -  
 Mary Ann  
 John D. Drudge  
 313 E. Myran St.  
 Washington, Mo.  
 63090

NOTE  
 Haines



1. Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, is being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.
2. Construction of the BSNP directly resulted in the loss of aquatic habitat for fisheries on the Lower Missouri River. The adverse effects of channelizing rivers on fish populations are well documented. The BSNP directly led to a decline in fish populations due to the direct loss of habitat.



3. The Corps' policy is to acquire land from willing sellers only. It was estimated in the DSEIS that if all planned Federal and state conservation and mitigation projects within the ROI maximized their respective land acquisition authorizations, only approximately 1.8 percent of the land area in the ROI studied in the DSEIS would be converted to public conservation use. This was considered a less than significant cumulative impact in the DSEIS. Also, some of the existing mitigation sites managed by the various state fish and game agencies in the ROI are leased to farmers for crop production.

- 4. The policy of the Corps in implementation of the Missouri River Fish and Wildlife Mitigation Project is to acquire land from willing sellers only.
- 5. Comment noted.

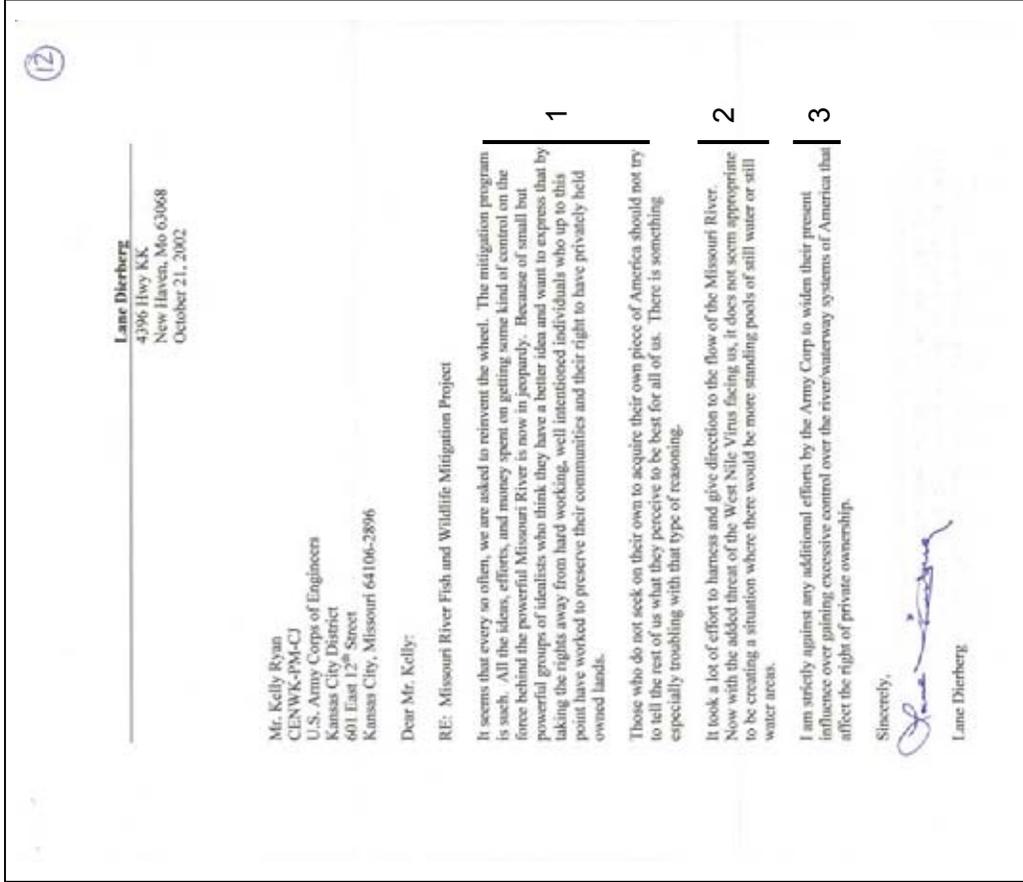

  
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3  
 Of ground left. So think of it show we going to feed the population. The foreign have no surplus to export. So lets keep the river as it is. then we won't freeze out farmers out of the plains as they made there home there to live to their end. then we should not release water out reservoirs in spring and flood all bottom. lets keep in the reservoir as we always got enough spring rain. to almost flood river. If river goes out, that is not a big sport. all them all land and timber is nothing than mud. They and no wildlife habitats. they habitats where there is food. then there is no wildlife till in fall when vegetation comes back. if there is food. if we want fish in river then Corp Engineer has to start feeding them.

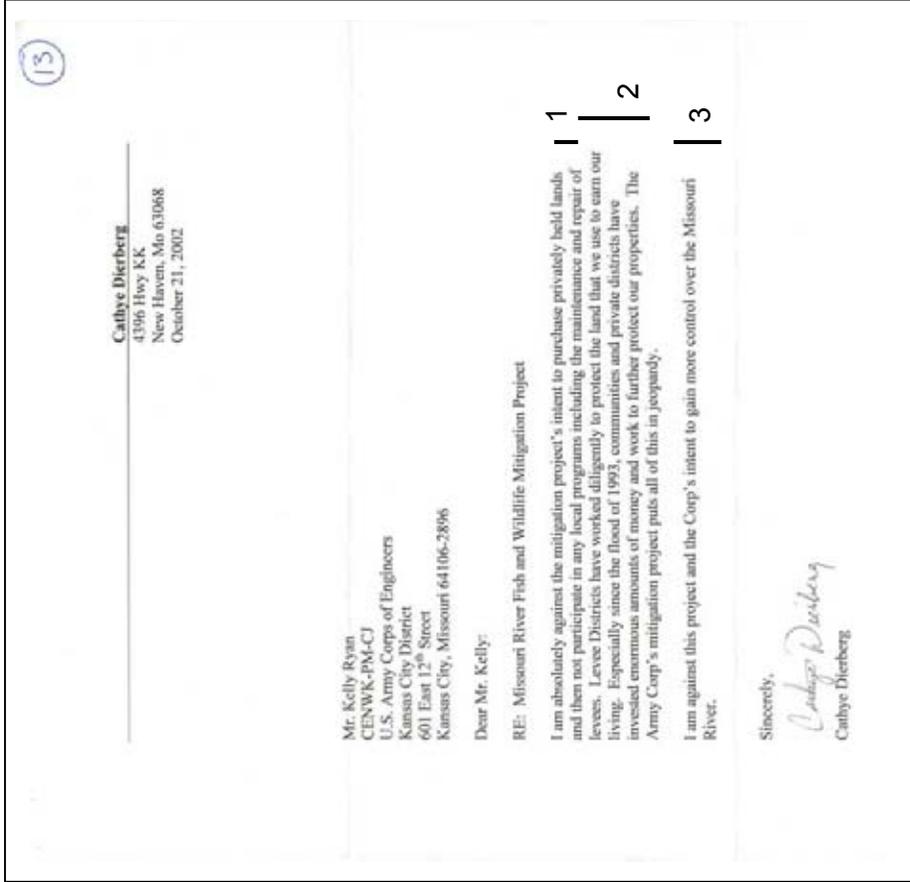
4  
 5

Truly  
 Edward LeV


  
 Edward LeV  
 U.S. Saint John's Fund  
 Villa Ridge, MO 63088-1013



1. Comment noted.
2. Of the approximately 50 mosquito species in Missouri, only one species, the house mosquito (*Culex pipiens*) is considered a serious transmitter, or vector, of the West Nile Virus (WNV) to humans. This species is strongly associated with people, urban areas, and dwellings, and can breed in small amounts of water where few other species can survive. Flowing waters and those with fish are less likely to be used by mosquitoes. Many fish use mosquito larvae as a food source, thus eliminating potential WNV carriers. Mosquitoes are very weak flyers and will travel only about 30 to 50 yards from where they are bred. Due to these reasons, the creation of wetlands, chutes, and shallow water habitat as part of the Missouri River Fish and Wildlife Mitigation Project is not anticipated to cause an increase in WNV or WNV carriers. Additional information is available at: <http://www.conservation.state.mo.us/hunt/wnv/index.htm>
3. Comment noted.



1. The Missouri River Fish and Wildlife Mitigation Project would only acquire land from willing sellers.
2. If the Corps were to purchase lands within a levee district, it would not make levee assessment payments towards the repair and maintenance of levees. However, the Federal government allows for a payment in lieu of taxes (PILT) to be paid to local governments that could potentially compensate for lost levee assessment funds. The Corps is also committed to working with levee districts in which they purchase land to establish an agreeable solution. This may include working towards an agreeable levee realignment that would result in a new levee, which would decrease maintenance costs to the levee district, limiting the number of acres acquired in a levee district, or purchasing all the land in a levee district if all property owners were willing sellers.
3. Comment noted.

1. The policy of the Corps in implementation of the Missouri River Fish and Wildlife Mitigation Project is to acquire land from willing sellers only.
2. Comment noted.

(14)



**US Army Corps of Engineers**  
Kansas City District

COMMENT FORM

Meeting Date: October 21, 2002

Open House/Public Hearing for the  
Draft Supplemental Environmental Impact Statement  
Missouri River Fish and Wildlife Mitigation Project

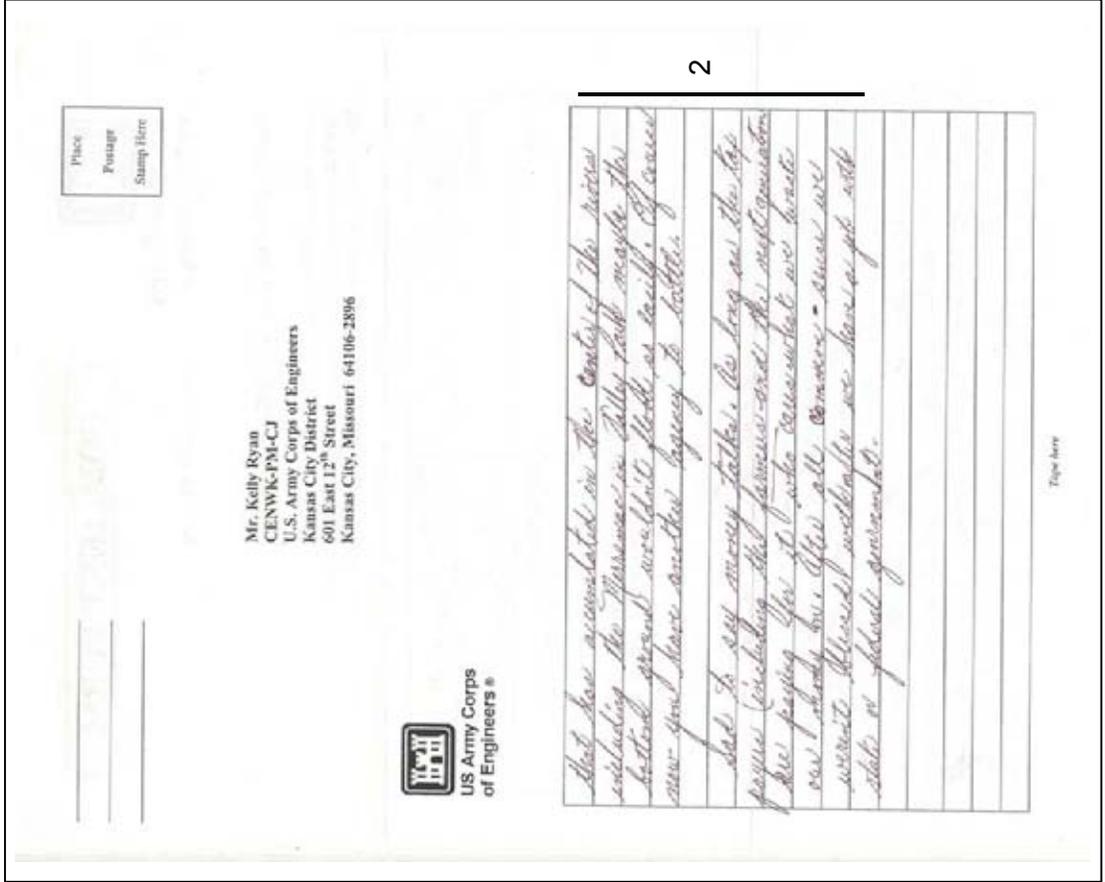
Name: <u>Patricia Tucker</u> Affiliation: _____ Email: _____	Address: <u>1665 Hwy A M</u> <u>Wheeler, Idaho 83488</u> Phone Number: <u>636-451-4112</u>
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Please write your comments on the Draft SEIS in box below. Your comments may also be sent to the address on the reverse side, and must be post marked NO LATER THAN NOVEMBER 4, 2002.

1

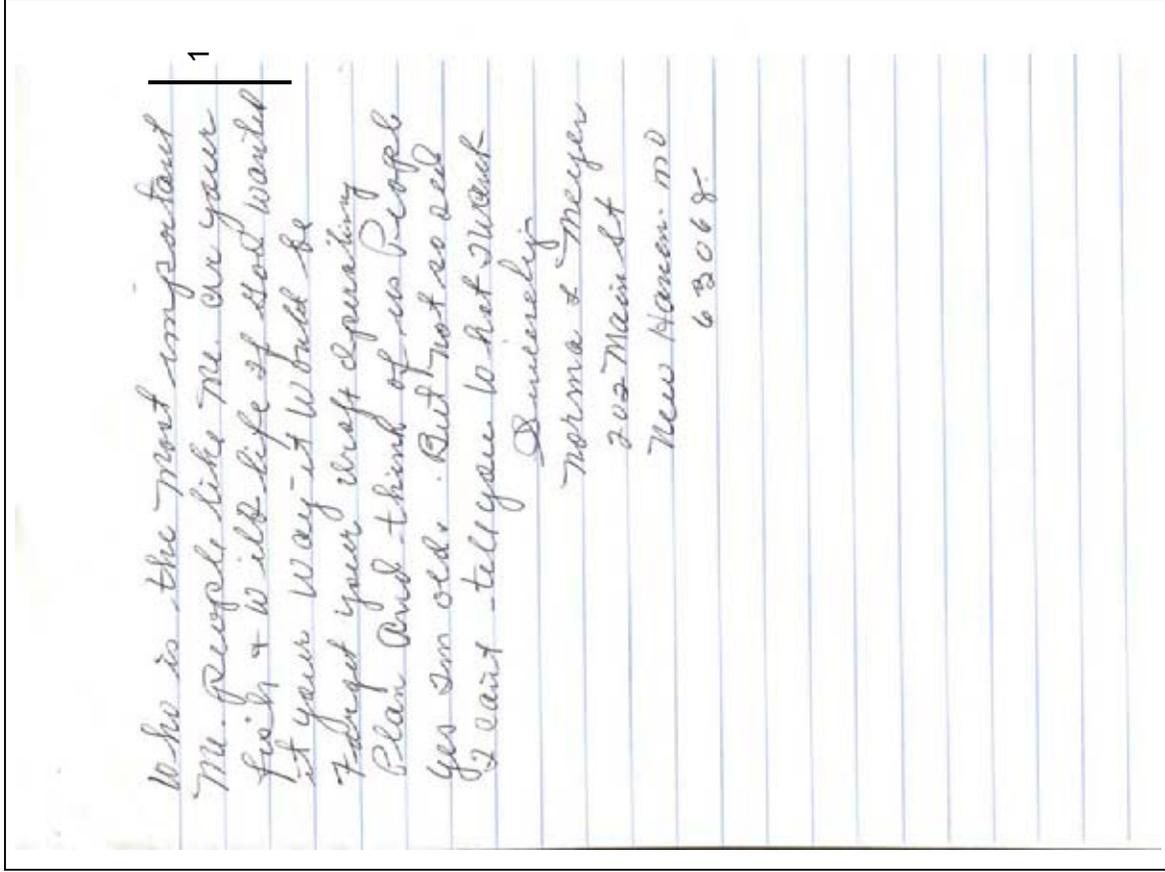
2

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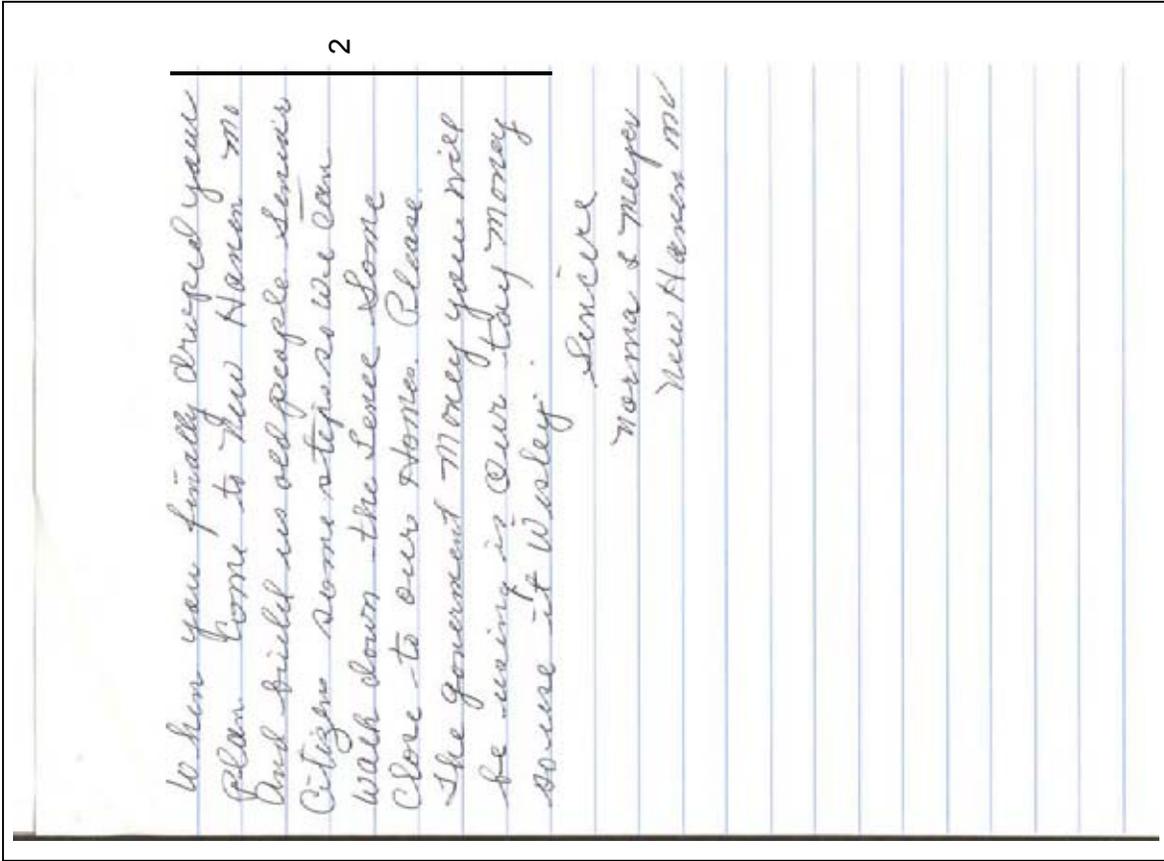


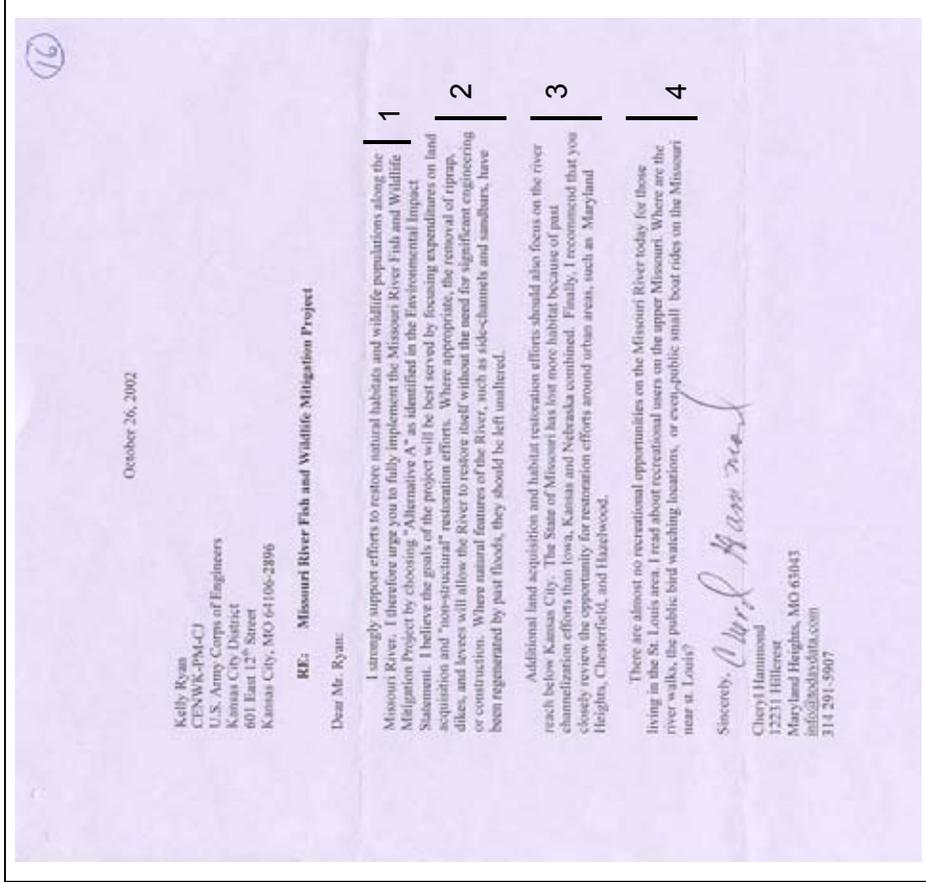
(5)  
 New Haven Mo  
 Corp of Engineers Oct. 22. 2002  
 Dear Sirs  
 I've written to you once  
 before and I hope your letter  
 to me was. In an old lady 81.  
 I've lived close to the river  
 since lat 40's and yes my  
 family was affected by the  
 floods. Before the fence I  
 had the mo river on the  
 street in front of my house -  
 93 and 95 I moved my  
 house hold goods. Needles to  
 say the building was clump  
 my furniture especially the  
 bed room set is floting  
 The veneer is all cracked  
 And coming off I can't afford  
 new furniture. So please  
 leave the river alone.  
 I've seen enough floods.  
 And don't need any more

1. The acquisition of land for fish and wildlife development as proposed in the Preferred Action in the DSEIS would not increase flooding on private lands. The Preferred Action is anticipated to result in benefits to flood control by setting back levees where possible to allow for an increase in flood storage capacity. Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, is being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this DSEIS.

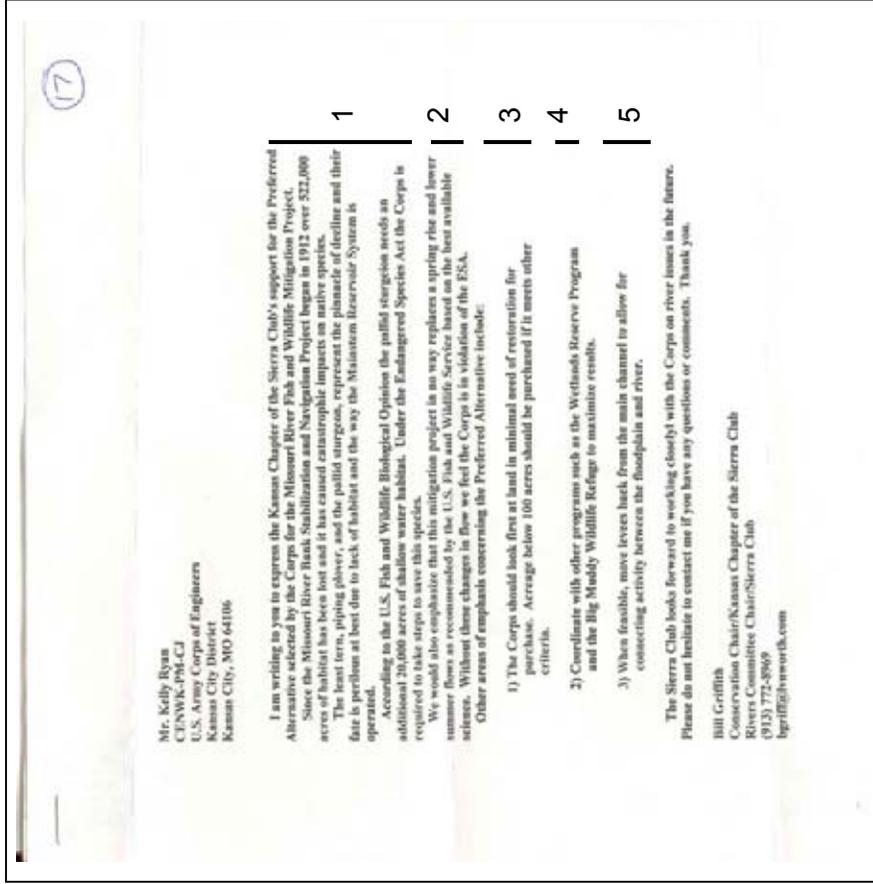


- 2. This request is outside the scope of activities for the Missouri River Fish and Wildlife Mitigation Project.

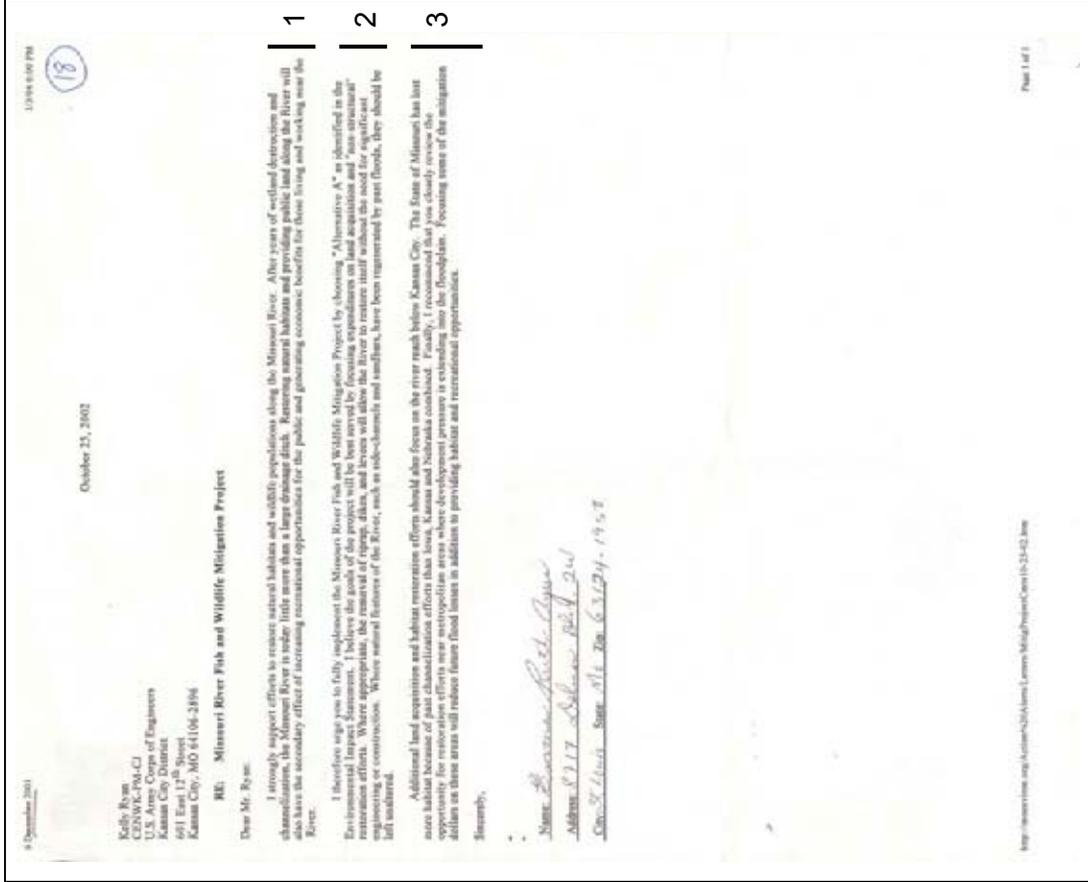




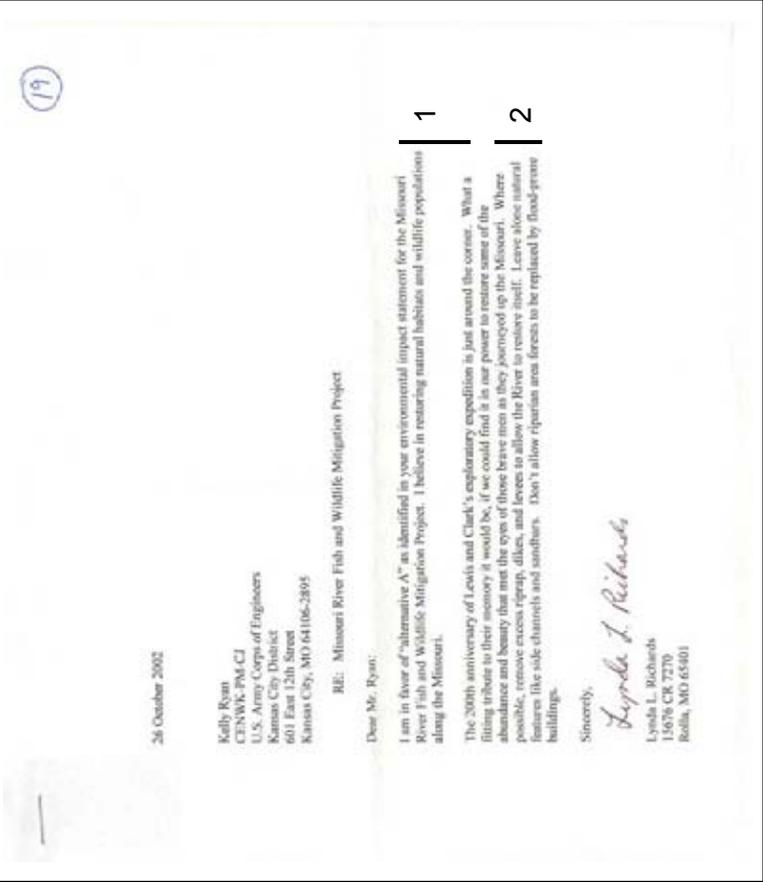
1. Comment noted.
2. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design. Restoration activities involving modification or removal of riprap, levees, and dikes would be incorporated into site design when such modifications can be made without impacting the navigation channel or flood control.
3. The acquisition of land under the Missouri River Fish and Wildlife Mitigation Project would include lands in the reach below Kansas City. Land acquisition is dependent on the availability of willing sellers. If willing sellers are located in the area of Maryland Heights, Chesterfield, and/or Hazelwood, the Corps would consider the acquisition of Mitigation Project land in those areas.
4. The authorized purpose of the Missouri River Fish and Wildlife Project is to restore terrestrial and aquatic fish and wildlife habitat along the Lower Missouri River from Sioux City, Iowa to the mouth near St. Louis. Although, the acquisition of land and development of habitat would provide significant indirect benefits to recreation along the Missouri River, no Mitigation Project funds would be used for recreational facilities or features. Recreational facilities and features would have to be provided by others, such as the state fish and wildlife agencies, who then would operate and manage the facilities.



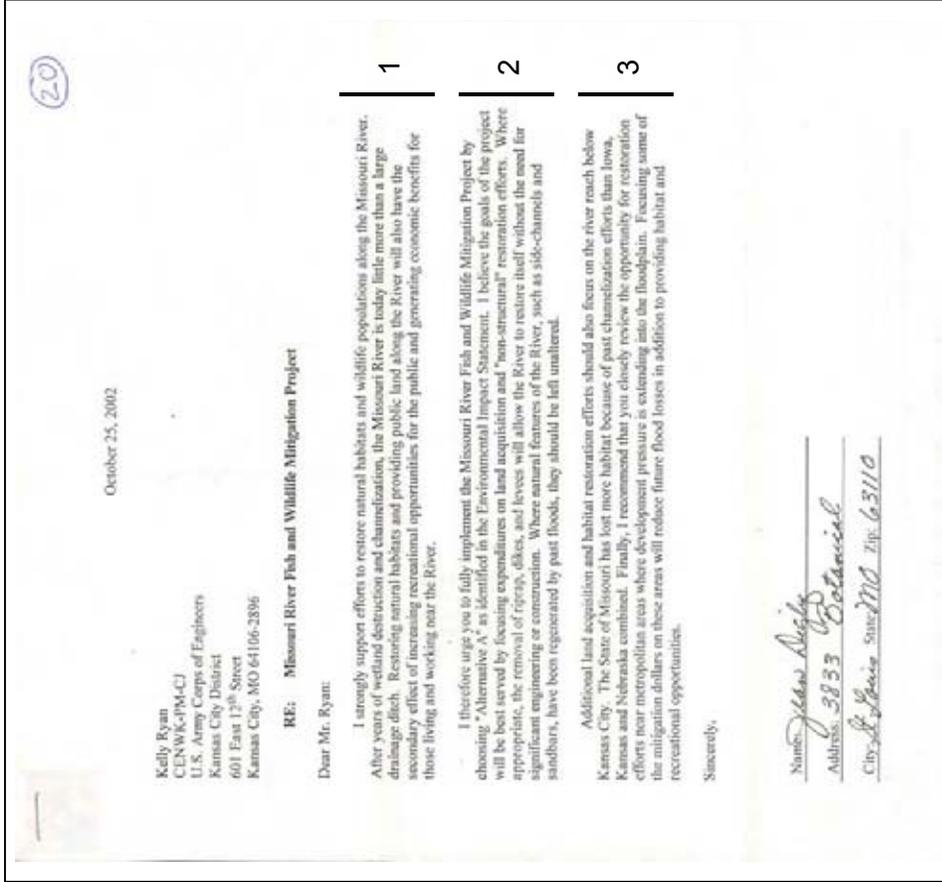
1. Comment noted.
2. Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, is being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.
3. The Corps places a priority on land that would require minimal need of restoration; however, land acquisition for the Mitigation Project is dependent on the availability and location of willing sellers. Mitigation sites of less than 100 acres in size may be acquired if the parcel contains unique or critical habitat or populations, small tracts suitable as additions to existing state or Federal lands, or small acreages needed for aquatic restoration.
4. The Corps has been coordinating with the NRCS and USFWS Big Muddy Refuge on land acquisition activities since the beginning of the Mitigation Project. This coordination occurs through the regular meetings of the Mitigation Project's coordination team and also through periodic meetings of the Missouri River Partners, which is a committee of the Corps, MDC, MDNR, USFWS, and NRCS that meet regarding land acquisition along the Missouri River.
5. Current Mitigation Project sites have incorporated levee setbacks into design when feasible. Levee setbacks would continue to be included in the design of Mitigation Project sites when site-specific conditions allow for such activities and through working with the affected levee district.



1. Comment noted.
2. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design. Restoration activities involving modification or removal of riprap, levees, and dikes would be incorporated into site design when such modifications can be made without impacting the navigation channel or flood control.
3. The acquisition of land under the Missouri River Fish and Wildlife Mitigation Project would include lands in the reach below Kansas City. Land acquisition is dependent on the availability of willing sellers. Land near metropolitan areas would be considered for the Mitigation Project if appropriate willing sellers are available in the area.



1. Comment noted.
2. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design. Restoration activities involving modification or removal of riprap, levees, and dikes would be incorporated into site design when such modifications can be made without impacting the navigation channel or flood control.



1. Comment noted.
2. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design. Restoration activities involving modification or removal of riprap, levees, and dikes would be incorporated into site design when such modifications can be made without impacting the navigation channel or flood control.
3. The acquisition of land under the Missouri River Fish and Wildlife Mitigation Project would include lands in the reach below Kansas City. Land acquisition is dependent on the availability of willing sellers. Land near metropolitan areas would be considered for the Mitigation Project if appropriate willing sellers are available in the area.

**COMMENT FORM**

**US Army Corps of Engineers** Kansas City District

Meeting Date: October 2, 2002

Open House/Public Hearing for the Draft Supplemental Environmental Impact Statement Missouri River Fish and Wildlife Mitigation Project

Name: GERALD KLUESNER Address: 7168 SHAW 94  
 Affiliation: \_\_\_\_\_ Phone Number: NARTHASVILLE MO. (3357)  
 Email: \_\_\_\_\_ Phone Number: 636-433-2865

Please write your comments on the Draft SEIS in box below. Your comments may also be sent to the address on the reverse side, and must be post marked NO LATER THAN NOVEMBER 4, 2002.

1 It strongly opposes any increase in acreage not for the Missouri River  
 2 and Wildl. Mitigation project for any reason as it will take away  
 3 the best parcel for a large farm district, provide riparian forest, water  
 4 access  
 5 The area was already scheduled for large traffic by the Army Corps  
of Engineers as a road and should remain as is. At a time when the  
statewide highway system is deteriorating large traffic being over  
affected is needed over the area.  
Large bridge change discussion has been placed in table scroll  
and the lack of owner opinion of job and wildlife will not  
affect our future. Highway Board Kluesner

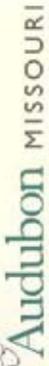
Continue on other side

1. Comment noted.
2. The loss of tax base a county would experience would be dependent on the amount of acres purchased in that county and the tax rate for acreage in that county. The tax base impact analysis conducted in the DSEIS (Section 4.5.2) determined that urban counties could experience a loss of 0.7 percent of county revenues considered as a percent of Federal, state, and local tax revenues. In rural counties, the tax base impact could be higher with losses of up to 2.5 percent of the county's local tax revenue base, and when all sources of revenue were considered the loss would be less than 1.8 percent.
3. The DSEIS determined that the Preferred Action for the Missouri River Fish and Wildlife Mitigation Project could have a significant impact on levee and drainage districts due to potential increases in levee assessments for remaining landowners. The Corps is committed to working with levee and drainage district associations to avoid negative impacts to levee district members as a result of the loss of levee assessments from the acquisition and development of a mitigation site. Potential measures to minimize adverse effects could involve limiting the amount of a levee or drainage district that would be acquired, acquire all land within the levee district if all members were willing sellers, or working with the district and landowners to develop an agreeable levee realignment. The impact analysis for levee and drainage districts is in Section 4.5.3. Groundwater impacts to adjacent landowners were determined to be less than significant (Section 4.2.2). However, site specific design and environmental assessments would be conducted to determine the site specific potential for off-site groundwater impacts and identify measures to avoid adverse effects.
- 4.

5. Navigation would not be adversely affected by the Missouri River Fish and Wildlife Mitigation Project. The Corps is obligated to maintain the authorized nine-foot deep and 300-foot wide navigation channel constructed as part of the BSNP. Mitigation sites developed under the Missouri River Fish and Wildlife Mitigation Project will be designed to avoid adversely affecting river navigation.

22

Comment noted.

 Audubon MISSOURI

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Suite C-1  
Columbia, MO 65203  
Tel: 573-447-2249  
Fax: 573-447-2428  
www.audubon.org  
October 23, 2002

US Army Corps of Engineers  
Kansas City District  
ATTN: CENWK-PM-CJ  
601 East 12<sup>th</sup>  
Kansas City, MO 64106

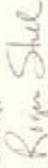
RE: Draft Supplemental EIS on the Missouri River Fish & Wildlife Mitigation Project - September 2002

Audubon Missouri is the state office of the National Audubon Society and we represent approximately 9,000 Audubon members in Missouri. Audubon Missouri strongly support the conservation and restoration of natural ecosystems for the benefit of fish and wildlife as well as ecological diversity. Therefore, I am very pleased to review the Draft Supplemental Environmental Impact Statement (DSEIS) regarding the Missouri River Fish and Wildlife Mitigation Project.

I understand that in 1986 the Congress authorized the development of 48,100 acres of aquatic and terrestrial habitat for fish and wildlife from St. Louis, Iowa to the mouth of the Missouri River near St. Louis, a length of 735 river miles. The Missouri River Mitigation Project is designed to mitigate, or compensate, for the severe fish and wildlife habitat losses that resulted from past channelization efforts on the Missouri River.

In the Water Resources Development Act of 1999, the Missouri River Fish and Wildlife Mitigation Project was reauthorized to include an additional 118,650 acres of land to be purchased from willing sellers on which to develop, restore or enhance fish and wildlife mitigation sites. I further understand that the total mitigation project would re-establish 166,750 acres of fish and wildlife habitat, which is 32 percent of habitat, lost due to the channelization project.

Audubon Missouri supports Alternative A in the DSEIS that would increase mitigation efforts by 118,650 acres to a total of 166,750 acres as authorized by Congress. We also support the development of at least 20,000 acres of shallow water habitat. We agree that this level of mitigation would provide a significant level of restoration for the Lower Missouri River floodplain ecosystem and provide fish and wildlife benefits as well as flood damage reduction benefits.

Sincerely,  
  
Roger Still  
Executive Director  
Audubon Missouri

cc: Audubon Missouri Board of Trustees

23

-----Original Message-----  
 From: Gordan, Michael T. [mailto:GordanM@missouri.edu]  
 Sent: Thursday, October 31, 2002 12:12 PM  
 To: Ryan, Kelly  
 Subject: COMMENTS ON THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE MISSOURI RIVER FISH AND WILDLIFE MITIGATION PROJECT

October 31, 2002

Troy Gordan  
 9703 N Rt. E  
 Harrisburg, MO 65256  
 gordanm@missouri.edu

Mr. Kelly Ryan  
 CENWK-PM CJ  
 U.S. Army Corps of Engineers  
 Kansas City District  
 601 East 12th Street  
 Kansas City, MO 64106-2996

COMMENTS ON THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE MISSOURI RIVER FISH AND WILDLIFE MITIGATION PROJECT

I would like to strongly support the goals outlined in the Draft Supplemental Environmental Impact Statement for the Missouri River Fish and Wildlife Mitigation Project. The project is just one small step to undo much of the environmental damage done by the Missouri River Bank Stabilization and Navigation Project. Of the proposed alternatives, I support the Preferred Action Alternative, A, allowing a total acreage of 19,650 acres including the development of 7,000 to 20,000 acres of shallow water habitat.

However, I do suggest that the total acres of shallow water habitat in Alternative A be increased so that a total of 20,000 acres be developed as a minimum. The U.S. Fish and Wildlife Service in its Biological Opinion calls for 19,650 acres of shallow water habitat to be developed. Therefore, a range of 7,000 to 20,000 acres is not acceptable and 20,000 acres must be considered a minimum conservative figure, with additional acreage above and beyond that figure being preferable.

The entire mitigation project will only be useful for the Missouri River for the majority of the time to the extent that shallow water habitat is developed. While the other lands that are acquired will provide benefits during times of flooding, it is the shallow water habitat that will provide the most benefit to species in the Missouri River. Development of channels, side channels, backwater areas, and slack water habitat areas will recreate the habitats types that were reduced or eliminated by the Missouri River Bank Stabilization and Navigation Project, and therefore, best meet the needs of the Missouri River Fish and Wildlife Mitigation Project. Allowing the river to spread over public lands and increase the surface area of the river when it won't flood private property is essential for the health of the Missouri River and for the survival of some of the most critically, threatened or endangered fish species within the river.

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1. Comment noted.
2. The Preferred Action in the DSEIS includes a range of shallow water habitat development from 7,000 to 20,000 acres. The USFWS BiOp establishes a goal of 20-30 acres of shallow water habitat per river mile in the channeled Missouri River. The acres of shallow water habitat developed by the Missouri River Fish and Wildlife Mitigation Project would depend on the amount of Congressional funding allocated to the Mitigation Project. The USFWS states in the BiOp that a restoration of 12,035 acres to 19,565 acres is reasonable and prudent. However, these acreages are dependent on what already exists downstream of Kansas City. The BiOp did not have data for this stretch of river. The Missouri River Fish and Wildlife Mitigation Project is intended to rehabilitate and restore fish and wildlife habitat for the benefit of many species of fish and wildlife, including critically threatened and endangered species. However, it is not the sole intent of this Congressionally authorized project to develop only shallow water habitat to benefit threatened and endangered fish species.

<b>3</b>	<p>Within the Preferred Alternative, I would support the acquisitions of lands on a fee title basis whenever possible, rather than by acquiring permanent easements from sellers. This will make the acquired lands more fully available to the public after public moneys are expended for restoration efforts.</p> <p>Acquired lands should be managed by the U.S. Fish and Wildlife Service whenever possible, rather than state agencies to prevent local and state politics from interfering with the management of these lands. Within the state of Missouri, lands acquired along the Missouri River between Kansas City and the mouth of the river should be managed by the U.S. Fish and Wildlife Refuge as part of the Big Muddy National Fish and Wildlife Refuge (although mitigation lands purchased by the U.S. Army Corps of Engineers and managed by the refuge should not be included within the 60,000 acres authorized for the refuge).</p> <p>Lands included in the 118,650 acres to be authorized under the Preferred Action Alternative should all be new acquisitions, and should not include existing state or federal lands that have mitigation projects developed on them. The 20,000 acres of developed shallow water habitat can be done on existing state or federal lands, however.</p> <p>One major concern that I have is the need for ongoing monitoring of the project areas. Funds need to be made available to allow biological monitoring, hydrological monitoring, and monitoring of usage by the public. This monitoring needs to be implemented at the beginning of the project so a baseline of data is created, and the monitoring needs to continue throughout the life of the project, then extend periodically after the project is completed. Since many of the projects incorporate experimental designs, this monitoring is essential to ensure that the project functions as it was originally intended. If the monitoring discovers problems, the design can then be altered until it does function properly.</p> <p>I am encouraged to see the emphasis on adaptive management for the projects. As time goes on, it will be discovered that some projects are not functioning as intended. It is important to be able to make changes at that time to improve functionality. Again, monitoring will be essential to provide the data to allow adaptive management to work.</p> <p>Thank you for the opportunity to comment on this DSEIS. I look forward to seeing additional mitigation sites on the Missouri River.</p> <p>Sincerely,</p> <p>Troy Gerdan</p>
<b>4</b>	<p>Acquired lands should be managed by the U.S. Fish and Wildlife Service whenever possible, rather than state agencies to prevent local and state politics from interfering with the management of these lands. Within the state of Missouri, lands acquired along the Missouri River between Kansas City and the mouth of the river should be managed by the U.S. Fish and Wildlife Refuge as part of the Big Muddy National Fish and Wildlife Refuge (although mitigation lands purchased by the U.S. Army Corps of Engineers and managed by the refuge should not be included within the 60,000 acres authorized for the refuge).</p> <p>Lands included in the 118,650 acres to be authorized under the Preferred Action Alternative should all be new acquisitions, and should not include existing state or federal lands that have mitigation projects developed on them. The 20,000 acres of developed shallow water habitat can be done on existing state or federal lands, however.</p> <p>One major concern that I have is the need for ongoing monitoring of the project areas. Funds need to be made available to allow biological monitoring, hydrological monitoring, and monitoring of usage by the public. This monitoring needs to be implemented at the beginning of the project so a baseline of data is created, and the monitoring needs to continue throughout the life of the project, then extend periodically after the project is completed. Since many of the projects incorporate experimental designs, this monitoring is essential to ensure that the project functions as it was originally intended. If the monitoring discovers problems, the design can then be altered until it does function properly.</p> <p>I am encouraged to see the emphasis on adaptive management for the projects. As time goes on, it will be discovered that some projects are not functioning as intended. It is important to be able to make changes at that time to improve functionality. Again, monitoring will be essential to provide the data to allow adaptive management to work.</p> <p>Thank you for the opportunity to comment on this DSEIS. I look forward to seeing additional mitigation sites on the Missouri River.</p> <p>Sincerely,</p> <p>Troy Gerdan</p>
<b>5</b>	<p>Acquired lands should be managed by the U.S. Fish and Wildlife Service whenever possible, rather than state agencies to prevent local and state politics from interfering with the management of these lands. Within the state of Missouri, lands acquired along the Missouri River between Kansas City and the mouth of the river should be managed by the U.S. Fish and Wildlife Refuge as part of the Big Muddy National Fish and Wildlife Refuge (although mitigation lands purchased by the U.S. Army Corps of Engineers and managed by the refuge should not be included within the 60,000 acres authorized for the refuge).</p> <p>Lands included in the 118,650 acres to be authorized under the Preferred Action Alternative should all be new acquisitions, and should not include existing state or federal lands that have mitigation projects developed on them. The 20,000 acres of developed shallow water habitat can be done on existing state or federal lands, however.</p> <p>One major concern that I have is the need for ongoing monitoring of the project areas. Funds need to be made available to allow biological monitoring, hydrological monitoring, and monitoring of usage by the public. This monitoring needs to be implemented at the beginning of the project so a baseline of data is created, and the monitoring needs to continue throughout the life of the project, then extend periodically after the project is completed. Since many of the projects incorporate experimental designs, this monitoring is essential to ensure that the project functions as it was originally intended. If the monitoring discovers problems, the design can then be altered until it does function properly.</p> <p>I am encouraged to see the emphasis on adaptive management for the projects. As time goes on, it will be discovered that some projects are not functioning as intended. It is important to be able to make changes at that time to improve functionality. Again, monitoring will be essential to provide the data to allow adaptive management to work.</p> <p>Thank you for the opportunity to comment on this DSEIS. I look forward to seeing additional mitigation sites on the Missouri River.</p> <p>Sincerely,</p> <p>Troy Gerdan</p>
<b>6</b>	<p>Acquired lands should be managed by the U.S. Fish and Wildlife Service whenever possible, rather than state agencies to prevent local and state politics from interfering with the management of these lands. Within the state of Missouri, lands acquired along the Missouri River between Kansas City and the mouth of the river should be managed by the U.S. Fish and Wildlife Refuge as part of the Big Muddy National Fish and Wildlife Refuge (although mitigation lands purchased by the U.S. Army Corps of Engineers and managed by the refuge should not be included within the 60,000 acres authorized for the refuge).</p> <p>Lands included in the 118,650 acres to be authorized under the Preferred Action Alternative should all be new acquisitions, and should not include existing state or federal lands that have mitigation projects developed on them. The 20,000 acres of developed shallow water habitat can be done on existing state or federal lands, however.</p> <p>One major concern that I have is the need for ongoing monitoring of the project areas. Funds need to be made available to allow biological monitoring, hydrological monitoring, and monitoring of usage by the public. This monitoring needs to be implemented at the beginning of the project so a baseline of data is created, and the monitoring needs to continue throughout the life of the project, then extend periodically after the project is completed. Since many of the projects incorporate experimental designs, this monitoring is essential to ensure that the project functions as it was originally intended. If the monitoring discovers problems, the design can then be altered until it does function properly.</p> <p>I am encouraged to see the emphasis on adaptive management for the projects. As time goes on, it will be discovered that some projects are not functioning as intended. It is important to be able to make changes at that time to improve functionality. Again, monitoring will be essential to provide the data to allow adaptive management to work.</p> <p>Thank you for the opportunity to comment on this DSEIS. I look forward to seeing additional mitigation sites on the Missouri River.</p> <p>Sincerely,</p> <p>Troy Gerdan</p>
<b>7</b>	<p>Acquired lands should be managed by the U.S. Fish and Wildlife Service whenever possible, rather than state agencies to prevent local and state politics from interfering with the management of these lands. Within the state of Missouri, lands acquired along the Missouri River between Kansas City and the mouth of the river should be managed by the U.S. Fish and Wildlife Refuge as part of the Big Muddy National Fish and Wildlife Refuge (although mitigation lands purchased by the U.S. Army Corps of Engineers and managed by the refuge should not be included within the 60,000 acres authorized for the refuge).</p> <p>Lands included in the 118,650 acres to be authorized under the Preferred Action Alternative should all be new acquisitions, and should not include existing state or federal lands that have mitigation projects developed on them. The 20,000 acres of developed shallow water habitat can be done on existing state or federal lands, however.</p> <p>One major concern that I have is the need for ongoing monitoring of the project areas. Funds need to be made available to allow biological monitoring, hydrological monitoring, and monitoring of usage by the public. This monitoring needs to be implemented at the beginning of the project so a baseline of data is created, and the monitoring needs to continue throughout the life of the project, then extend periodically after the project is completed. Since many of the projects incorporate experimental designs, this monitoring is essential to ensure that the project functions as it was originally intended. If the monitoring discovers problems, the design can then be altered until it does function properly.</p> <p>I am encouraged to see the emphasis on adaptive management for the projects. As time goes on, it will be discovered that some projects are not functioning as intended. It is important to be able to make changes at that time to improve functionality. Again, monitoring will be essential to provide the data to allow adaptive management to work.</p> <p>Thank you for the opportunity to comment on this DSEIS. I look forward to seeing additional mitigation sites on the Missouri River.</p> <p>Sincerely,</p> <p>Troy Gerdan</p>

3. Although mitigation sites are open to public access, the primary purpose of the Mitigation Project is to develop fish and wildlife habitat to mitigate for the losses that occurred as a result of the BSNP. The use of easements for future Mitigation Project sites would depend on future Corps land acquisition policy.
4. The Corps has involved the USFWS as well as the various state natural resource agencies in managing acquired mitigation sites through a license agreement. The Corps will continue to coordinate with the USFWS, MDC, and MDNR regarding management of future sites in the State of Missouri.
5. The authorization for development of the 118,650 acres of fish and wildlife habitat would allow for acreage to be developed on existing public lands, as has been done with the development of the previous 48,100 acres.
6. A monitoring and evaluation program would be developed by the Mitigation Project and used to implement adaptive management at mitigation sites.
7. The Corps plans to continue to use an adaptive management process with future mitigation sites.

November 1, 2002

Kerry Haller  
Friends of Big Muddy  
PO Box 28  
Columbia, MO 65205  
friends\_bgmuddy@juno.com

Mr. Kelly Ryan  
CESWK-PM-CJ  
U.S. Army Corps of Engineers  
Kansas City District  
601 East 12<sup>th</sup> Street  
Kansas City, MO 64106-2396

**DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE MISSOURI RIVER FISH AND WILDLIFE MITIGATION PROJECT COMMENTS**

Friends of Big Muddy is a group that supports and promotes the Big Muddy National Fish and Wildlife Refuge and the Missouri river ecosystems. As such, we are very interested in and strongly support the U.S. Army Corps of Engineer's Missouri River Fish and Wildlife Mitigation Project. We believe that Alternative A is the best alternative given in the Draft Supplemental Environmental Impact Statement and support its selection as the preferred action.

Friends of Big Muddy applauds the cooperation between the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service on the Overton Bottoms, North mitigation site. We believe the work at this site can serve as an excellent example for future projects on areas of the Big Muddy National Fish and Wildlife Refuge.

We would suggest that future acquisitions for the Mitigation Project that are along the Missouri River between Kansas City and St. Louis should be managed by the U.S. Fish and Wildlife Service as part of the Big Muddy National Fish and Wildlife Refuge. However, such lands should only be managed by the refuge and should not be counted as part of the 60,000 acres allowed for acquisition specifically for the refuge.

We also believe that emphasis should be on acquisition by fee title as opposed to purchasing of easements. We feel this is the best approach to ensuring lands will be protected and to allow access to these areas by the public for recreation.

We are concerned, however, by Alternative A's limit of only acquiring 7,000 to 20,000 acres of shallow water habitat. We understand the U.S. Fish and Wildlife Service's Biological Opinion to suggest a MINIMUM of 20,000 acres of shallow water habitat. Additionally, the known values of these habitat types (backwater and slack water areas, side channels and sloughs) make them the highest priority for mitigation development, as these habitats will provide far more benefits from other land-based acquisitions. We suggest that Alternative A should be changed so that it allows for a minimum of 20,000 acres of shallow water habitat with no upper limit established for this habitat type. Wherever possible, the Corps should work to increase the surface water area of the river, allowing it to expand over public lands.

We are concerned by the current lack of comprehensive monitoring of the existing mitigation sites. We believe that monitoring of these areas is essential, and provides the data necessary for the Corps to truly practice adaptive management in these areas. While we realize some monitoring is being done, we believe this monitoring needs to be expanded and additional funds provided to ensure that the mitigation projects which are undertaken are successful, and to allow additional planning if the projects are found not to realize the goals of the mitigation plan.

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Statement. Please include us on the mailing list for the Final Supplemental Environmental Impact Statement when it is developed.

Sincerely,

Kerry Haller

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1. Comment noted.
2. The Corps has involved the USFWS as well as the various state natural resource agencies in managing acquired mitigation sites through a license agreement. The Corps will continue to coordinate with the USFWS, MDC, and MDNR regarding management of future sites in the State of Missouri.
3. Although mitigation sites are open to public access, the primary purpose of the Mitigation Project is to develop fish and wildlife habitat to mitigate for the losses that occurred as a result of the BSNP. The use of easements for future Mitigation Project sites would depend on future Corps land acquisition policy.
4. The Preferred Action in the DSEIS includes a range of shallow water habitat development from 7,000 to 20,000 acres. The USFWS BiOp establishes a goal of 20-30 acres of shallow water habitat per river mile in the channelized Missouri River. The acres developed by the Missouri River Fish and Wildlife Mitigation Project would depend on the amount of Congressional funding allocated to the Mitigation Project. The USFWS states in the BiOp that a restoration of 12,035 acres to 19,565 acres is reasonable and prudent. However, these acreages are dependent on what already exists downstream of Kansas City. The BiOp did not have data for this stretch of river. The Missouri River Fish and Wildlife Mitigation Project is intended to rehabilitate and restore fish and wildlife habitat for the benefit of many species of fish and wildlife, including critically threatened and endangered species. However, it is not the sole intent of this Congressionally authorized project to develop only shallow water habitat to benefit threatened and endangered fish species.
5. A monitoring and evaluation program would be developed by the project and used to implement adaptive management at mitigation sites.

U.S. Army Corps of Engineers  
Kansas City and Omaha Districts

Page E-33

Missouri River Fish and Wildlife Mitigation Project  
March 2003

-----Original Message-----

From: Jack H. Harris  
To: MRManager@nwk02.usace.army.mil  
Sent: 11/2/02 9:16 AM  
Subject: Comments - DSEIS

25

2 November 2002

Kelly Ryan  
CENWK-PM-CJ  
US Army Corps of Engineers  
Kansas City District  
601 East 12th Street  
Kansas City, MO 64106-2896

Dear Mr. Ryan,

The purpose of this letter is to convey my comments re the Missouri River Fish and Wildlife Mitigation Project.

A very large, perhaps the largest, proportion of the species of conservation concern in Missouri - both flora and fauna - are directly or indirectly associated with the habitats that occur in the big river flood plains in Missouri. These alluvial flood plains are the terrestrial/aquatic natural features that have suffered severe degradation due to industrial, agricultural and cultural practices of our modern society.

I therefore strongly favor adoption of Alternative "A" of the Environmental Impact Statement. It is imperative that the Missouri River be restored to its natural condition and functionality to the degree possible.

I believe that the "record costs" incurred due to the "record floods" in the recent past are manifestations of politically inspired arbitrary and capricious disregard of the physics of natural systems as much as they may be due to precipitation.

The Missouri River Fish and Wildlife Mitigation Project is a welcome step toward a much needed remedy for past habitat destruction. I hope it is carried out to a successful conclusion.

I also hope that this program is an indicator that the nation may be turning to address a new challenge, i.e., to leave the planet in better physical (clean air, clean water, clean earth) and biological integrity (biodiversity) than it was when it was passed on to us.

Please make this letter a part of the official record on this project. And Please advise me of further actions and decisions that affect this proposal.

Sincerely,  
Jack H. Harris  
9708 Green Park Road  
St. Louis, MO, 63123-7133  
314-894-9021  
jahar@mac.com

Comment noted.

-----Original Message-----

From: MW Stoakes [<mailto:mstoakes@juno.com>]

Sent: Monday, November 04, 2002 11:24 AM

To: MRManager@nwk02.usace.army.mil

Subject: MO River Mitigation Project

26

US Army Corps of Engineers

Kansas City District

ATTN: CENWK-PM-CJ

601 East 12th

Kansas City, MO 64106

RE: Draft Supplemental EIS on the Missouri River Fish & Wildlife

Mitigation Project - September 2002

Burroughs Audubon of Greater Kansas City is a local chapter of National Audubon Society representing approximately 2,500 members in Missouri and Kansas. We strongly support the conservation and restoration of natural ecosystems for the benefit of fish and wildlife as well as ecological diversity. It is our understanding that the Missouri River Mitigation Project is designed to compensate for the severe wildlife habitat losses that resulted from past channelization efforts on the Missouri River.

In the Water Resources Development Act of 1999, the Missouri River Fish and Wildlife Mitigation Project was reauthorized to include an additional 118,650 acres of land to be purchased from willing sellers on which to develop, restore or enhance fish and wildlife mitigation sites. It is our understanding that the total mitigation project would re-establish 166,750 acres of fish and wildlife habitat, which is 32 percent of habitat, lost due to the channelization project.

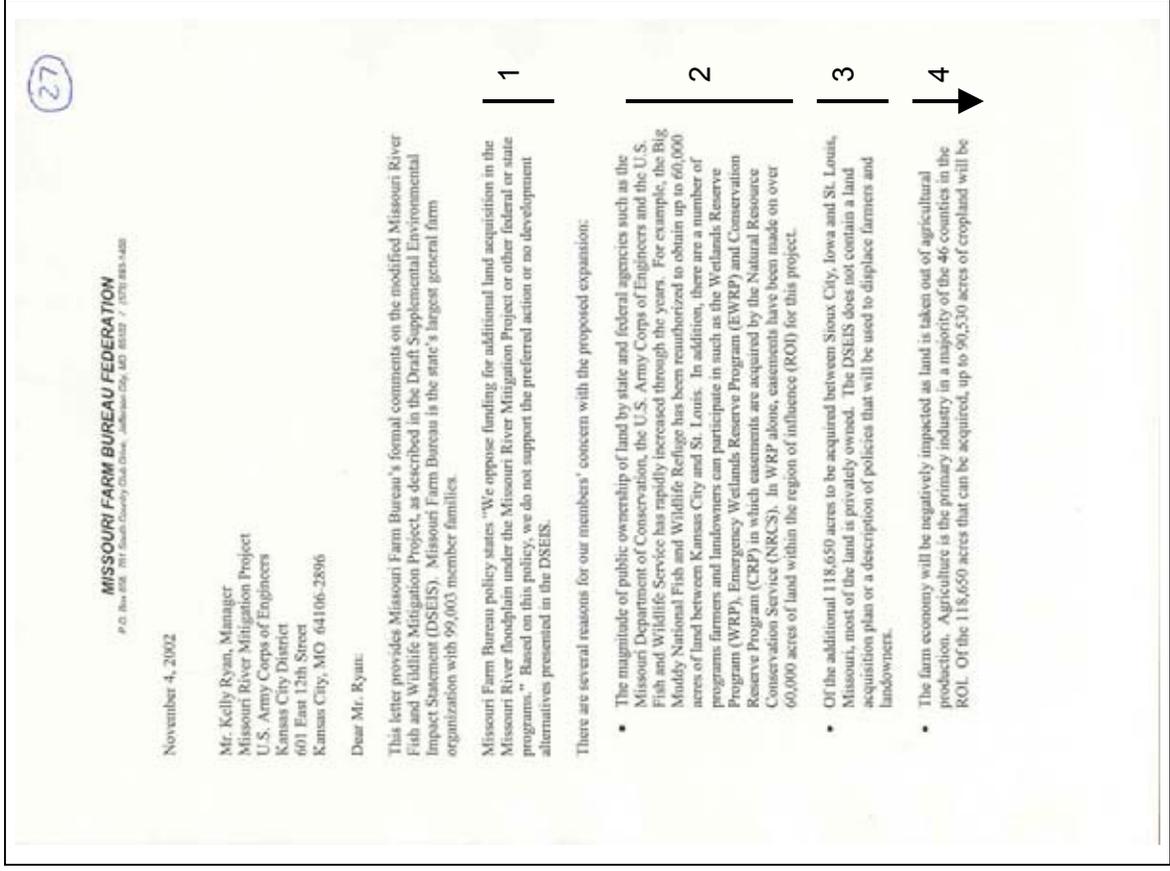
Burroughs Audubon supports Alternative A in the DSEIS that would increase mitigation efforts by 118,650 acres to a total of 166,750 acres as authorized by Congress in the WRDA of 1999. We also support the development of at least 20,000 acres of shallow water habitat, believing that this level of mitigation would provide significant restoration to the Lower Missouri River floodplain ecosystem and provide fish and wildlife benefits as well as flood damage reduction benefits.

Sincerely,

Mike Stoakes, Vice-president

Burroughs Audubon of Greater Kansas City

Comment noted.



1. Comment noted.
2. It was estimated in the DSEIS that if all planned conservation and mitigation projects within the ROI, excluding CRP, EWRP, and WRP, maximized their respective land acquisition authorizations, only approximately 1.8 percent of the land area in the ROI studied in the DSEIS would be converted to public conservation use. In Missouri, approximately 2.1 percent of the land area in the ROI would be converted to conservation land use if all these programs maximized their respective authorizations. This was considered a less than significant cumulative impact in the DSEIS. While WRP easements do reduce the taxable value of the land, WRP lands under easements remain in private ownership.
3. A land acquisition plan was not included in the DSEIS. However, the Corps' policy for implementation of the Missouri River Fish and Wildlife Mitigation Project is to acquire land from willing sellers only, therefore, farmers and/or landowners would not be unwillingly displaced as a result of the Mitigation Project.
4. The potential decrease of approximately \$14 million per year of corn and soybeans sold in the Missouri counties in the ROI would be approximately 1.2 percent of the total crop value in the 25 Missouri counties, and a much smaller percent of the state's total agricultural products value. The Corps does not consider this to be a significant adverse impact on the state's agricultural economy.

4 retired, decreasing farm income by an estimated \$22 million annually. Missouri could lose up to 28,000 acres of cropland and over \$14 million each year. While the Corps has determined this is a "less than significant adverse impact," we believe this loss would have a substantial impact on our state's agricultural economy.

- 5 Retiring land from agricultural production and displacing farmers will also have a negative impact throughout rural communities and counties within the four state area. For example, a decrease in crop production will impact local farm retail and service businesses by decreasing the sale of seed, fertilizer and other inputs. This will also affect farm equipment dealerships, banks and other small businesses.
- 6 Shifting land into public ownership will decrease the tax base for county governments. While they will receive payments in lieu of taxes (PILT), tax revenue derived from the private ownership of land cannot be fully replaced. In addition, there is no guarantee that these payments will continue year after year because they must be appropriated by Congress.

- 7 Farmers will experience problems such as increased foraging by wildlife on cropland, trespassing on farmland from hunters and recreation users and a potential increase in groundwater levels that may hinder crop planting or harvesting if mitigation sites are located adjacent to their property.

In summary, there is growing concern among landowners with land use policies at the local, state and national level. We recognize that landowners along the Missouri River already have access to several land management programs; therefore, we believe no action should be taken to acquire or develop mitigation sites for the modified project.

Sincerely,

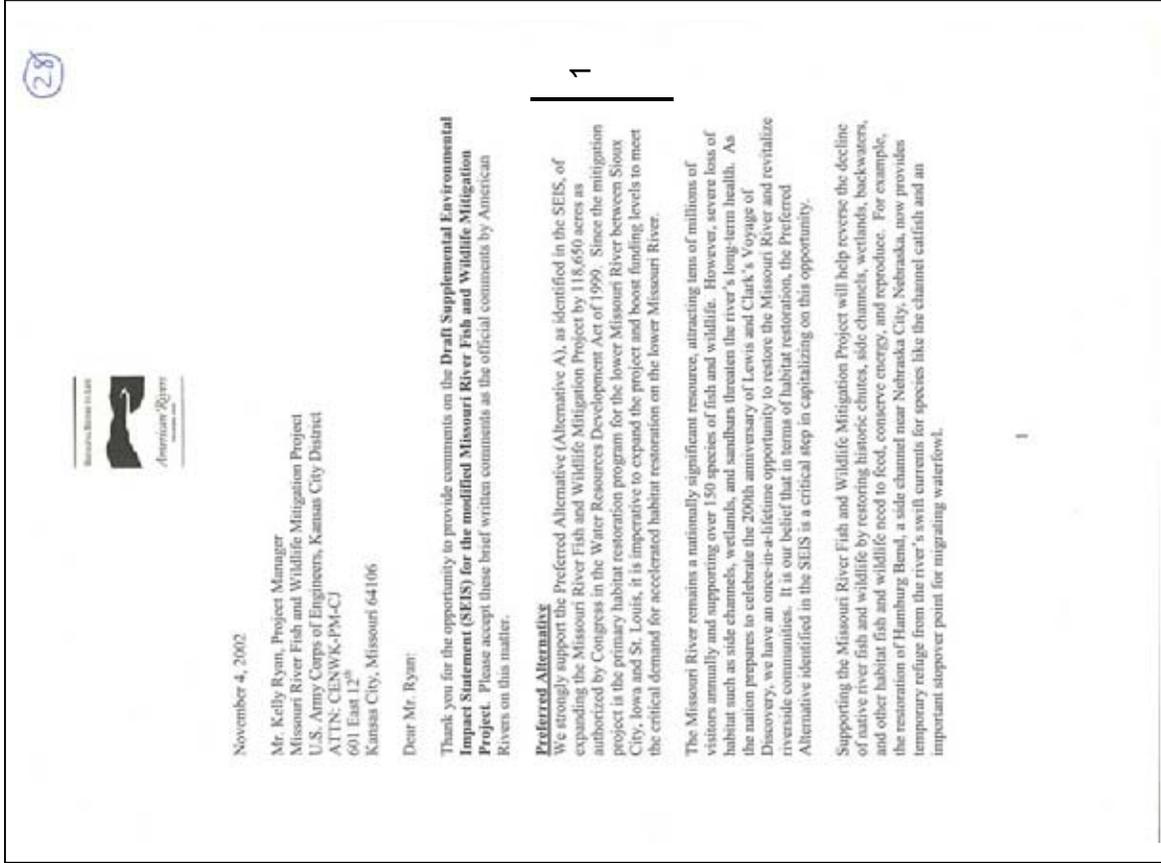


Charles E. Kruse  
President

cc: Missouri Congressional delegation

5. The Corps considered the potential effect on retail sales in the ROI and found that the estimated decrease in crop production could result in a decrease in retail sales in a county of between 0.05 and 1.66 percent. The Corps recognized this potential effect, but considers this level of impact to be less than significant.
6. Conversion of private land to public ownership would decrease the tax base of the effected county. However, the Corps found that the potential effect on an individual county's tax revenue would be less than 1.8 percent after PILT payments. The Corps acknowledges the comment that PILT payments must be appropriated by Congress.
7. The Corps acknowledges that there could be increased foraging and trespassing on private croplands adjacent to mitigation sites, however these are not anticipated to be significant. Mitigation site property boundaries will be identified with signage. Some sites would include crop plantings for on-site wildlife foraging. Prior to developing sites, design and environmental analyses would be conducted avoid off-site groundwater impacts.

1. Comment noted.



While restored habitat areas are important for the Missouri's fish and wildlife, they are also important for people. Waterfowl hunting, fishing, birdwatching, and other recreational opportunities at Hamburg Bend augment the economy of neighboring communities like Nebraska City. Improved recreation and tourism opportunities at restored habitat sites translate into real dollars for Missouri River communities, as recreation and tourism-dependent businesses support visitors to these areas. As identified in the SEIS, the Preferred Alternative will provide communities with the greatest prospects for taking advantage of these economic benefits.

Also, areas restored under the Fish and Wildlife Mitigation Project provide a measure of natural flood control, which is important for landowners and communities along the lower Missouri River. This is yet another key socio-economic facet of the modified mitigation project.

By supporting the Missouri River Fish and Wildlife Mitigation Project, Congress can also help us properly commemorate the upcoming bicentennial of Lewis and Clark's Voyage of Discovery. Through the expanded mitigation project, we can restore a string of natural places along the Missouri - places that Lewis and Clark might recognize and that attract recreation and tourism, support river fish and wildlife, and improve the quality of life in riverside communities.

Millions of people already visit the Missouri River each year to go sightseeing, hunting, fishing, boating, and camping - often in areas closely resembling the Missouri chronicled by Lewis and Clark - annually pumping more than \$90 million into riverside communities. Through the mitigation project, these recreation dollars will increase and we will be able to more fully enjoy the Lewis and Clark bicentennial commemoration.

**Project Priorities**

Expansion of the mitigation project will be expensive. To ensure that federal dollars are spent wisely and efficiently, every effort must be made to ensure that the river's natural energy is capitalized upon to create and maintain mitigation project sites. Steps should be taken to establish a hydrological connection between the river and the restoration sites, and the Corps should refrain from "gold-plating" these sites with unnecessary rock and structures when the river's own energy could be used to provide the dynamic conditions fish and wildlife require. The Corps should avoid over-engineering mitigation project sites, instead opting to place appropriate control structures while nurturing the river's important natural dynamic functions.

It is imperative that the expanded mitigation project includes intensive monitoring to ensure that the restored sites are working and providing the intended benefits. The results of this monitoring should be used in an adaptive management process to alter site management and function accordingly and to guide the development of future sites.

Every effort should be made to allow the Nebraska Game and Parks Commission, the Iowa Department of Natural Resources, the Kansas Department of Wildlife and Parks, and the Missouri Department of Conservation to guide implementation of the overall expanded mitigation project and future management of the restored areas. We applaud the efforts of the Corps of Engineers to foster a strong working relationship with these state agencies through the Mitigation Project Coordination Teams, and trust this mode of operation will continue upon implementation of the Preferred Alternative.

2. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design. Restoration activities involving levees and river structures would be incorporated into site design when such modifications can be made without impacting the navigation channel or flood control.
3. A monitoring and evaluation program would be developed by the Mitigation Project and used to implement adaptive management at mitigation sites. The Corps plans to continue to use an adaptive management process with future mitigation sites.
4. The Corps is committed to continuing its strong working relationship with the state natural resource agencies, USFWS, and EPA, as part of the coordination team for the Mitigation Project.

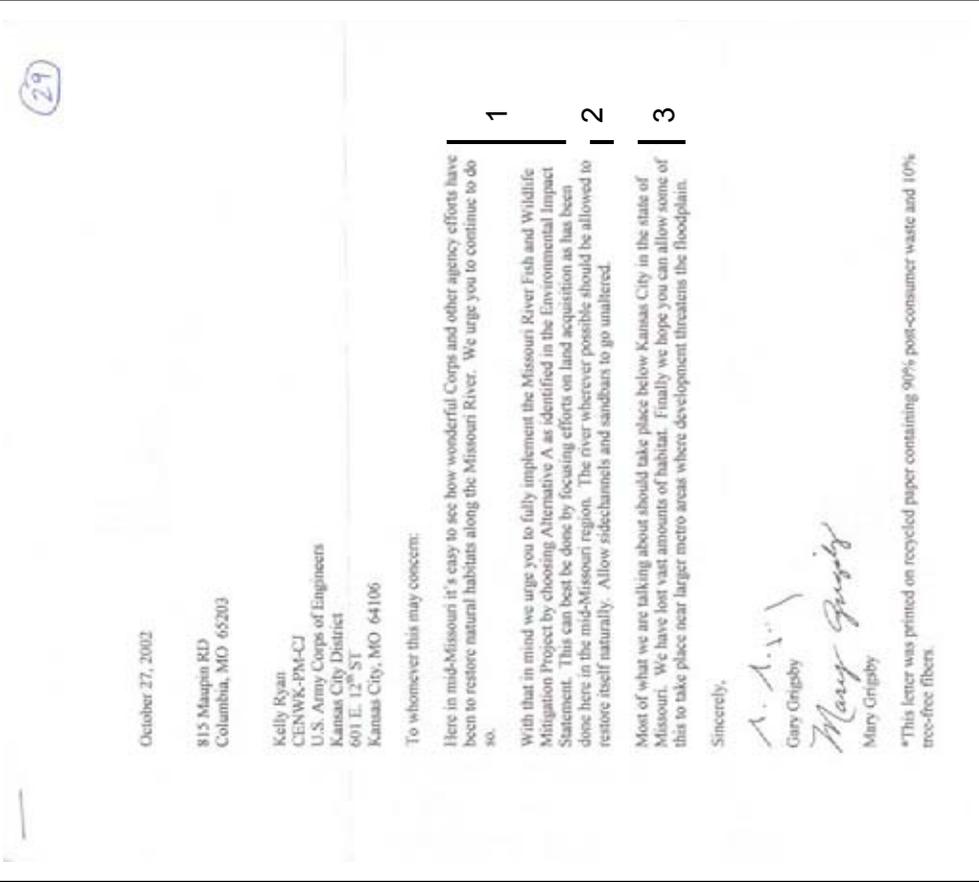
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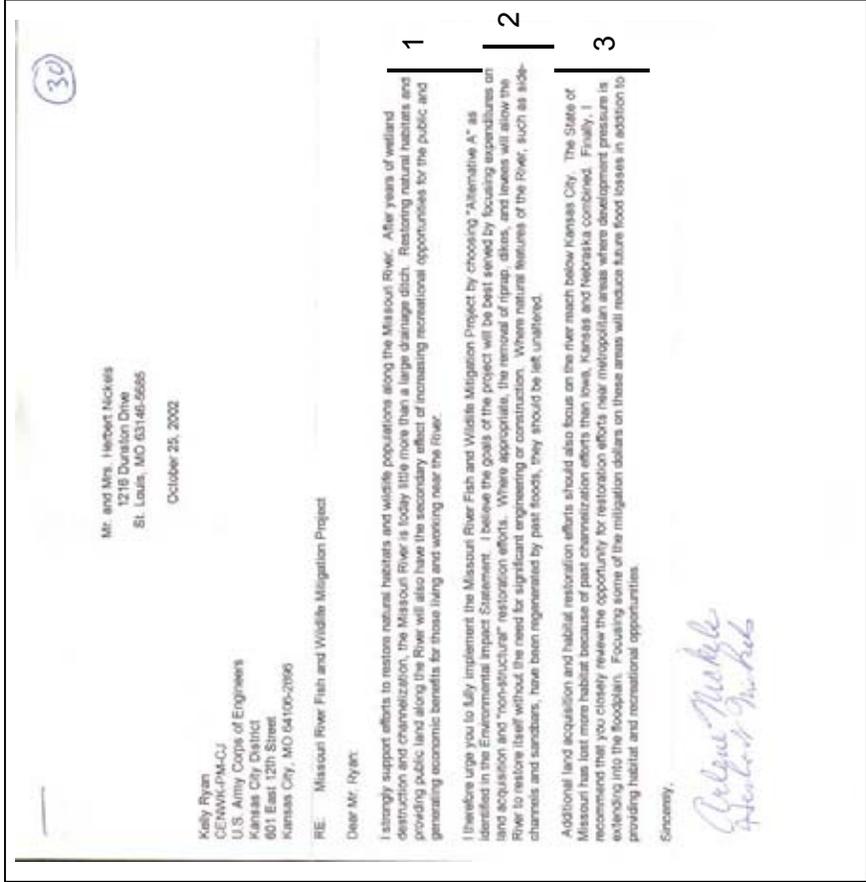
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- 5. Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, is being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.





1. Comment noted.
2. The Corps uses natural river processes as much as feasibly possible in mitigation site design.
3. The acquisition of land under the Missouri River Fish and Wildlife Mitigation Project would include lands in the reach below Kansas City. Land acquisition is dependent on the availability of willing sellers. Land near metropolitan areas would be considered for the Mitigation Project if appropriate willing sellers are available in the area.



1. Comment noted.
2. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design. Restoration activities involving modification or removal of riprap, levees, and dikes would be incorporated into site design when such modifications can be made without impacting the navigation channel or flood control.
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6 December 2001 Page 1 of 1

October 25, 2002 31

Kelly Ryan  
CENWK-PM-CJ  
U.S. Army Corps of Engineers  
Kansas City District  
601 East 12<sup>th</sup> Street  
Kansas City, MO 64116-2896

RE: Missouri River Fish and Wildlife Mitigation Project

Dear Mr. Ryan:

I strongly support efforts to restore natural habitats and wildlife populations along the Missouri River. After years of wetland destruction and channelization, the Missouri River is today little more than a large drainage ditch. Restoring natural habitats and providing public land along the River will also have the secondary effect of increasing recreational opportunities for the public and generating economic benefits for those living and working near the River.

I therefore urge you to fully implement the Missouri River Fish and Wildlife Mitigation Project by choosing "Alternative A" as identified in the Environmental Impact Statement. I believe the goals of the project will be best served by focusing expenditures on land acquisition and "non-structural" restoration efforts. Where appropriate, the removal of riprap, dikes, and levees will allow the River to restore itself without the need for significant engineering or construction. Where natural features of the River, such as side-channels and sandbars, have been regenerated by past floods, they should be left unaltered.

Additional land acquisition and habitat restoration efforts should also focus on the river reach below Kansas City. The State of Missouri has lost more habitat because of past channelization efforts than Iowa, Kansas and Nebraska combined. Finally, I recommend that you closely review the opportunity for restoration efforts near metropolitan areas where development pressure is extending into the floodplains. Focusing some of the mitigation dollars on these areas will reduce future flood losses in addition to providing habitat and recreational opportunities.

Sincerely,

Name: Julie Hally  
Address: 200 E. Bodley  
City: Richard State: MO Zip: 63122

*Lets do the right thing for our environment & future generations!*

<http://moecvireon.org/Action%20Area/Letters/Letters/MitigProjectCms10-25-02.htm> 10/27/2002

1. Comment noted.
2. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design. Restoration activities involving modification or removal of riprap, levees, and dikes would be incorporated into site design when such modifications can be made without impacting the navigation channel or flood control.
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32

Kathleen Logan Smith  
4119 Meridian Ln., Apt. D, St. Louis, MO 63129

October 25, 2002

Mr. Kelly Ryan  
CENWK/JMA/CJ  
U.S. Army Corps of Engineers  
Kansas City District  
601 East 12<sup>th</sup>  
Kansas City, MO 64106-2896

RE: Missouri River Fish and Wildlife Mitigation Project

Dear Mr. Ryan:

I support efforts to restore natural habitats and wildlife populations along the Missouri River. After years of wetland destruction and channelization, the Missouri River is today little more than a large drainage ditch. Restoring natural habitats and providing public land along the River will also have the secondary effect of increasing recreational opportunities for the public and generating economic benefits for those living and working near the River.

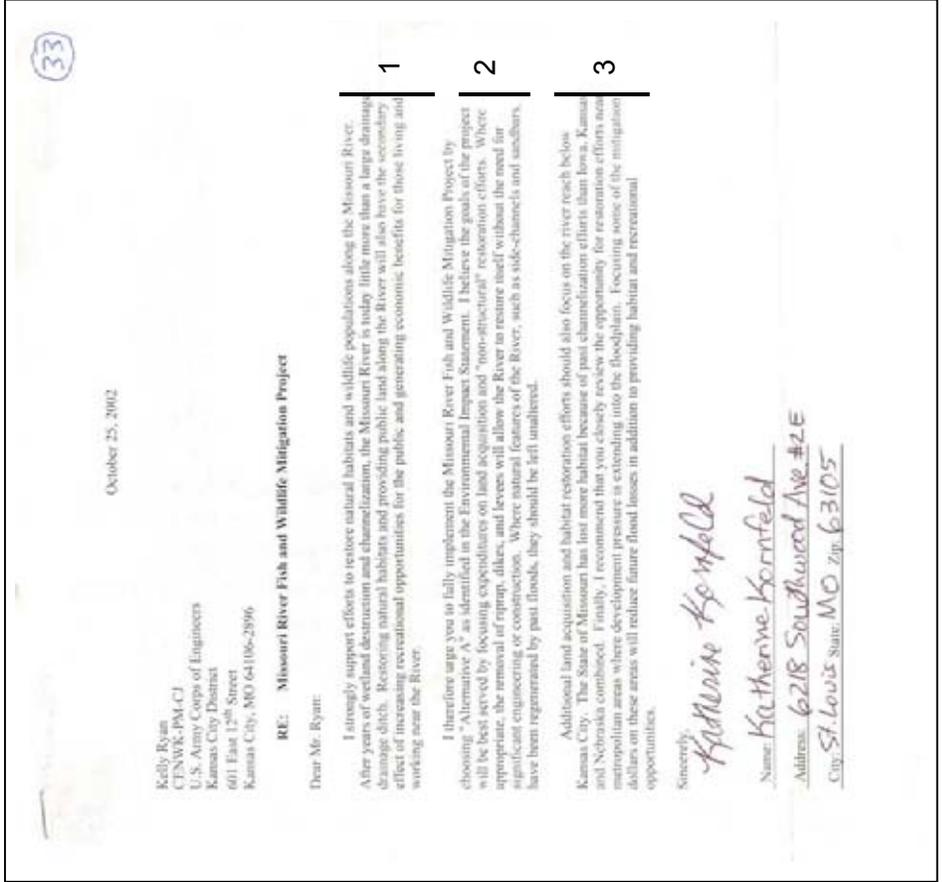
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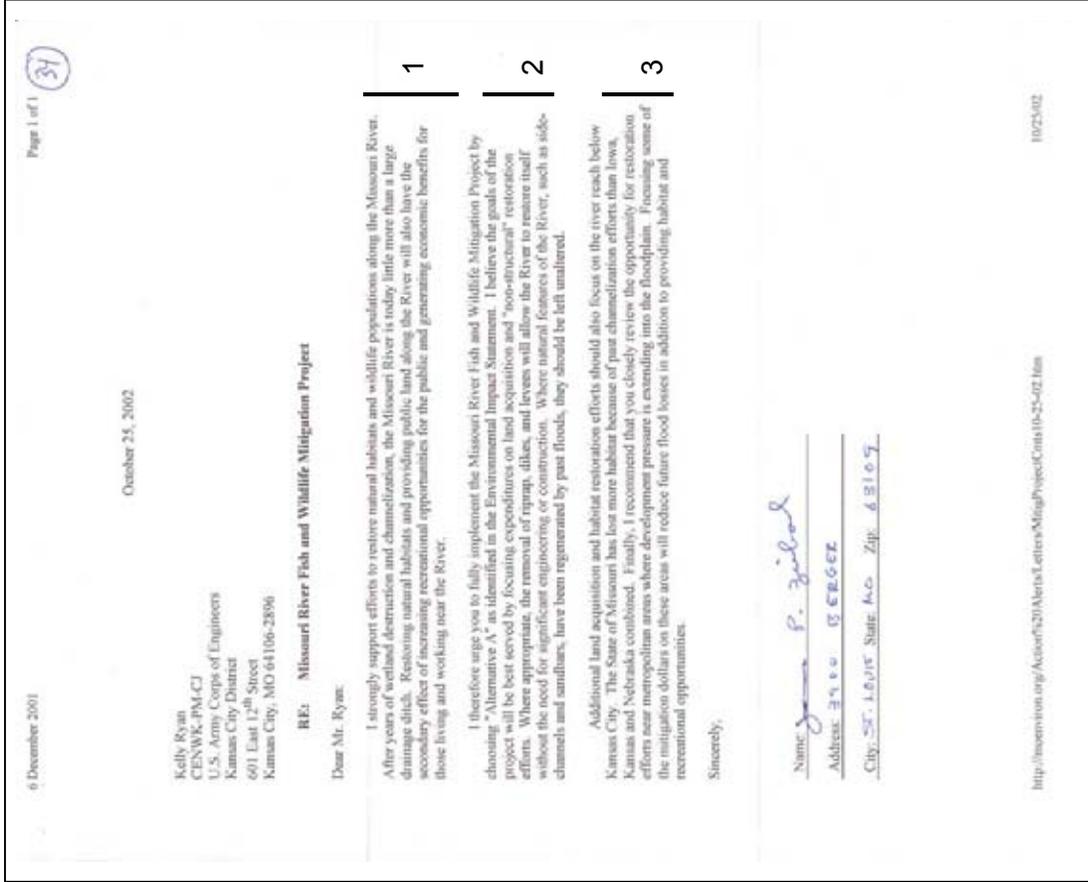
Sincerely,

*Kathleen Logan Smith*  
Kathleen Logan Smith

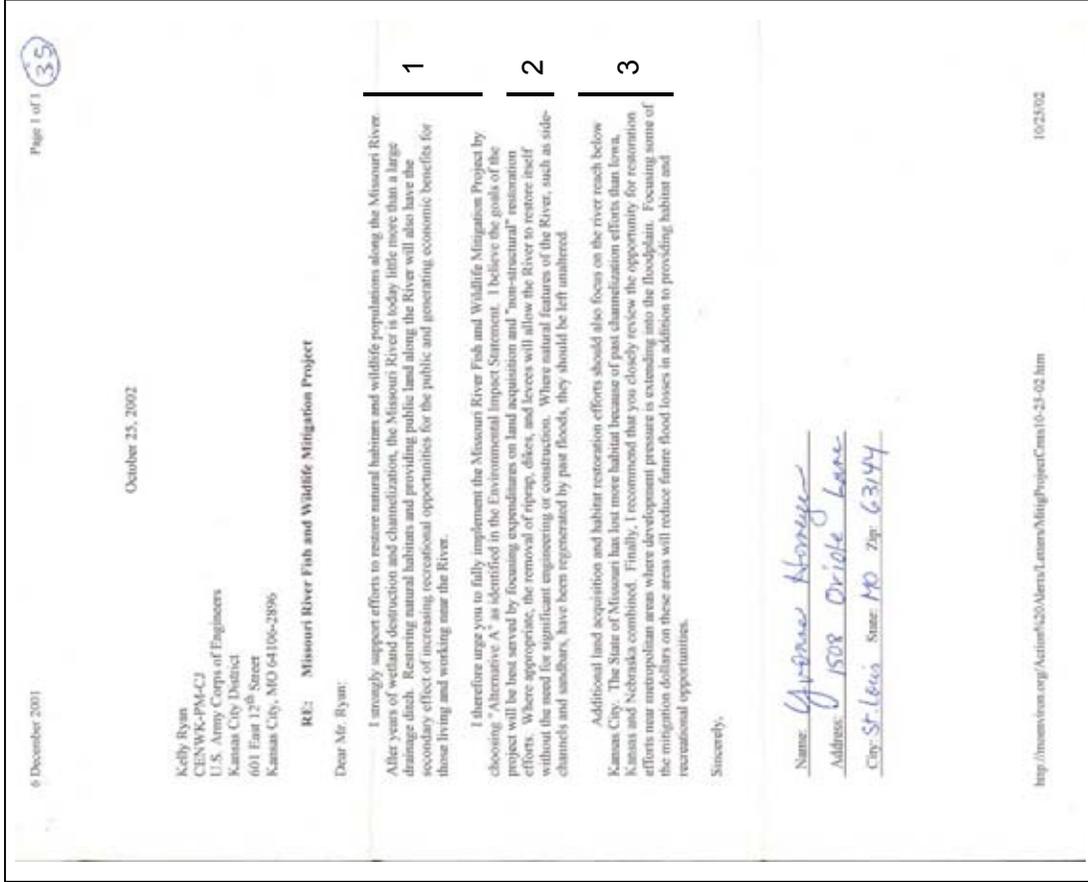
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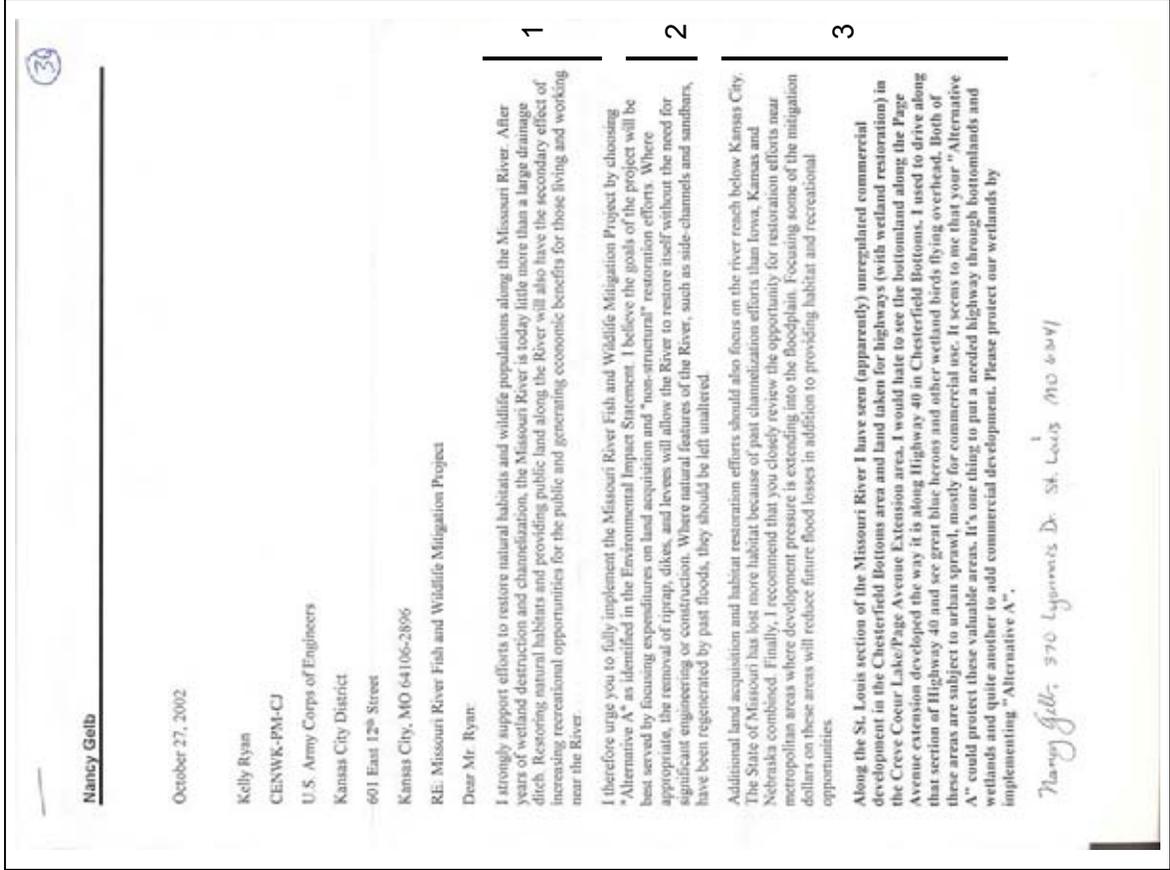
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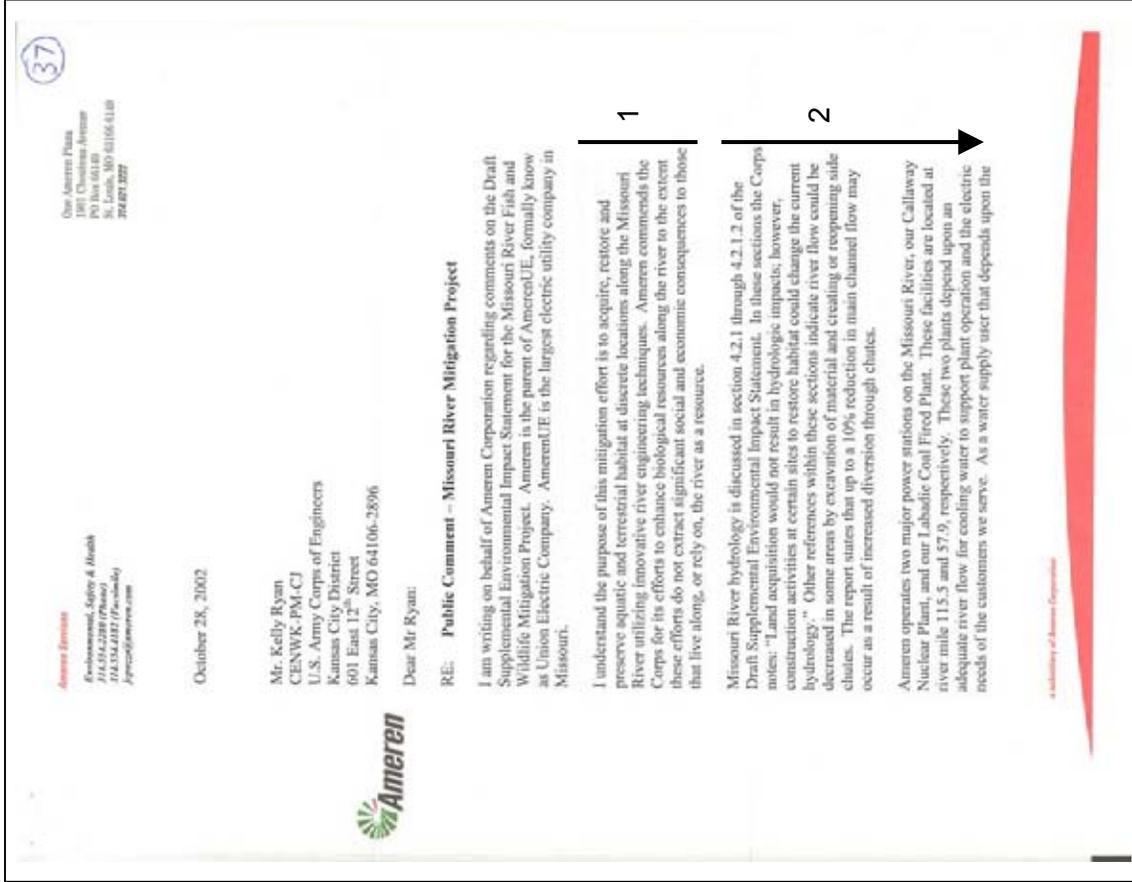
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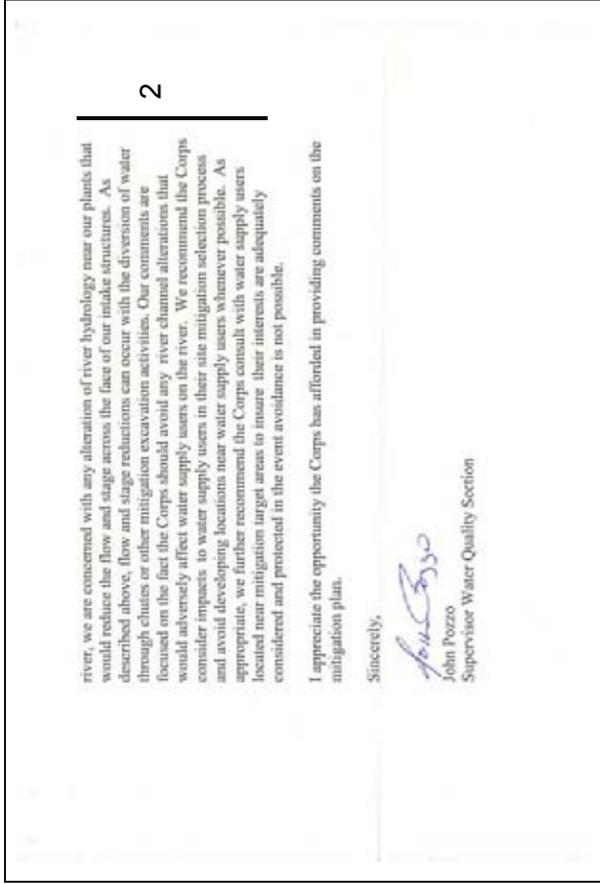
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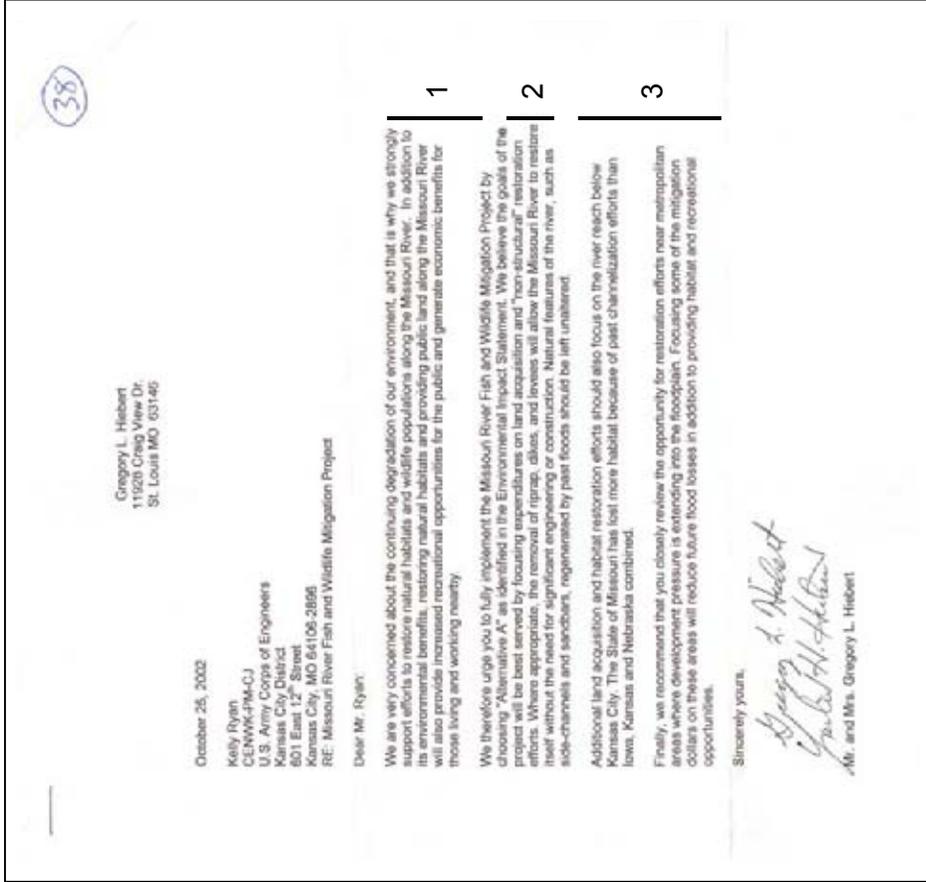


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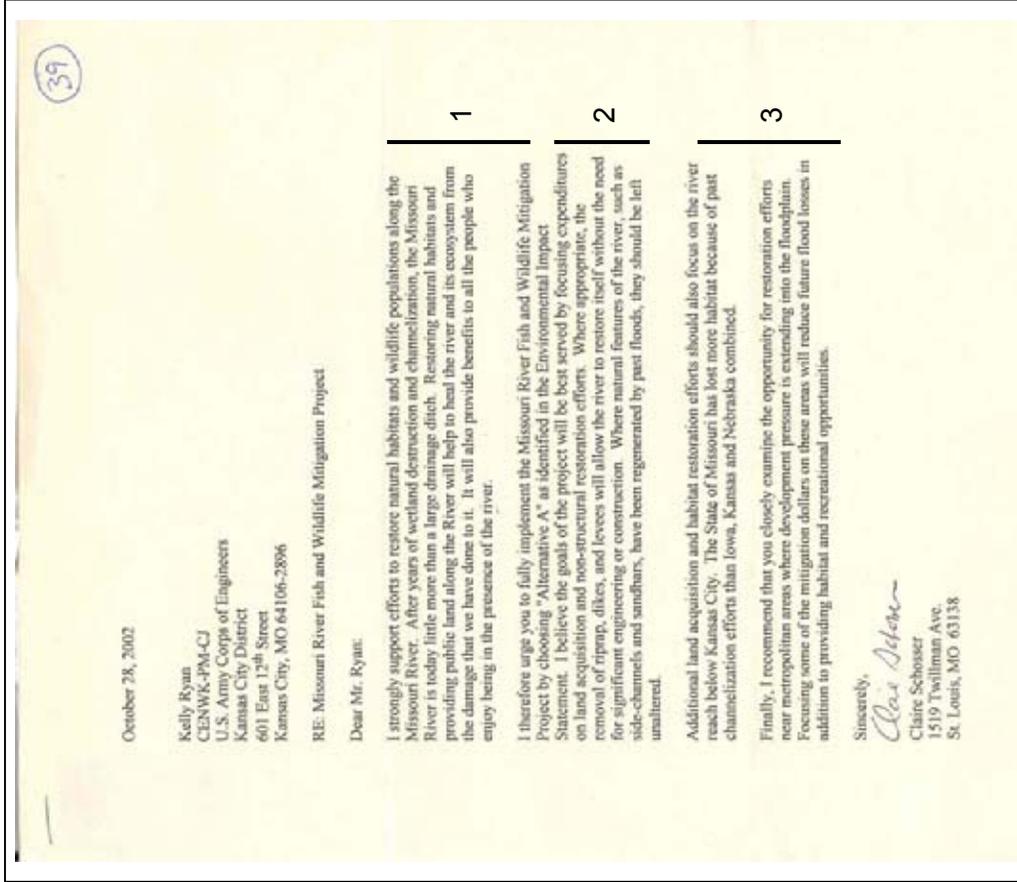


1. Comment noted.
2. On page 4-4 of the DSEIS it was stated, "up to a 10 percent reduction in main channel flow could be diverted for chute development." The amount of flow reduction that would occur for development of a side channel chute would be localized to only that portion of the main channel between the upstream and downstream end of the chute. Water flowing in the chute would return to the main channel at the downstream end. During site selection and site-specific design and planning, the Corps would take into consideration the proximity of mitigation sites to water users and would consult with such entities. Site-specific design and environmental assessments would be conducted to avoid any adverse impacts to water users along the Missouri River.



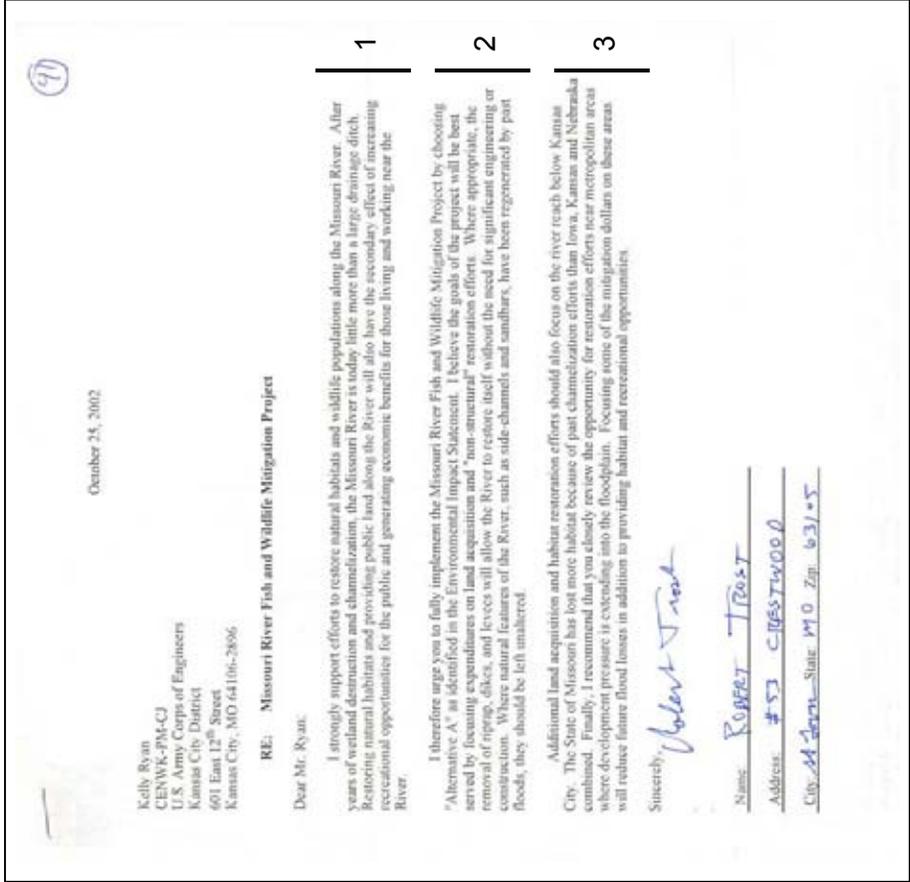


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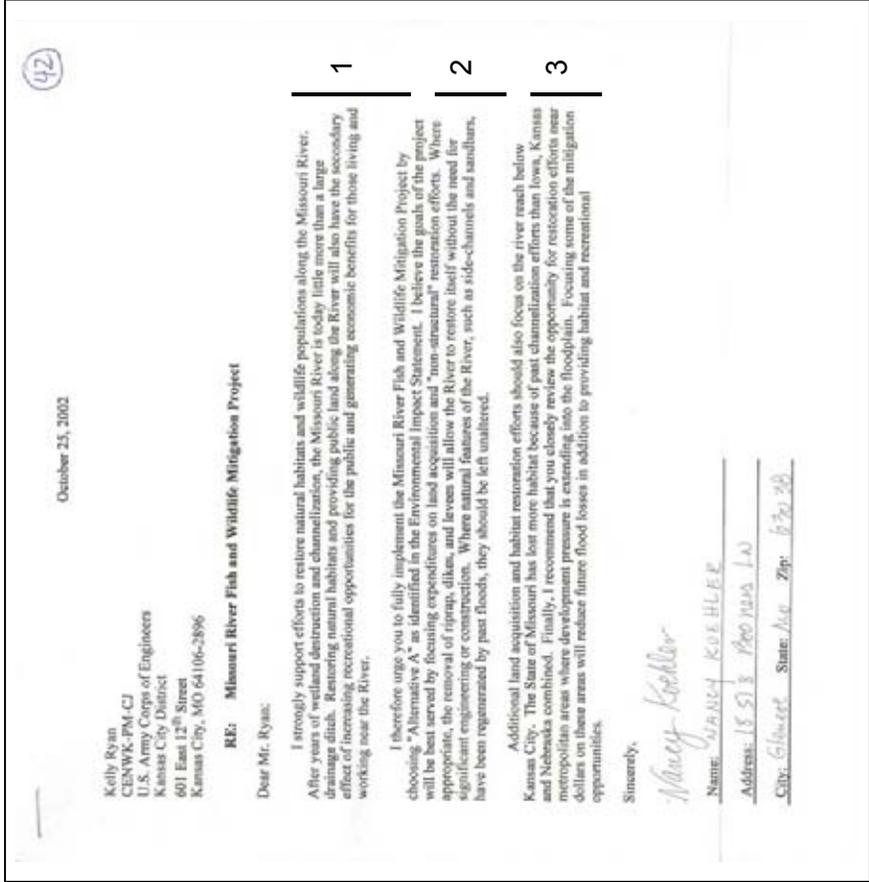


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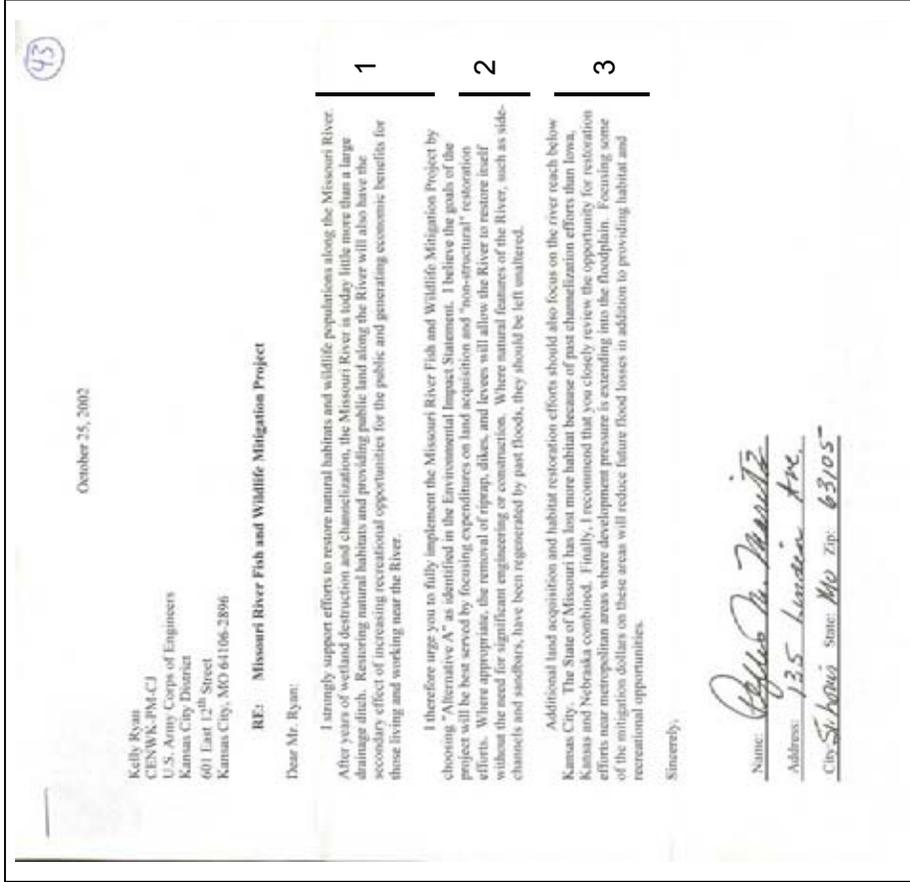




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444

To: U.S. Army Corps of Engineers  
From: Jim Farnik  
Subject: Draft Supplemental Environment and Impact Statement,  
Missouri River Fish & Wildlife Mitigation Project  
To U.S. Army C.O.E.

My name is Jim Farnik. I am from Creighton, Nebraska, located in Knox County. I  
represent myself.

What do I know? Not much, but it is easier to admit it than be accused of it.  
I do, however, have an opinion regarding this Missouri River Fish & Wildlife Mitigation  
Project, and I also have some questions.

I have degrees in Sidewalk and Stream Bank Engineering. Qualifications range from  
(home) storefront and river front property, particularly along the Niobrara and Missouri  
Rivers within the 70 mile reach of Gavins Point and Fort Randall Dams.

The C.O.E. is a glutton for punishment, mandated by legislation and congressional acts,  
to wear all of those hats that in time will not fit.

According to 1994 COE Sedimentation Studies, 135 million tons of sediment is  
deposited within this system annually, enough to cover 8,660 acres of land 9 feet deep.

With a depleting storage capacity of over 73 million acre feet within the 6 projects, it will  
take a long time to fill up - the lower projects being the most vulnerable.

Congress made no provisions to deal with this sediment in the beginning of this water  
control project and no serious provisions have been made since.

By the end of the next century, projections are that the three major projects above Fort  
Peck, Garrison, and Oahe will lose nearly 1/4 of their permanent pool capacity. Fort  
Randall capacity will be drastically reduced from its original capacity of 5.4 M.A.F. of  
storage.

Someshow it appears we must constantly correct ourselves regarding this Missouri  
River Basin resource. First, there is a decision to channelize, stabilize, and impound it,  
much to the dissatisfaction of some.

Then, in 1991, legislators designated a 39-mile Recreational River segment  
within this 70-mile reach to protect the river and immediate environment, all the while it  
is being consumed in a mountain of silt right before our very eyes, with 44 million tons of  
sediment since 1991.

Then the U.S.F.W.S. demands changes in the C.O.E. Master Manual to regulate  
flows from Gavins Point Dam every three years so as to achieve adaptive management  
strategies to increase species populations. Lately, thousands of acres are designated by  
the U.S.F.W.S. along the Loup, Platte, Niobrara, and Missouri Rivers as critical habitat  
for the species.

Now this proposed preferred alternative A of this mitigation project calls for the  
acquisition of 118,650 acres to be added to the 48,000 acres currently under development  
for restoration, at a cost of 1.3 billion - and operating and maintenance costs running at 5  
million annually.

The saga of this river from the times of Lewis and Clark to the current proposed  
projects, legislation and changes to date, continues.

- 1. Comments noted. Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, is being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.

1

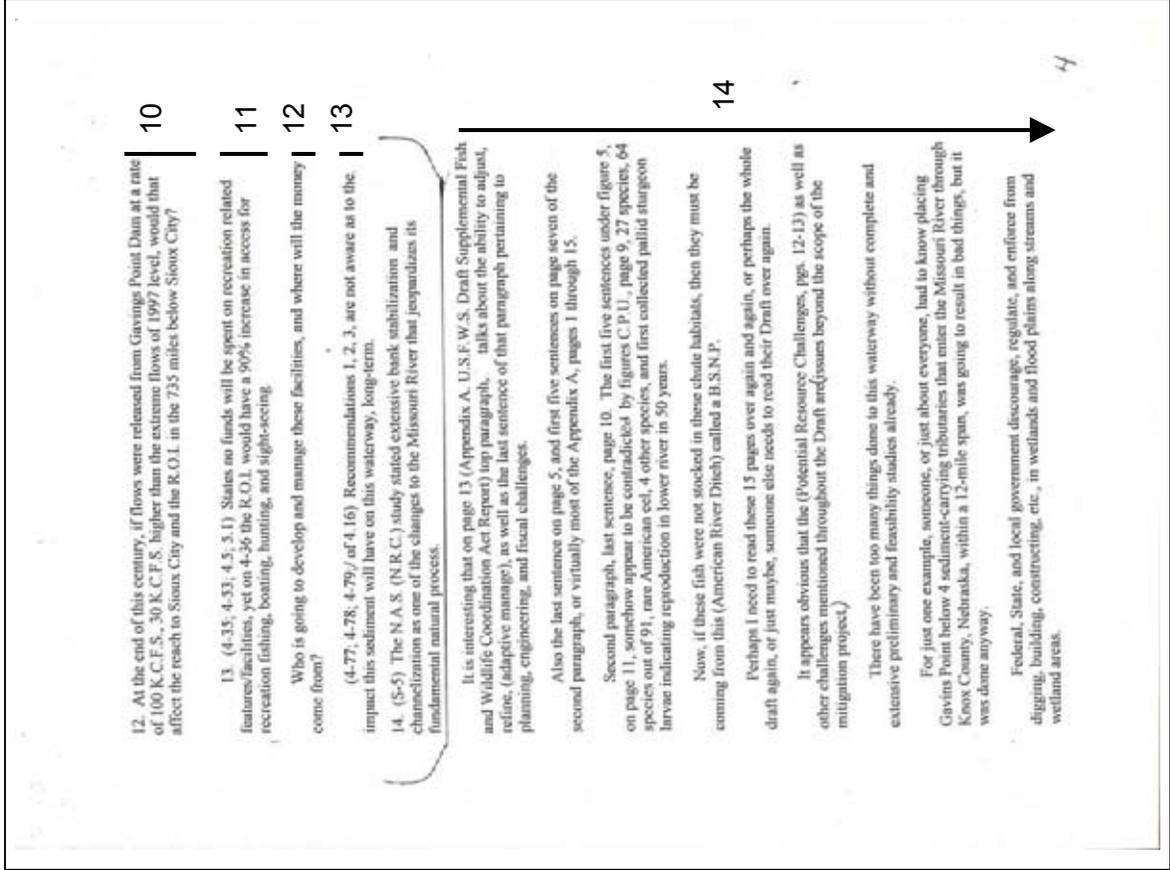
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2. Comment noted.

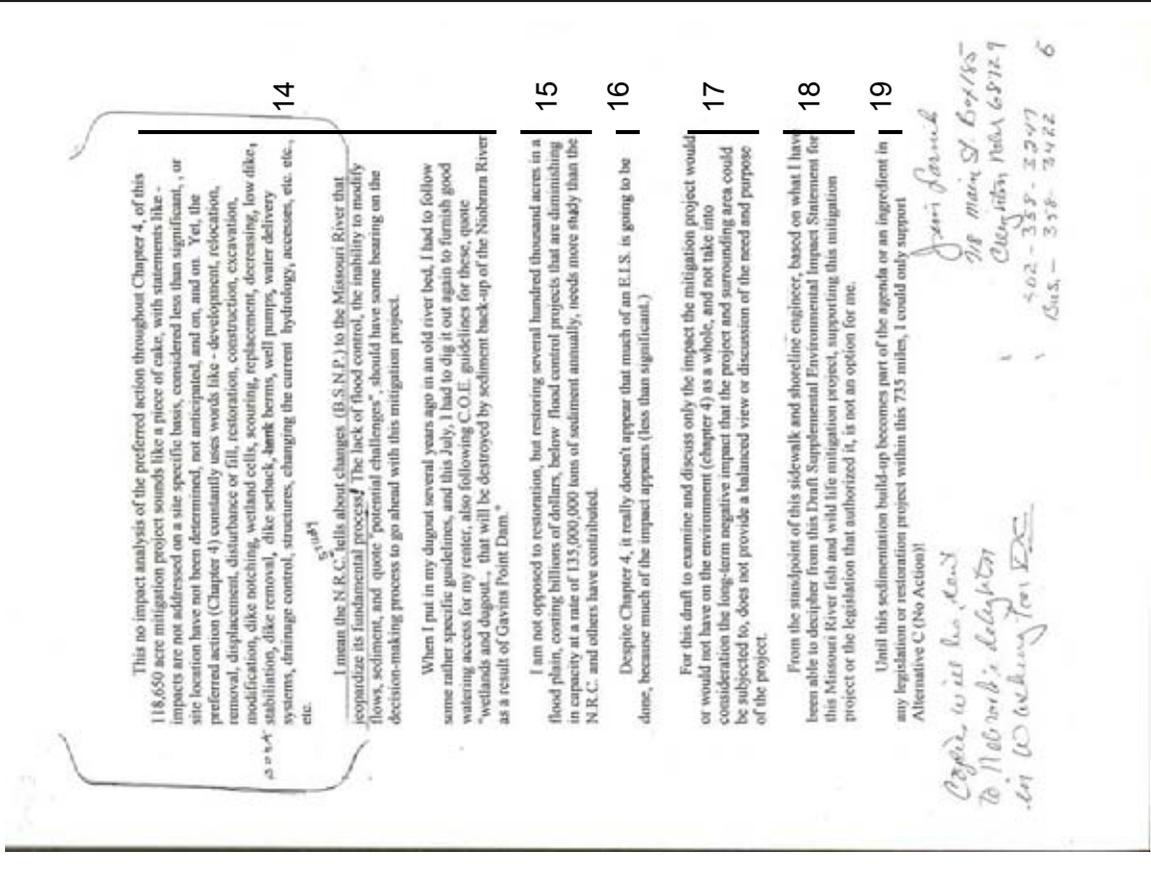
<p>Appendix A after page B-7. (Appendix A, page 3 &amp; 13) Even the project's design will be adjusted to changes in river flood plain. Page 3, bottom paragraph, expresses concerns in 4 states because of high water in the last decade for these farmers in low-lying areas. Increasing large volumes of water in these 1-2 &amp; 3 thousand acre projects could impact land owners adjacent to these mitigation restoration projects, plus these projects could be in jeopardy themselves. <i>6/10/21, 6/10/21, 6/10/21</i></p> <p>(5.3 - definition under the E.S.A. - jeopardy occurs when an action is reasonably expected to diminish a species, numbers, reproduction or distribution so that the likelihood of survival and recovery in the wild is appreciably reduced.)</p> <p>1</p> <p>2020 (1-20) Congress directed the C.O.E. to initiate the Master Manual Review and Update Study. The U.S.F.W.S. issued a (jeopardy opinion) for the sturgeons, terns, and plover regarding the C.O.E. operation of the Missouri River mainstem dams, and suggested flow changes among other measures.</p> <p>This option to adjust Gavins Point Dam releases would occur through adaptive management process or strategies. The 4 options were GP 2028/ GP 1521/ GP 1528/ GP 2021, of which GP 1521/ and GP 2021/ devastating the 70-mile reach from May through August. This adaptive management would occur every three years to save these species.</p> <p>Regardless of which option is used, by the year 2110, 80 percent of Gavins' capacity will be gone. That amounts to about 35 options to save these species in a century.</p> <p>What (jeopardy opinion) will the U.S.F.W.S. issue when flow changes will not be an option from Gavins Point Dam?</p> <p>On 4-74 (4.11.7 Flood Control) it talks about flood potential along the lower Missouri River.</p> <p>4-13 under (4.2.4.1) Preferred Action - Stresses the possibility of flooding continuing to occur on private land adjacent to mitigation site.</p> <p>And on 3-11, bottom of second column, it points out the importance of the ability of controlling releases from Gavins Point Dam.</p> <p>All of this makes me feel or think that the depleting capacity in Gavins Point Dam and the 5 projects above are irrelevant concerning the possible negative impact upon the property owners within the B.O.I. this Missouri River fish and wild life mitigation project, <i>a w a 28</i></p>	<p>2</p> <p>The N.R.C., N.A.O.S., U.S.F.W.S., C.O.E., U.S.E.P.A., NEPA, and cooperating agencies, along with the host of preparers (Chapter 7) 7-17-207-3 coordination team, HDR Engineering, Inc., 7-47-57-6 failed to include this sediment and possible flooding into their draft as a possible short, mid, and definite long-term issue.</p> <p>Their draft for the Missouri River fish and wild life mitigating project should include the C.O.E. study, or at least a condensed version or chapter to give the people an understanding that whatever happens negatively above you (735 miles) will have an affect upon you in time.</p>
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<p>(3-12) Federal levees are designed to hold discharges in the range from 250 K.C.F.S. at Omaha to 620 K.C.F.S. at Herman, Missouri. According to the draft, regions 3 &amp; 4 are inadequate to withstand major floods larger than 20 year magnitude. Page 4-74 states changes in operation of the mainstem reservoir system could affect flood potential along the lower Missouri River, depending on the operational alternatives selected. Could project capacity loss and changes in operation of the reservoir system within a century contribute to more flooding in regions 3 &amp; 4? (4-70)- Since regions 3 &amp; 4 are already more susceptible to flooding, even with the project capacity of today, and since Kansas and Missouri (Region 3 &amp; 4) could have a total of 211,293 acres combined of public land (3.0% in the R.O.I.) in the future, if this mitigation project prevails, is the federal government, U.S.F.W.S. and cooperating agencies willing to put this public land and Lewis &amp; Clark Lake in jeopardy? My questions are the following: 1. When project purposes, other than flow generation, are no longer options for Gavins Point Dam, and the project purposes are severely reduced from Fort Randall, what are the consequences to the reach between Randall and Sioux City, and the balance of the remaining 735 miles below Sioux City? 2. How many days of recreation will be lost annually? 3. What tonnage of fish is supported within these two projects today? 4. (S-20) With a recreation worth of \$40.60 an acre, what impact will this loss of this project purpose have on the social and economic environment with the two regions? 5. What affect will capacity loss have on power generation? 6. Will the proposed mitigated acres or areas accommodate much of the recreation, visitor use, and fishing when Gavins Point is no longer a recreation fish and wild life resource? 7. After capacity depletions, how often will this project need to be flushed, and how much sediment will be coming down through the system? 8. Will more flooding in the future increase the acreage of wetland as it did in the 1993 flood? 9. Would the lack of flood control in the future have a negative impact on completed restoration sites or those existing mitigation project sites proposed for restoration (S-7) summary page 7? 10. Table S-1 on S-3 shows 522,000 acres of habitat losses in 90 years. What % loss of habitat will be altered or destroyed within the 5.9 million acre feet of habitat (5.4 Randall, 0.5 Gavins Point total storage) in existence 47 years ago within the two projects in the next 90 years? 11. Have the 4 states in the R.O.I. increased or decreased their fishing permits and limits?</p>	<p>3 4 5 6 7 8 9</p>
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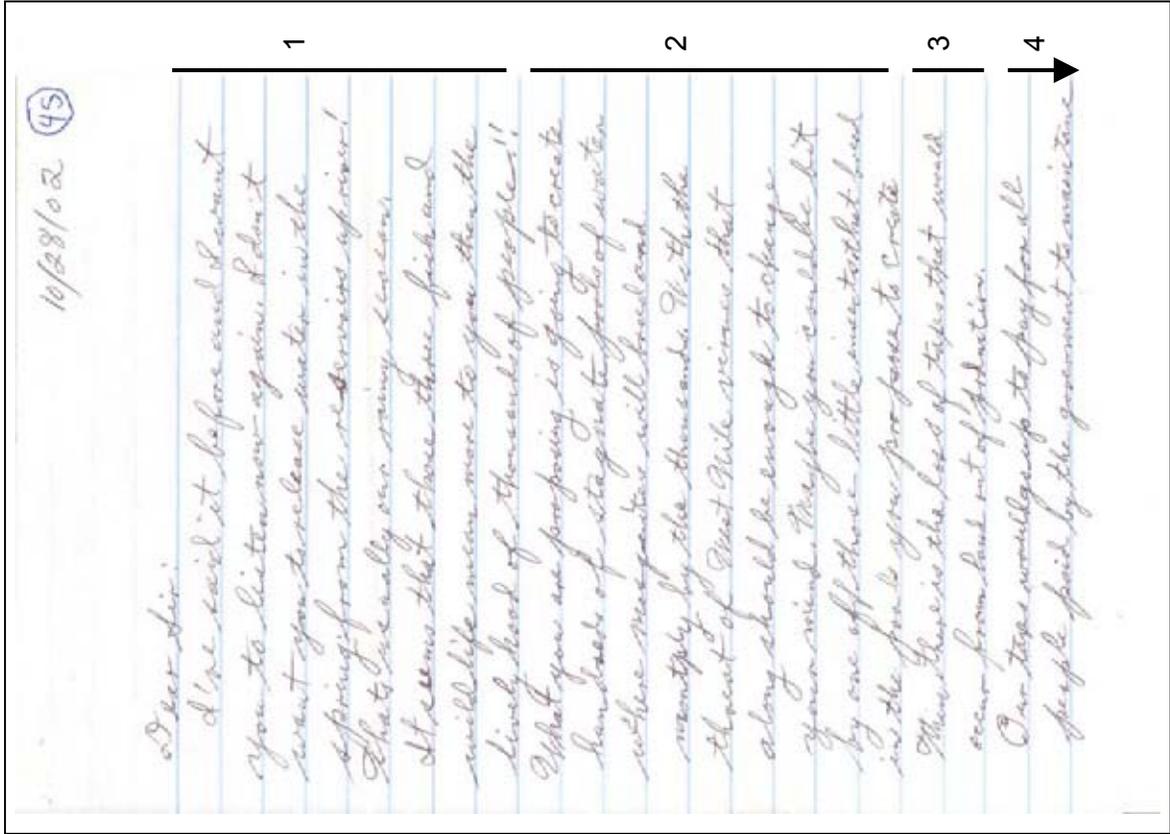
3. Comment noted.
4. The analysis presented in the SEIS is based on current environmental conditions. It is outside the scope of this DSEIS to speculate on any future changes in operation of the Mainstem Reservoir System. Changes in the operations of the Mainstem Reservoir System that would include any change in flows, is being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.
5. Comment noted.
6. Gavins Point Dam and Fort Randall Dam are located outside the ROI for the SEIS and analysis at these locations is outside the scope of this SEIS.
7. No, the lower Missouri River currently experiences a very wide range of flows and these mitigation sites will provide fish and wildlife benefits, of some type, at all flows. Prior to settlement, the dynamic nature of the lower river provided a wide range of fish and wildlife benefits.
8. Gavins Point Dam and Fort Randall Dam are located outside the ROI for the SEIS and analysis at these locations is outside the scope of this SEIS.
9. Outside the scope of this DSEIS.



- 10. Speculation on future flows is outside the scope of this DSEIS.
- 11. This is passive access to the river resulting from acquiring land with river frontage.
- 12. The increase in public lands in the floodplain by 118,650 acres would result in the 90 percent increase in access. Any recreation related features or facilities would be developed, funded, and managed by the respective state agency.
- 13. Comment noted.
- 14. Comments noted.

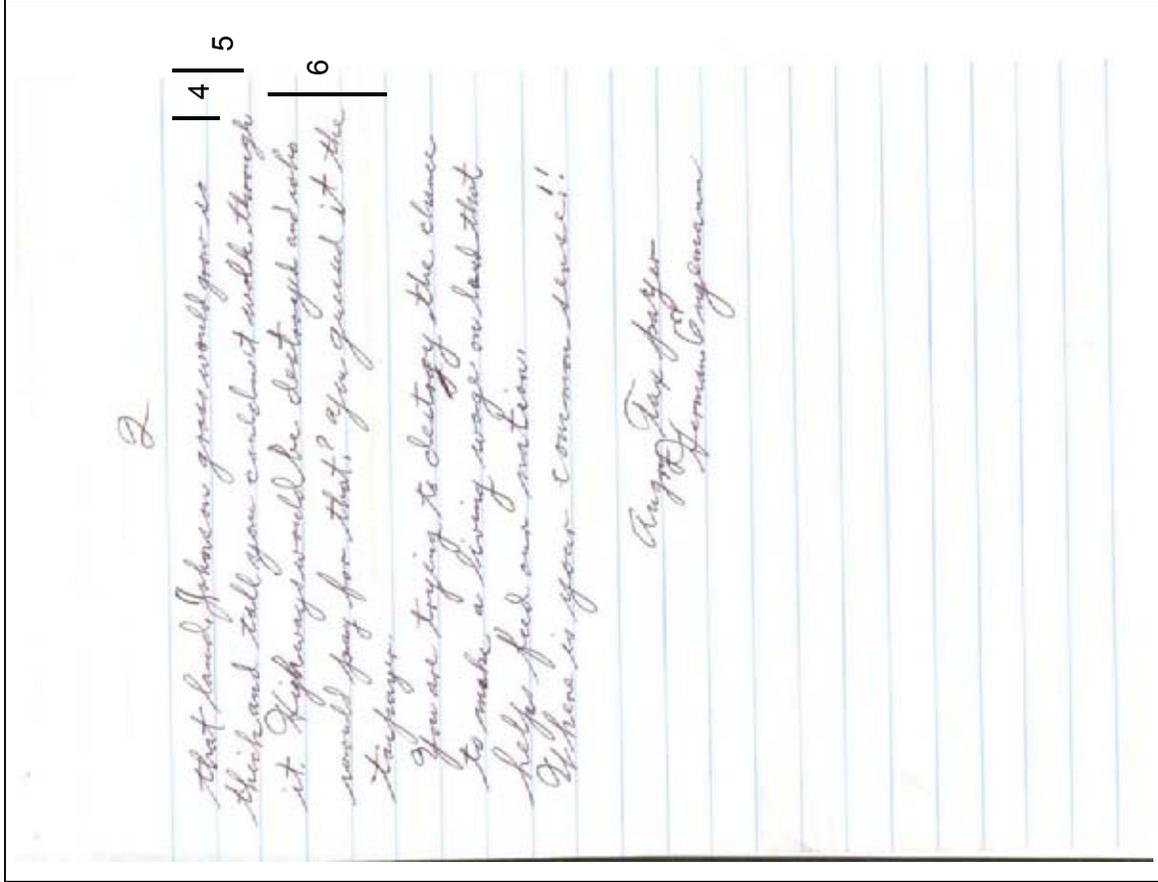


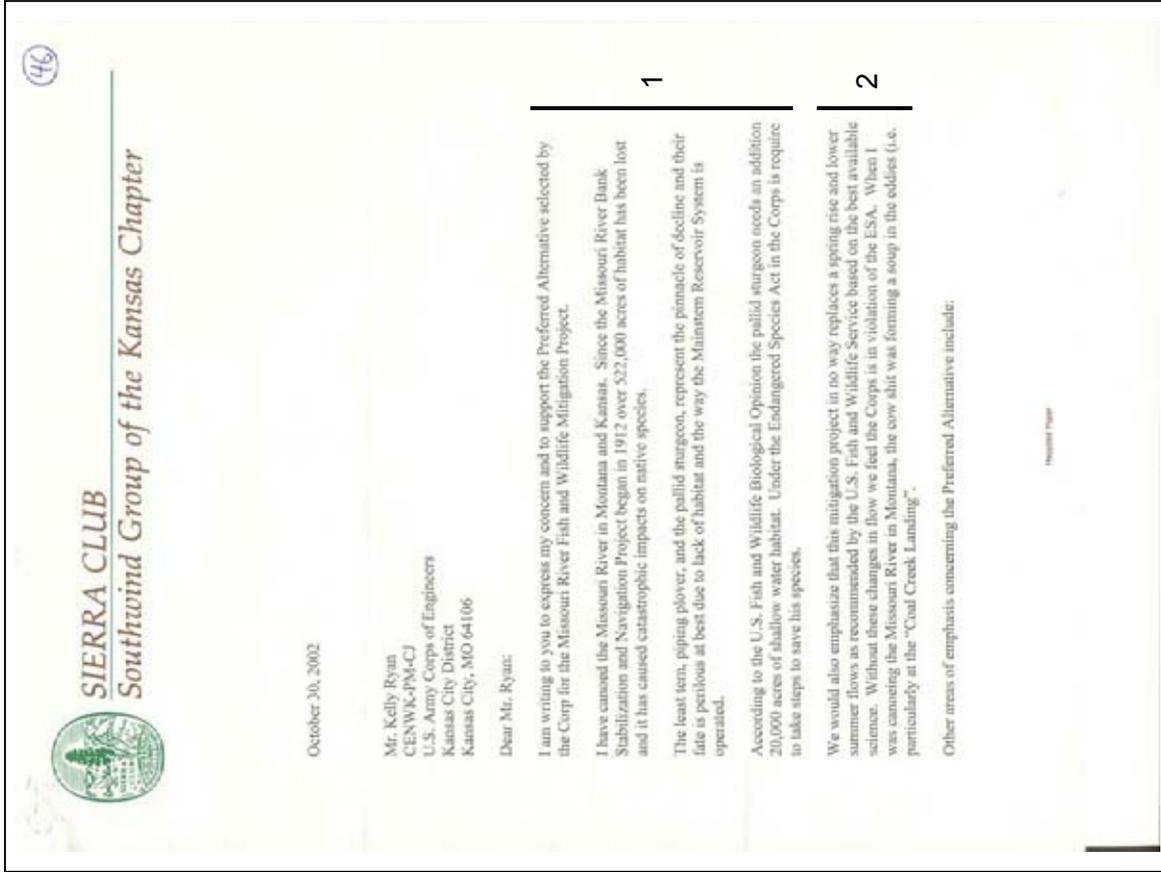
- 15. Comment noted.
- 16. Comment noted.
- 17. Comment noted.
- 18. Comment noted.
- 19. Comment noted. Sedimentation within the mainstem lakes is outside the scope of this SEIS.



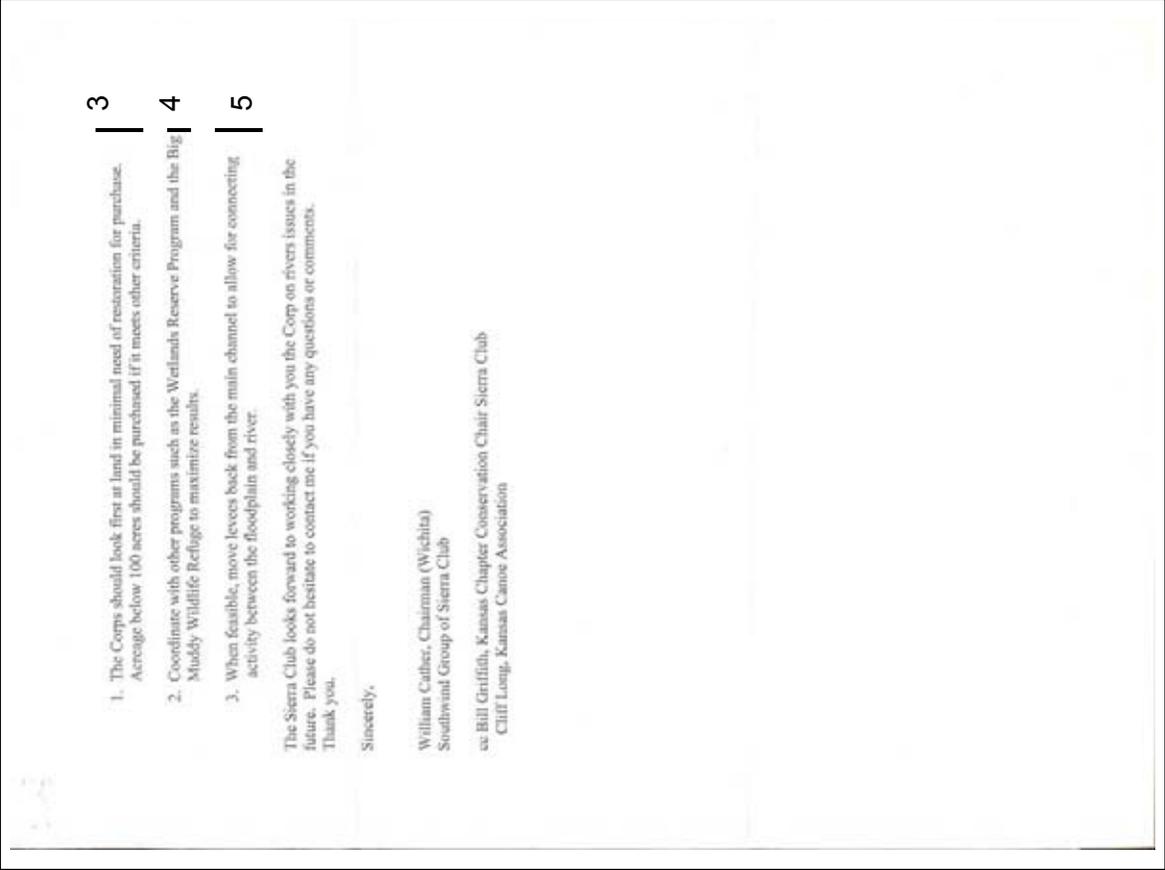
1. Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, is being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.
2. Of the approximately 50 mosquito species in Missouri, only one species, the house mosquito (*Culex pipiens*) is considered a serious transmitter, or vector, of the West Nile Virus (WNV) to humans. This species is strongly associated with people, urban areas, and dwellings, and can breed in small amounts of water where few other species can survive. Flowing waters and those with fish are less likely to be used by mosquitoes. Many fish use mosquito larvae as a food source, thus eliminating potential WNV carriers. Mosquitoes are very weak flyers and will travel only about 30 to 50 yards from where they are bred. Due to these reasons, the creation of wetlands, chutes, and shallow water habitat as part of the Missouri River Fish and Wildlife Mitigation Project is not anticipated to cause an increase in WNV or WNV carriers. Additional information is available at <http://www.conservation.state.mo.us/hunt/wnv/index.htm>
3. Comment noted.
4. Comment noted.

- 5. The Corps would work to control noxious weeds and avoid impacting adjacent private landowners. As these sites change from old field to bottomland timber, conditions will become less desirable for Johnson grass.
- 6. The acquisition and development of fish and wildlife habitat under the Preferred Action would not impact highways.



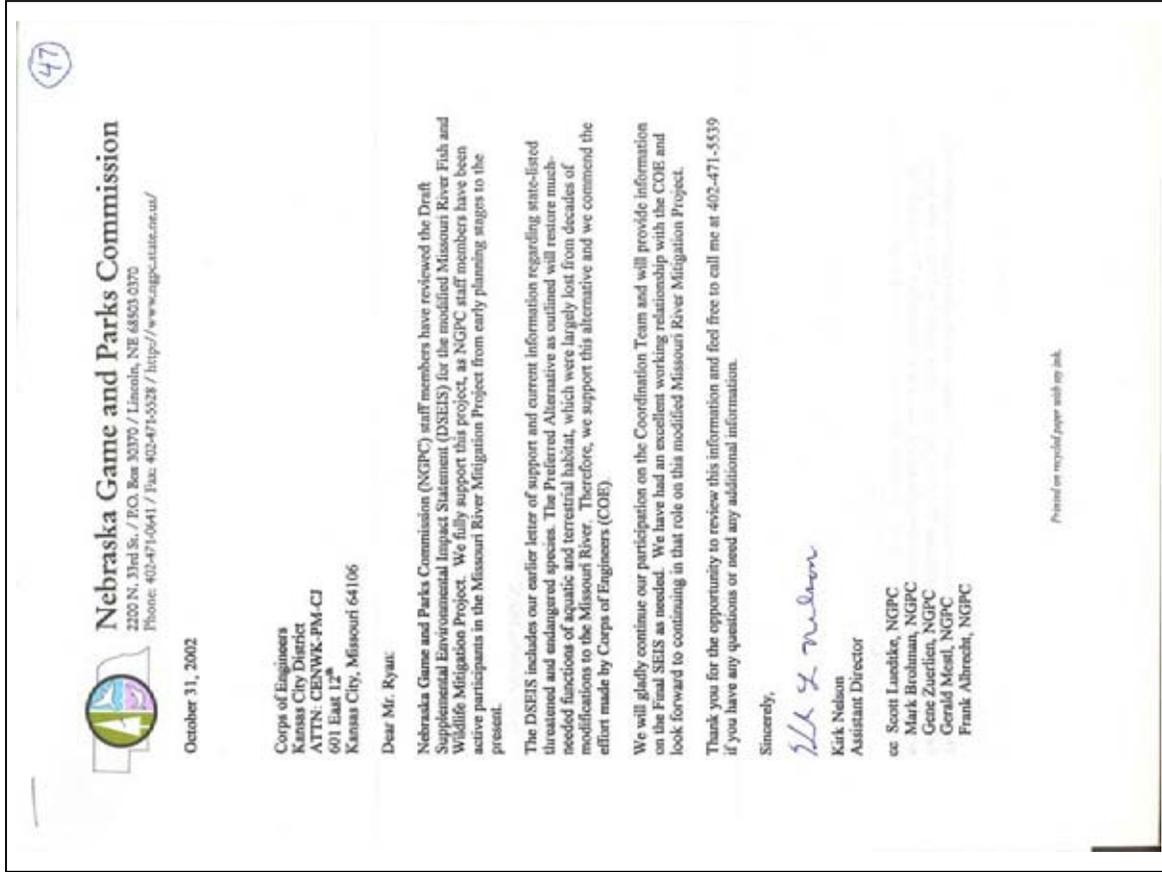


1. Comments noted.
2. Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, is being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.



3. The Corps places a priority on land that would require minimal need of restoration; however, land acquisition for the Mitigation Project is largely dependent on the availability and location of willing sellers. Mitigation sites of less than 100 acres in size may be acquired if the parcel contains unique or critical habitat or populations, small tracts suitable as additions to existing state or Federal lands, or small acreages needed for aquatic restoration.
4. The Corps has been coordinating with the NRCS and USFWS Big Muddy Refuge on land acquisition activities since the beginning of the Mitigation Project. This coordination occurs through the regular meetings of the Mitigation Project's coordination team and also through periodic meetings of the Missouri River Partners, which is a committee of the Corps, MDC, MDNR, USFWS, and NRCS that meet regarding land acquisition along the Missouri River.
5. Current Mitigation Project sites have incorporated levee setbacks into design when feasible. Levee setbacks would continue to be included in the design of Mitigation Project sites when site-specific conditions allow for such activities.

Comments noted. The Corps is committed to continuing its strong working relationship with the state natural resource agencies, USFWS, and EPA as part of the coordination team for the Mitigation Project.





1830 Blair Blvd., 15 • St. Louis MO 63108 • 314-271-9000 Fax: 314-271-985 • [info@missouri.org](mailto:info@missouri.org) • [www.missouri.org](http://www.missouri.org)

October 31, 2002

Kelly Ryan  
CESWK-PM-CJ  
U.S. Army Corps of Engineers  
Kansas City District  
601 East 12<sup>th</sup> Street  
Kansas City, MO 64106-2896

RE: Comments on the Missouri River Fish and Wildlife Mitigation Project Draft Supplemental Environmental Impact Statement

Dear Mr. Ryan:

The Missouri Coalition for the Environment (MCE) strongly supports efforts to restore natural habitats and wildlife populations along the Missouri River. MCE therefore urges you to maximize the positive impacts of the Missouri River Fish and Wildlife Mitigation Project by implementing the preferred alternative, "Alternative A" as identified in the Environmental Impact Statement.

After years of wetland destruction and channelization, the Missouri River is today little more than a large drainage ditch. Restoring natural habitats and providing public land along the River will also have the secondary effect of increasing recreational opportunities for the public and generating economic benefits for those living and working near the River. Additional general comments and section-specific comments are as follows.

General Comments:

1) We believe the goals of the project will be best served by focusing expenditures on land acquisition and "non-structural" restoration efforts. Where appropriate, the removal of riprap, dikes and levees will allow the River to restore itself without the need for significant engineering or construction. Where natural features of the River, such as side-channels and sandbars, have been regenerated by past floods, they should be left unaltered. We urge the Corps to first consider a "hands-off" approach to restoration before undertaking any significant engineering.

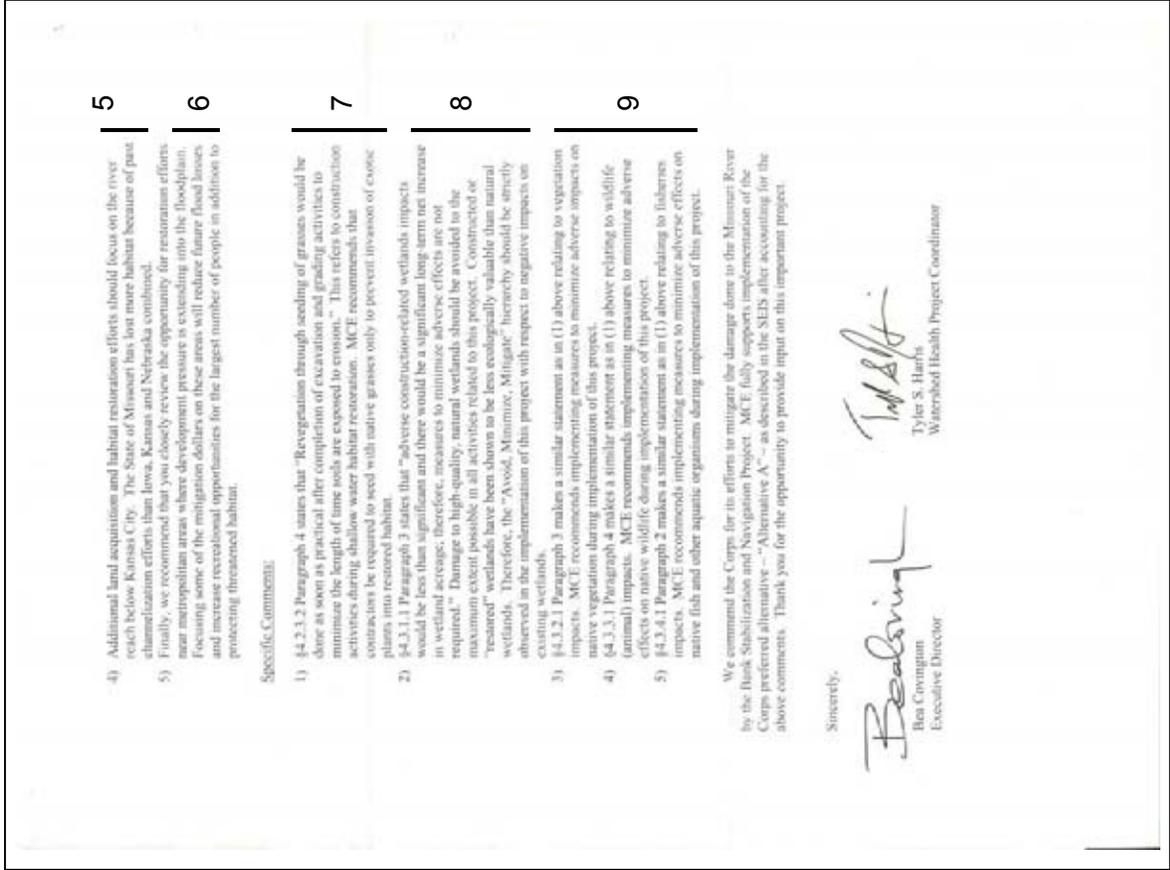
2) Restoration of the connection of the river with its floodplain should be a major focus of the project. River areas with the most interaction with the floodplain have been found to be the most biologically productive.

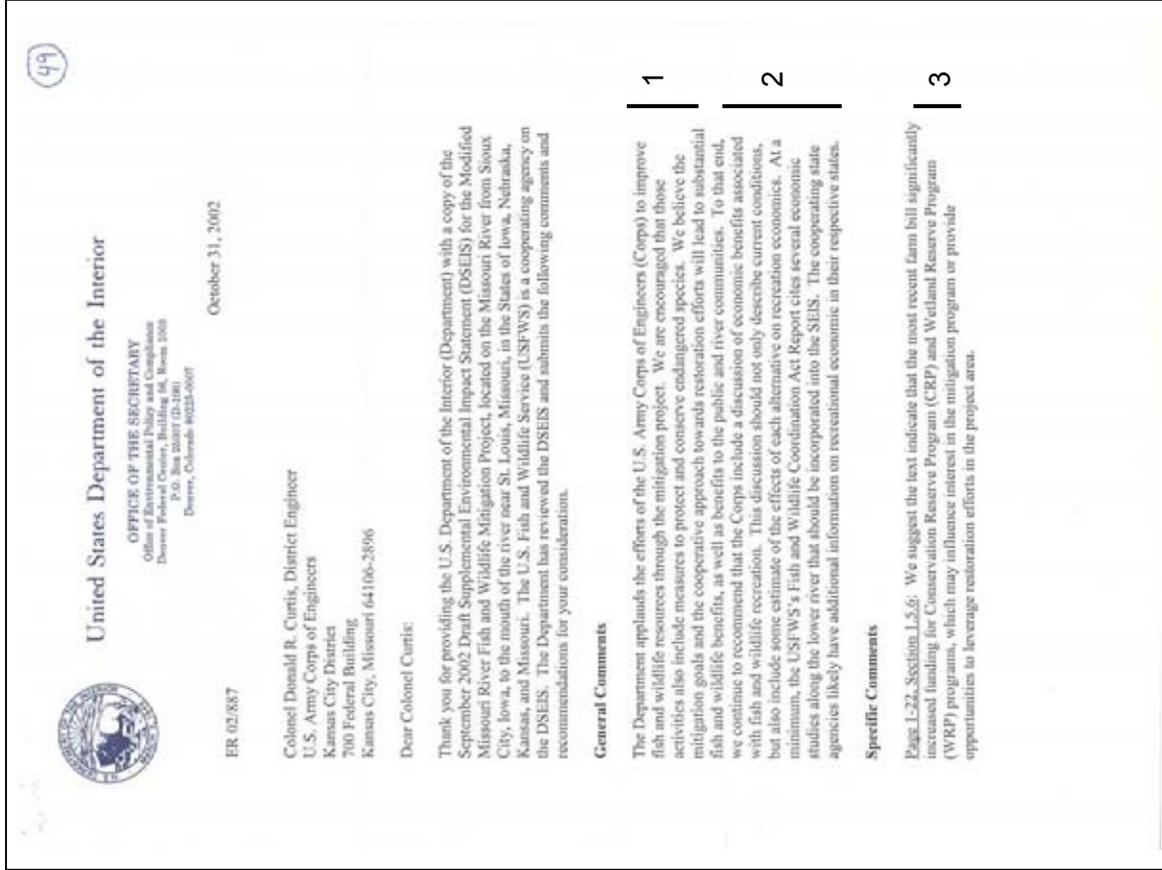
3) The USFWS biological opinion estimated that 20,000 acres of shallow water habitat will be required to reach the goal of 20-30 acres per river mile. Restoration of only 7,000 acres of shallow water habitat will not avoid further jeopardy to the continued existence of the pallid sturgeon. MCE strongly recommends restoration of a minimum of 20,000 acres of shallow water habitat in order to comply with the Endangered Species Act.

Effective Citizen Action Since 1969

1. Comments noted.
2. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design. Restoration activities involving modification or removal of riprap, levees, and dikes would be incorporated into site design when such modifications can be made without impacting the navigation channel or flood control.
3. When possible, the Corps would utilize levee setbacks and other project features to reconnect the river with the floodplain.
4. The Preferred Action in the DSEIS includes a range of shallow water habitat development from 7,000 to 20,000 acres. The USFWS BiOp establishes a goal of 20-30 acres per river mile in the channelized Missouri River. The acres of shallow water habitat developed by the Missouri River Fish and Wildlife Mitigation Project would depend on the amount of Congressional funding allocated to the Mitigation Project. The USFWS states in the BiOp that a restoration of 12,035 acres to 19,565 acres is reasonable and prudent. However, these acreages are dependent on what already exists downstream of Kansas City. The BiOp did not have data for this stretch of river. The Missouri River Fish and Wildlife Mitigation Project is intended to rehabilitate and restore fish and wildlife habitat for the benefit of many species of fish and wildlife, including critically threatened and endangered species. However, it is not the sole intent of this Congressionally authorized project to develop only shallow water habitat to benefit threatened and endangered fish species.

- 5. The acquisition of land under the Missouri River Fish and Wildlife Mitigation Project would include lands in the reach below Kansas City. Acquisition of land within this reach would be dependent on the availability of willing sellers.
- 6. Land acquisition is dependent on the availability of willing sellers. Land near metropolitan areas would be considered for the Mitigation Project if appropriate willing sellers are available in the area.
- 7. Comment noted.
- 8. Comment noted.
- 9. Comment noted.





1. Comments noted.
2. Comment noted. Information has been added to section 4.5.5.1. Information from the Nebraska report, referenced in the Coordination Act Report, included data from outside the BSNP and was not included.
3. Comments incorporated by revising text to include mention of increased farm bill funding for CRP/WRP in Section 1.5.6.

4. A study of Missouri River stage trends is on-going by the Corps and a report will be available in the future.
5. Comments noted. Statements that the USFWS recently designated critical habitat for the Great Plains population of the piping plover and proposed critical habitat for the Topeka shiner have been added to text in Section 3.3.5.1.
6. This information is included in section 4.2.4, Flood Control.
7. Comment noted. The Corps is committed to continuing its strong working relationship with the state natural resource agencies, USFWS, and EPA as part of the coordination team for the Mitigation Project.

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Page 3-11, Section 3.2.4: In addition to periodic floods, river stages for high discharges have increased substantially over time because of modifications to the lower river. We believe this is important background information to include in the SEIS because it helps provide a framework for discussions on existing conditions and potential flood storage benefits from the preferred alternative.

Page 3-31, Section 3.3.5.1: In its discussion of federally listed threatened and endangered species, this section includes a number of species that are not likely to be affected by the modified mitigation project. The inclusion of these species in the discussion may be confusing to the reader. While their inclusion may be informative, we suggest that the section focus on aquatic and terrestrial species that would likely be affected by the project (i.e., are found in the Missouri River or floodplain portions of the tributaries, or on the floodplain property). If the authors chose to include all species, they should also note that the USFWS recently designated critical habitat for the Great Plains population of the piping plover and proposed critical habitat for the Topeka Shiner.

Page 4-6, Section 4.2.1.1: This section should include a discussion of potential flood storage benefits of mitigation sites that have increased exchange with the river.

Page 4-77, Section 4.1.6: The Department is encouraged that the Corps sees great opportunity through the modified mitigation plan to build on current success. The USFWS, in close coordination with the States, looks forward to working with the Corps as it pursues recommended measures for future restoration efforts.

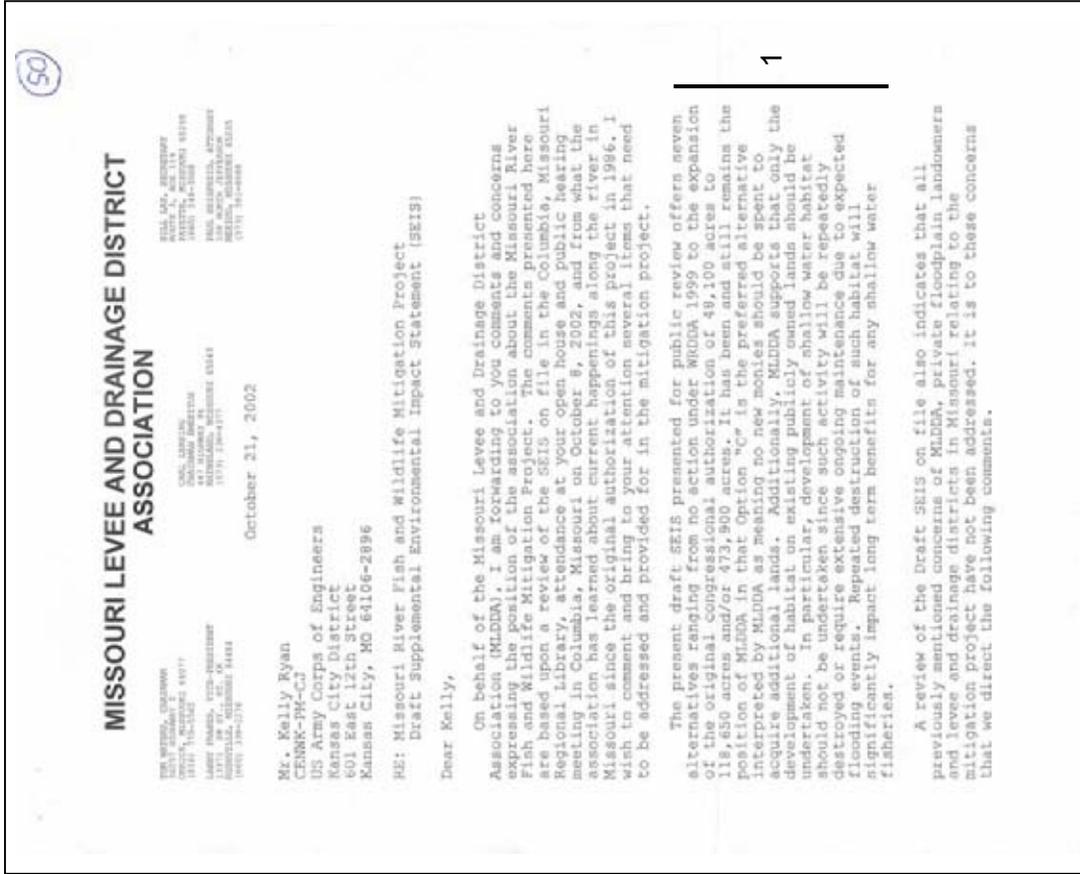
The Department, through the USFWS, has a continuing interest in working with the U.S. Army Corps of Engineers to provide the greatest possible project benefits to fish and wildlife resources and federally listed threatened and endangered species. Please continue to coordinate with the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, 608 E. Cherry St., Room 200, Columbia, Missouri 65201, telephone (573) 876-1911.

We appreciate the opportunity to provide these comments.

Sincerely,

  
Robert Stewart  
Regional Environmental Officer

1. Comments noted.



October 21, 2002  
Mr. Kelly Ryan  
Page 2 of 5

PAYMENTS IN LIEU OF TAXES (PILT)

1) The formula and procedure of the Bureau of Land Management (BLM) for PILT has not been changed to remedy the disruption of the tax bases in areas where land is acquired. From past years, varying amounts are being appropriated annually by Congress that disrupt budgeting and bond payments and shortfalls in annual maintenance revenues. Congress must provide full funding every year for personnel property and improvements at the time of purchase plus amounts for real-estate property taxes on existing and newly purchased lands.

2) If Congress does not make full payments for 3 years out of 5, then the land shall be sold back into the private sector for back taxes just like any other private property in the area.

3) All lawful local tax increases authorized by the people need to be paid on all government lands purchased for this project. Payments in lieu of taxes must be paid directly to the affected taxing entities involved. Some of the entities authorizing these property taxes include rural fire, ambulance, library, levee, drainage, water and sewer districts, schools and county government. This includes varying the tax payments for increases or decreases in local values for surrounding lands.

4) The bonding capacity of an entity must not be reduced due to the exclusion of agency owned land areas. The respective government agency owning mitigation lands must underwrite all bonded indebtedness assigned to their lands and guarantee sufficient payments in lieu of taxes to support increases in indebtedness approved by the voters.

5) When land is purchased, payments in lieu of taxes by the government for the remaining current tax year shall be made in addition to the prorated taxes paid by the seller so that local entities do not experience a revenue shortfall in the current year.

STATUTORY POWERS

1) Lands purchased for the mitigation work must be subject to all local lawfully authorized laws regulating land use and ownership. Some of these include zoning, condemnation and/or sale of lands for rights-of-way for drainage ditches, levees, roads, rural power, sewer, telephone and power lines and other easements associated with these uses. Applicable portions of such lands must also be considered as being held in trust to be made readily available for development by local entities into worthwhile public works projects. When authorized, local public projects may concern lands of the mitigation project. Necessary mitigation of "Mitigation Project" lands taken for public projects shall be totally borne by the agency owning the "Mitigation Project" lands. Some public projects on mitigation lands shall include potable and sewage water works

2. Administration of the Payment in lieu of taxes (PILT) program is the responsibility of the Bureau of Land Management (BLM) and appropriations for the program are decided by Congress. The formula and procedural concerning PILT payments and annual Congressional appropriations are outside the authority of the Corps. Placing such a stipulation on Federally purchased land is outside the authority of the Corps.
4. Administration of the PILT program is the responsibility of the Bureau of Land Management (BLM) and appropriations for the program are decided by Congress. Additional appropriations to account for local tax increase is outside the authority of the Corps.
5. Administration of the PILT program is the responsibility of the Bureau of Land Management (BLM) and appropriations for the program are decided by Congress. Additional appropriations to account for local increases is bonded indebtedness is outside the authority of the Corps.
6. Administration of the PILT program, including when payments are made and how much the payments are is outside the authority of the Corps.
7. Comments noted. Laws effecting management of Federal lands are outside the scope of this SEIS. Utilities, municipalities, and others will be able to seek easements on these mitigation lands as needed.

<p>October 21, 2002 Mr. Kelly Ryan Page 3 of 5</p> <p>including wells and river water out-takes, treatment plants and outfalls, river ports and authorities, airports, railroads, levees, drainage and recreation facilities.</p> <p><u>MANAGEMENT OF MITIGATION PROJECT LANDS</u></p> <p>1) Mitigation project lands must be managed according to local laws. Some of these include noxious weed control, adherence to flood plain development ordinances, lawful access to government lands by local entities for official duties and maintenance and repairs and protection of public facilities, such as levees, ditches, pump stations, etc. on government lands.</p> <p>2) Mitigation lands must not be subtracted or from the benefited base acreage of levee and drainage districts nor reduced in value for the computation of benefit cost ratios for 84-99 levee repair program funds or other public projects. Mitigation lands shall be considered equal in value to surrounding lands for such purposes.</p> <p><u>PROVISIONS IN THE MITIGATION PROJECT</u></p> <p>1) The scope of the mitigation project must include provisions for complete maintenance and operation of the navigation channel and its channelization and bank stabilization structures. This will maintain the flood protection characteristics of the channel with respect to its ability to provide storm/flood water conveyance at lower flood water levels. This will prevent the need for redesign of infrastructure designed for the present water levels and/or construction reference plans.</p> <p>2) The scope of the project must include provisions for operating wetland banks on USDA designated "Prior Converted" (PC) lands purchased for this project. Wetlands in residential, commercial, industrial and agricultural development areas shall be allowed to be conveyed into these wetlands bank areas. This will allow developers and farmers to move bothersome wetland places off of their property and allow levee/drainage districts, when economically advantageous, to move bothersome wetland places out of drainage ditches and facilities. This will allow widely dispersed small wetland areas, that what would otherwise deteriorate, to be moved to larger wetland areas where they are easier to monitor and administer; and, provide some financing for converting the PC land to an upgraded wetlands. The operation of wetland banks would provide some much-needed popular support for the mitigation project.</p> <p>3) The scope of the mitigation project must include comprehensive economic studies and benefit cost ratios for the areas where land is to be purchased. Such studies shall include and list the overall impacts that such proposed mitigation works will have on local and statewide economies and employment. In addition, this provision must be met before lists of agency designated "choice"</p>	7
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8. Comments noted. Laws effecting management of Federal lands are outside the scope of this SEIS. Utilities, municipalities, and others will be able to seek easements on these mitigation lands as needed.
9. Comment noted.
10. Navigation will not be adversely affected by the Missouri River Fish and Wildlife Mitigation Project. The Corps is obligated to maintain the existing nine-foot deep and 300-foot wide navigation channel constructed as part of the BSNP. Site-specific design and environmental assessments would be conducted to avoid any adverse impacts to navigation and bank stabilization.
11. Missouri River mitigation lands could be made available if an acceptable mitigation bank proposal was received from a Section 404 permit applicant and coordinated with the EPA, USFWS, state 401 agency, and the Corps. However, because these lands are being purchased and managed for mitigation of the BSNP, double counting of benefits would not be allowed. Per the *Federal Guidance for the Establishment, Use and Operation of Mitigation Banks* published in the Federal Register (Volume 60, Number 228, Pages 58605-58614), Federally-funded wetland conservation projects undertaken via separate authority and for other purposes cannot be used for the purpose of generating credits within a mitigation bank. However, mitigation credit may be given for activities undertaken in conjunction with, but supplemental to, such programs in order to maximize the overall ecological benefit of the conservation project.
12. This DSEIS is programmatic in nature and does not identify future Mitigation Project sites or include site-specific analyses. Site-specific environmental review would be conducted during the planning phase of site development. As authorized by Congress, this Mitigation Project is not subject to benefit cost calculations.

October 21, 2002  
Mr. Kelly Ryan  
Page 4 of 5

areas are compiled or continued to be maintained for such purposes. | 12

BUYING FROM WILLING SELLERS

1) Government shall not engage in scare or unfair tactics to get people to sell their land. Presently some of these tactics include: a) stating or implying the threat of condemnation of lands; b) offering "sweet deals" that other potential private concerns cannot afford such as letting the seller operate or farm the property at no charge for years after the government has taken ownership of the land; c) closing county roads or other tactics that deny owners access to their land; d) excluding a landowner from flood protection or drainage facilities such as isolating them from organized districts; e) preventing repair or not repairing damaged flood protection structures and that lands of others in a levee district are flooded; f) destroying channelization structures so that the cutting action of streams and rivers destroy levees and private property; g) leaping from public review development of benefit cost ratios for flood damaged areas; and, h) giving a higher than normal weighted value for wildlife purposes on agency designated "choice" areas when developing benefit cost ratios.

LAND USE REGULATIONS

1) The purchase of select and strategically located tracts of mitigation project lands in the various levee and drainage districts in the state will cause an irrefutable land use change in a respective district. Given the fact there are no set guidelines for management, policies and care of public facilities on agency lands; and, given the inconsistencies indicated by Corps of Engineers personnel at the scoping and open house meetings with respect to how the program may be implemented from one administration to the next, some form of safeguard provisions for local control is needed to protect the remaining landowners and entities in the area from either promises not kept by the government or policies and activities that are detrimental to local interests. Therefore, proposed purchases of project property must have a contingency requiring approval of the land use change by the respective County Commission. Prior to a ruling by the County Commission, a public hearing dealing with the land use change must be held so that the proposals of the various agencies and the concerns of affected entities can be heard. This will provide for a full hearing of the proposed activities of the government, control over what is to be expected and conditions for providing for concerns of affected entities such as schools, levee districts, etc. This process is identical to rezoning/change of land use issues that take place weekly with respect to property sales statewide.

2) The agencies must not operate their lands in such a manner as to change the character of the existing land use on adjoining | 15

- 13. The policy of the Corps in implementation of the Missouri River Fish and Wildlife Mitigation Project is to acquire land from willing sellers only. Laws governing Federal land acquisition are outside the scope of this project. Private landowners always retain the right to file a claim for any damages they think have been caused by the Government.
- 14. The policy of the Corps in implementation of the Missouri River Fish and Wildlife Mitigation Project is to acquire land from willing sellers only. Laws governing Federal land acquisition are outside the scope of this project. Private landowners always retain the right to file a claim for any damages they think have been caused by the Government.
- 15. The policy of the Corps in implementation of the Missouri River Fish and Wildlife Mitigation Project is to acquire land from willing sellers only. Laws governing Federal land acquisition are outside the scope of this project. Private landowners always retain the right to file a claim for any damages they think have been caused by the Government.

October 21, 2002  
Mr. Kelly Ryan  
Page 5 of 5

properties. In adjudication of such matters, judgments and awards must be granted liberally in favor of existing land use on all adjacent lands and liberally against agency policies that are detrimental to adjoining land uses.

These are some of the concerns that MLDUA, landowners and local entities have about the mitigation project. If you have any questions, please contact me. Respectfully Submitted on behalf of MLDUA.

Sincerely yours,

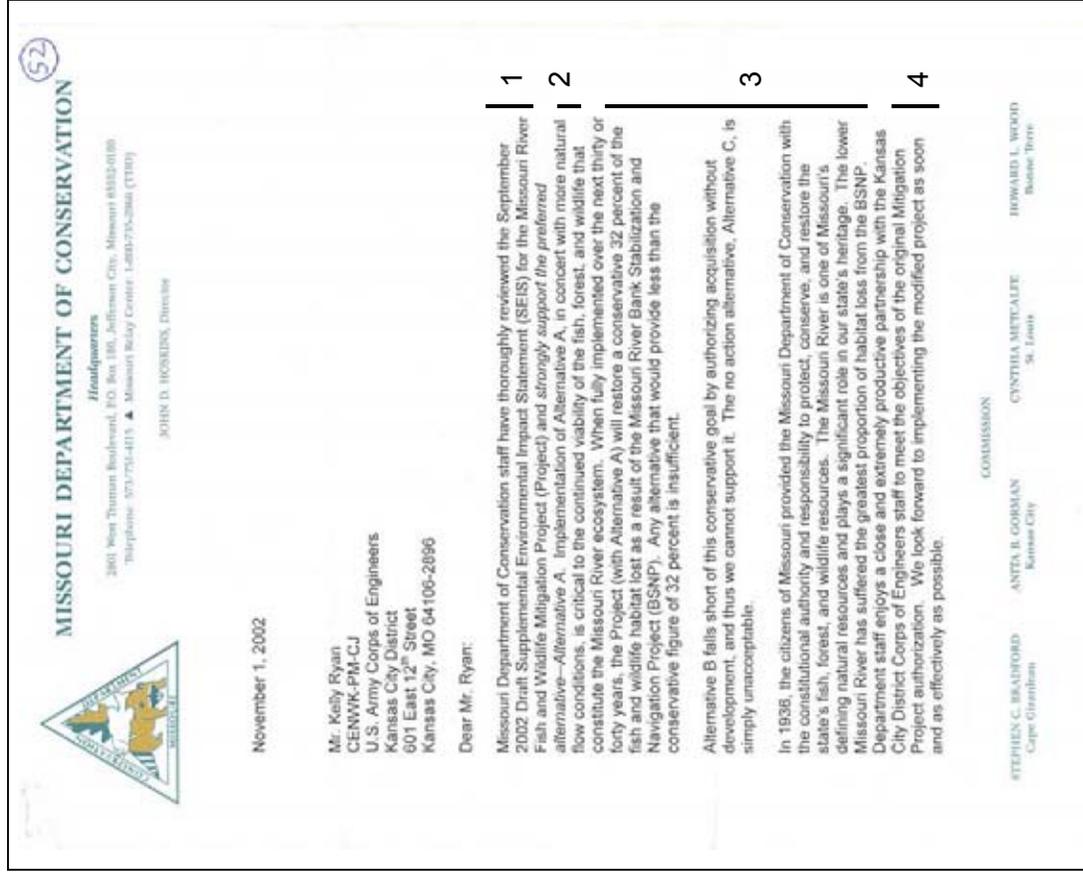
  
Joseph B. Gilbre, PE, Member  
Board of Directors  
MLDUA

JBS/ebg

- cc: Governor Bob Holden
- US Senator Christopher S. Bond
- US Senator Jean Carnahan
- US Representative Kenny C. Hulshof
- US Representative Ike Skelton
- US Representative Sam Graves
- US Representative Jo Ann H. Emerson
- US Representative Roy Blunt
- US Representative Richard A. Gephardt
- Tom Waters, President of MO-ARK, MLDUA, CPNR
- Randy Asbury, Executive Director
- Coalition to Protect the Missouri River (CPMR)
- Dave McMurray, President
- Upper Mississippi, Illinois, Missouri River Association
- Heather Hampton Knodle, Executive Secretary
- Upper Mississippi, Illinois, Missouri River Association

Comments noted.





Mr. Kelly Ryan  
Page Two  
November 1, 2002

Like the Missouri River Natural Resources Committee, of which the Department is a member, we advocate: (1) letting the energy of the river do as much of the work as possible, rather than "hard" engineering and construction, (2) monitoring the performance of mitigation sites and modifying practices or management to ensure resource objectives continue to be met, and (3) focusing on restoring a mosaic of riverine and floodplain habitats that meet the needs of the greatest number of species rather than focusing on a few species.

Successful implementation of the authorized Project will continue to be realized only if: (1) the Corps maintains its policy of purchasing land only from willing sellers, and (2) annual congressional appropriations are adequate and sustained. The Department will continue to do our part to inform congressional delegations and the public of the on-the-ground successes of the Project and the need to continue its support.

The Missouri River Fish and Wildlife Mitigation Project is the most powerful tool in existence to restore a conservative percentage of lost Missouri River habitat. The Department of Conservation unequivocally supports the Project and the Preferred Alternative proposed in the September 2002 Draft SEIS.

Sincerely,

*John D. Hoskins*  
JOHN D. HOSKINS  
DIRECTOR

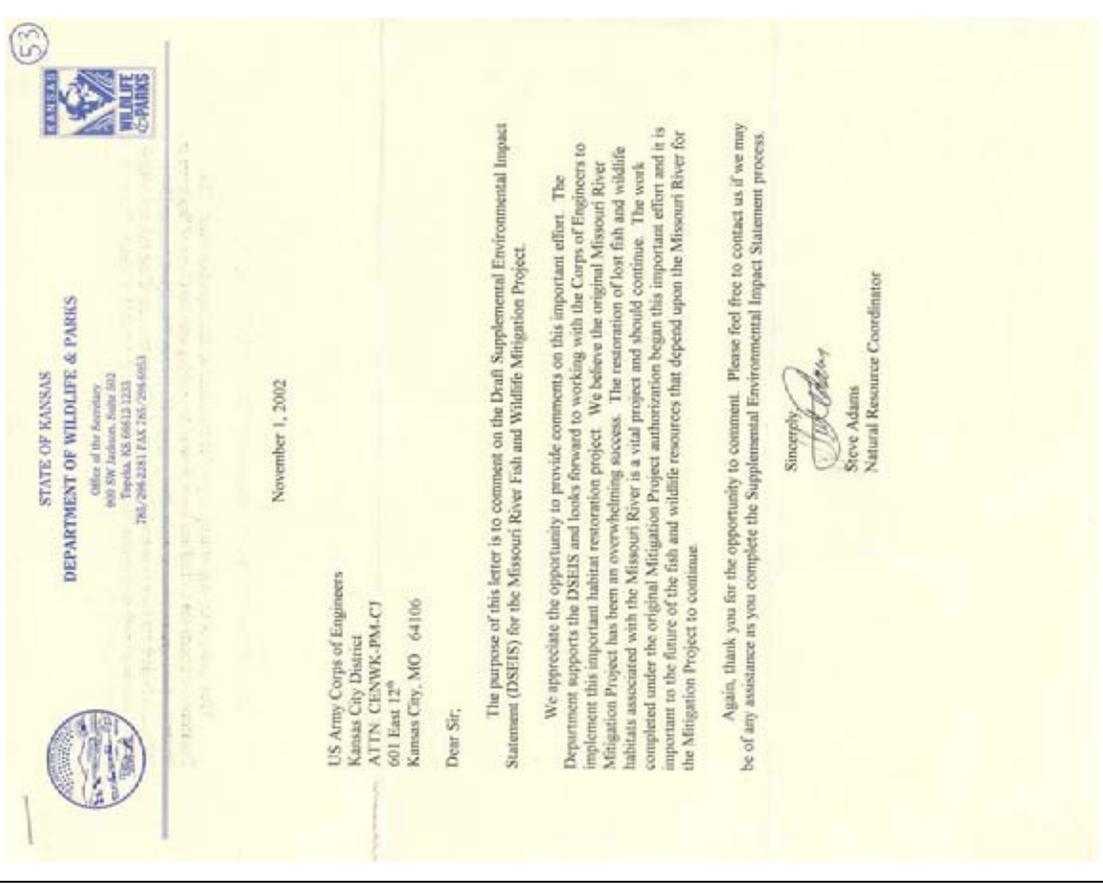
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5. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design.
6. A monitoring and evaluation program would be developed by the Mitigation Project and used to implement adaptive management at mitigation sites. The Corps plans to continue to use an adaptive management process with future mitigation sites.
7. Comment noted.
8. Comments noted.



Comments noted. The Corps is committed to continuing its strong working relationship with the state natural resource agencies, USFWS, and EPA as part of the coordination team for the Mitigation Project.

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**US Army Corps of Engineers**  
Kansas City District

**COMMENT FORM**

Meeting Date: October \_\_, 2002

Open House/Public Hearing for the  
Draft Supplemental Environmental Impact Statement  
Missouri River Fish and Wildlife Mitigation Project

Name:	Address:	
Affiliation:	Phone Number:	
Email:		

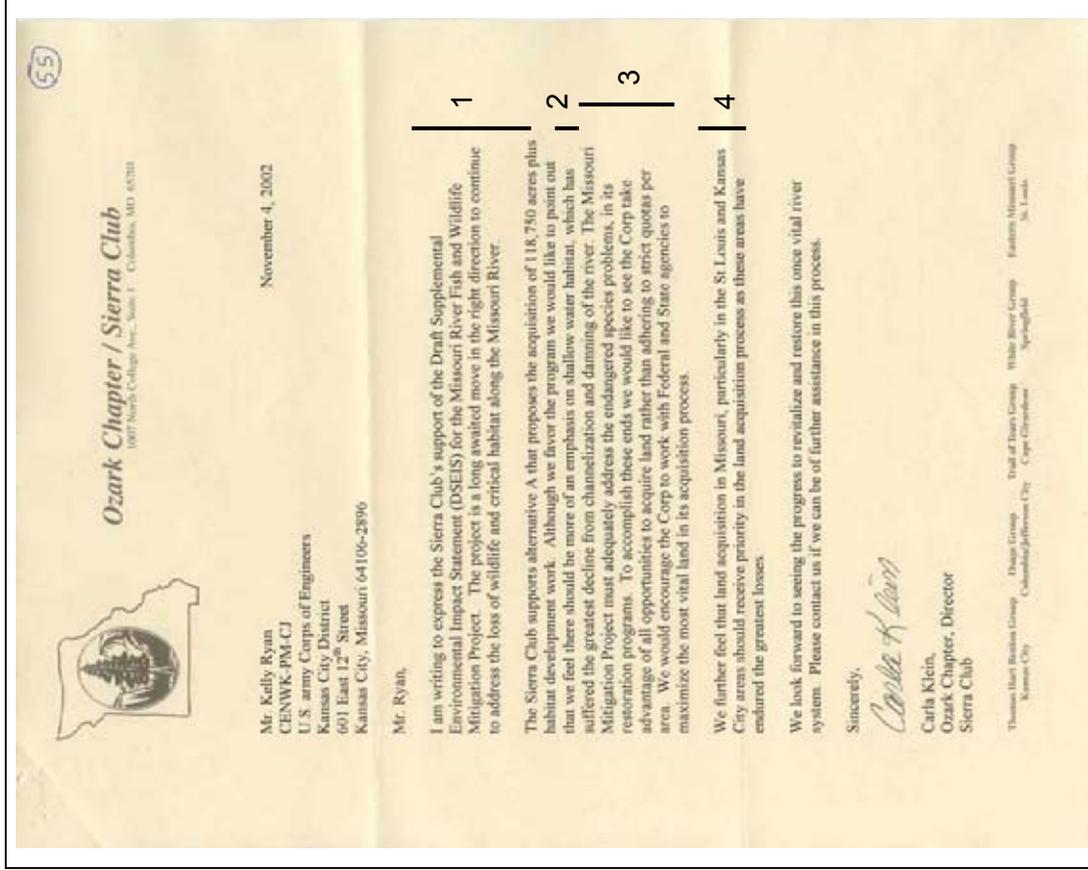
Please write your comments on the Draft SEIS in box below. Your comments may also be sent to the address on the reverse side, and must be post marked **NO LATER THAN NOVEMBER 4, 2002.**

1 | 2 | 3 | 4

*I'm opposed to any land or additional land for the whole mitigation project. It has the whole farming economy. It has a great effect on people in these difficult times. Also this land gets taken off the tax base. The Corps says the payment in lieu of taxes is made to the local government. But limited to say payment is already taxpayer money.*

Continue on other side

1. Comment noted.
2. Comment noted.
3. The potential decrease of approximately \$14 million per year of corn and soybeans sold in the Missouri counties in the ROI would be approximately 1.2 percent of the total crop value in the 25 Missouri counties, and a much smaller percent of the state's total agricultural products value. The Corps does not consider this to be a significant adverse impact on the state's agricultural economy.
4. Conversion of private land to public ownership would decrease the tax base of the effected county. However, the Corps found that the potential effect on an individual county's tax revenue would be less than 1.8 percent after PILT payments.



1. Comment noted.
2. Comment noted.
3. Land acquisition for the Missouri River Fish and Wildlife Mitigation Project is dependent on the availability of willing sellers in any given area. As part of the modified Mitigation Project there will not be strict criteria of acres to acquire per state, thereby making the acquisition and development of fish and wildlife habitat under the project as flexible as possible. The Corps is committed to continuing its strong working relationship with the state natural resource agencies, USFWS, and EPA as part of the coordination team for the Mitigation Project.
4. Land acquisition is dependent on the availability of willing sellers. Land near metropolitan areas, such as Kansas City and St. Louis, would be considered for the Mitigation Project if appropriate willing sellers are available in the area.

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**US Army Corps of Engineers**  
Kansas City District

**COMMENT FORM**

Meeting Date: October \_\_, 2002

Open House/Public Hearing for the  
Draft Supplemental Environmental Impact Statement  
Missouri River Fish and Wildlife Mitigation Project

Name:	Address:	
Affiliation:	Phone Number:	
Email:		

Please write your comments on the Draft SEIS in box below. Your comments may also be sent to the address on the reverse side, and must be post marked NO LATER THAN NOVEMBER 4, 2002.

1 I've opposed to any land to public ownership would decrease the tax base of the effected county.

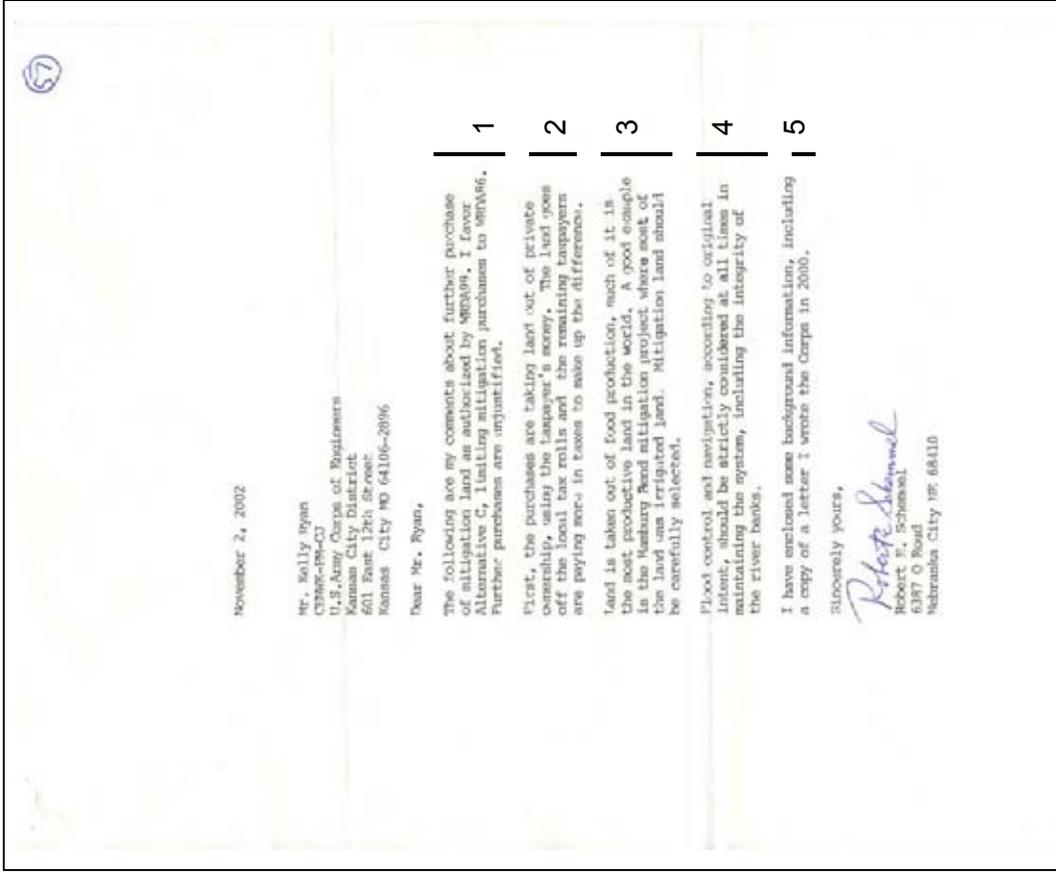
2 However, the Corps found that the potential effect on an individual county's tax revenue would be less than 1.8 percent after PILT payments.

3 The potential decrease of approximately \$14 million per year of corn and soybeans sold in the Missouri counties in the ROI would be approximately 1.2 percent of the total crop value in the 25 Missouri counties, and a much smaller percent of the state's total agricultural products value. The Corps does not consider this to be a significant adverse impact on the state's agricultural economy.

Carol Day

Continue on other side

- 1) Comment noted.
- 2) Conversion of private land to public ownership would decrease the tax base of the effected county. However, the Corps found that the potential effect on an individual county's tax revenue would be less than 1.8 percent after PILT payments.
- 3) The potential decrease of approximately \$14 million per year of corn and soybeans sold in the Missouri counties in the ROI would be approximately 1.2 percent of the total crop value in the 25 Missouri counties, and a much smaller percent of the state's total agricultural products value. The Corps does not consider this to be a significant adverse impact on the state's agricultural economy.



1. Comment noted.
2. The loss of tax base a county would experience would be dependent on the amount of acres purchased in that county and the tax rate for acreage in that county. The tax base impact analysis conducted in the DSEIS (Section 4.5.2) determined that urban counties could experience a loss of 0.7 percent of county revenues considered as a percent of Federal, state, and local tax revenues. In rural counties, the tax base impact could be higher with losses of up to 2.5 percent of the county's local tax revenue base, and when all sources of revenue were considered the loss would be less than 1.8 percent.
3. Comment noted.
4. Navigation and flood control would not be adversely affected by the Missouri River Fish and Wildlife Mitigation Project. The Corps is obligated to maintain the existing nine-foot deep and 300-foot wide navigation channel constructed as part of the BSNP. Site-specific design and environmental assessments would be conducted to avoid adverse impacts to navigation, flood control, and bank stabilization.
5. Background information noted.

September 27, 2000

U.S. Army Corps of Engineers  
Northwestern Division  
12565 West Center Road  
Omaha NE 68144-3869

RE: draft biological opinion  
U.S. Fish and Wildlife Service

Dear Sirs:

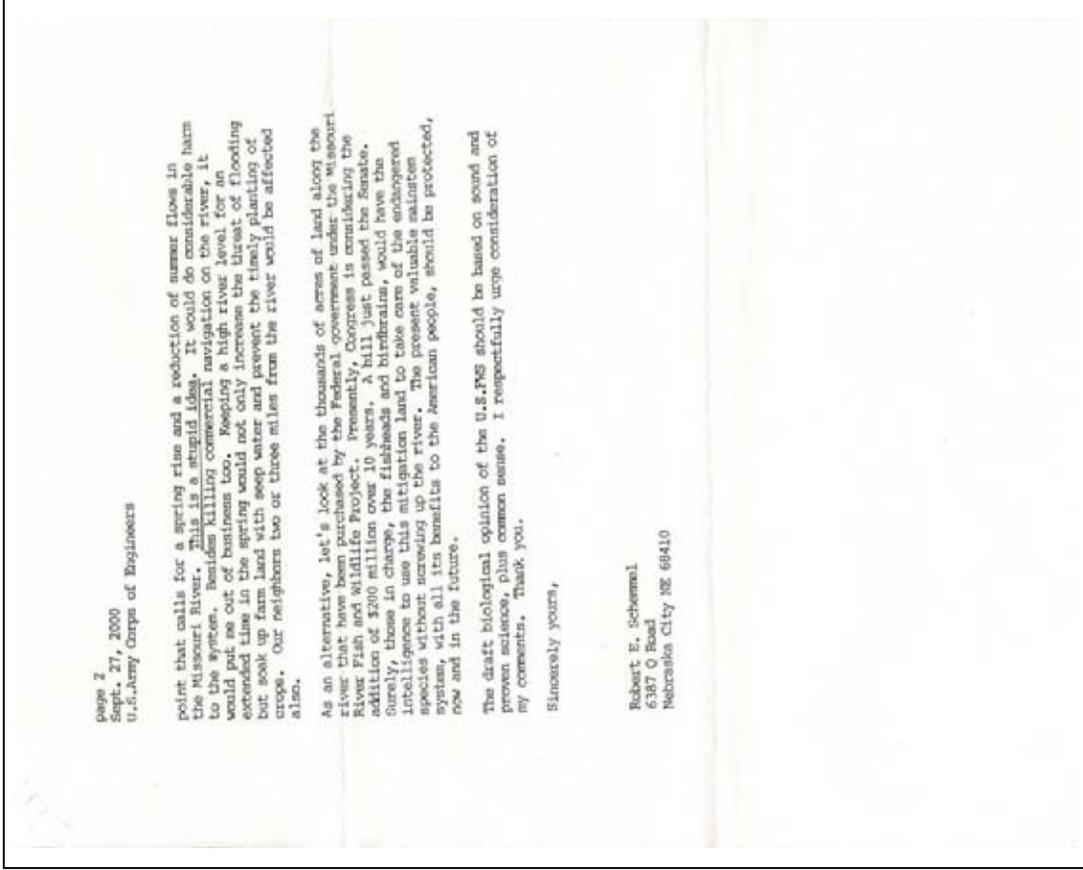
In my lifetime I have witnessed the development of the Missouri River mainstem system, with the six upstream dams, the levees, and the stabilized channel from Sioux City, Iowa, to the mouth. It is very special to me and provides many benefits to the American people. It is a tremendous system, born of necessity and for the public good—a national treasure. We are now faced with a concerted effort by those who want to tear it down. Every effort should be made to prevent this travesty.

I am an owner of riparian land downstream from Nebraska City, now known as Schemmel Island, the land having been purchased by my father in 1938. It has been in the family for over 62 years. Having witnessed the first river work started in 1934, I am quite familiar with this reach of the river and was quite active in several lawsuits concerning this area, including a U.S. Supreme Court case, *Nebraska v. Iowa*, #17 Original, in the 1960's and early 1970's. This involved considerable research in river history and law. Also, I was a member of the Nebraska Boundary Commission for 26 years.

There is a lot of false information put out by the environmentalists that harasses me. The environmental group American Rivers, and environmental and editorial writers of the Omaha World-Herald repeat this line, as well as Rep. Doug Bereuter and several other writers and politicians. The fact is, this is a big lie. The Corps didn't straighten out the river—they did not turn the opposite when they stabilized the river. According to design, the river was stabilized in a series of sinuous curves or berms from Kansas City to Sioux City. In the Omaha District, holes to Sioux City, there are close to 100 berms. These berms are necessary for the river to hold its shape, as proven by experience in the lower river.

An ideal berm would be three miles long with a radius of 6000 to 9000 feet and a channel width of 700 feet (as far as Omaha). In the general area of Schemmel Island there was a berm six miles long. The design called for making three berms out of one. Does that sound like they were "straightening the river"? I have personal knowledge of this because part of a pilot canal went through Schemmel land. Work in the area was generally complete by 1941 and when interrupted by World War II, approximately 99% of the work was complete to Omaha and approximately 78% was complete from Omaha to Sioux City. Work was completed following the end of the war.

With the point I made about "straightening the river," the draft opinion of the U.S.FWS should be examined carefully for similar distortions. Enclosed is a copy of the Omaha World-Herald column (8/30/00) "Another Point of View" which is written by David Burkholder and does an excellent job of criticizing the draft opinion. I just want to comment on the one





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**US Army Corps of Engineers®**  
Kansas City District

**COMMENT FORM**

Meeting Date: October \_\_, 2002

Open House/Public Hearing for the  
Draft Supplemental Environmental Impact Statement  
Missouri River Fish and Wildlife Mitigation Project

Name: <u>George Stuckhoff</u> Address: <u>5216 No. Kansas Rd</u>	Affiliation: _____ Location: <u>Augusta Mo 63232</u> Phone Number: <u>636-228-4396</u>
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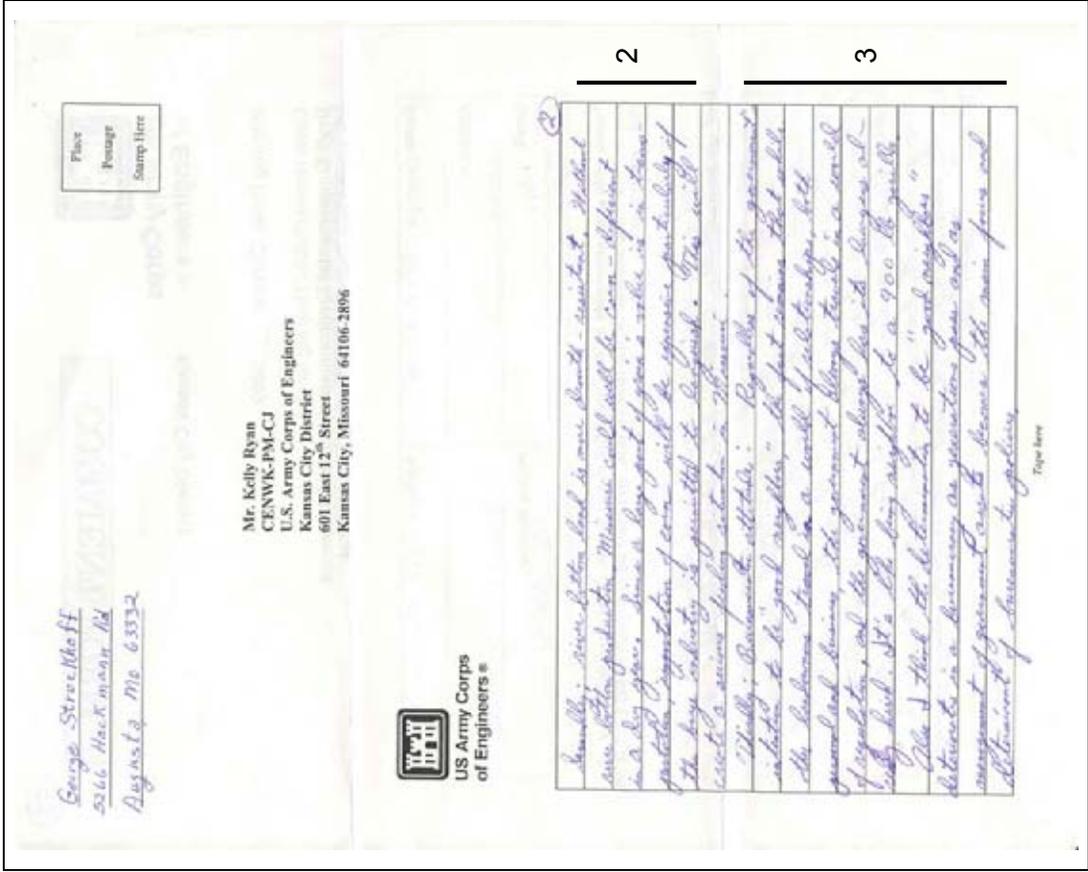
Please write your comments on the Draft SEIS in box below. Your comments may also be sent to the address on the reverse side, and must be post marked NO LATER THAN NOVEMBER 4, 2002.

1

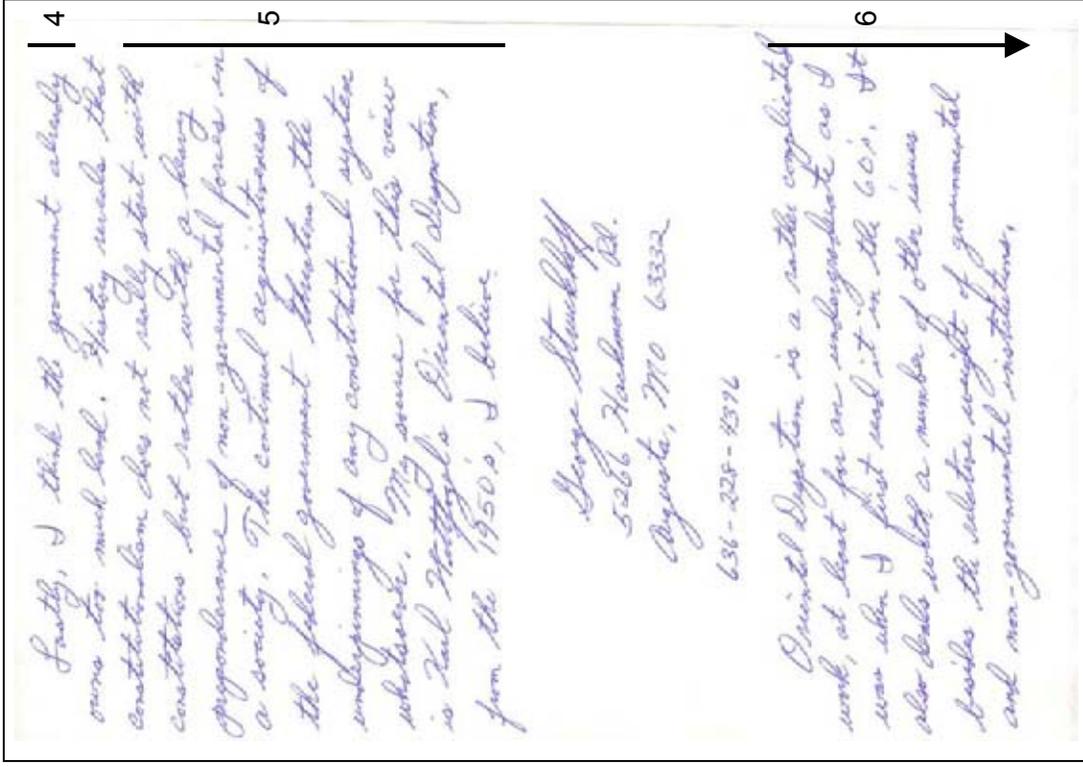
*My first point is in the comparison of taking better care of agricultural production. Some might think that the land taken out of production will be only that which is required by the crops. My belief is that much more land will be lost to production as a result. Most areas better known from land in the hills as well. Some will grow in out of production, the better ground primarily under the hills. My contention is that the loss of better ground will be a serious matter to our nation. The loss of better ground will result in a long term negative impact throughout the area.*

Comment on other side

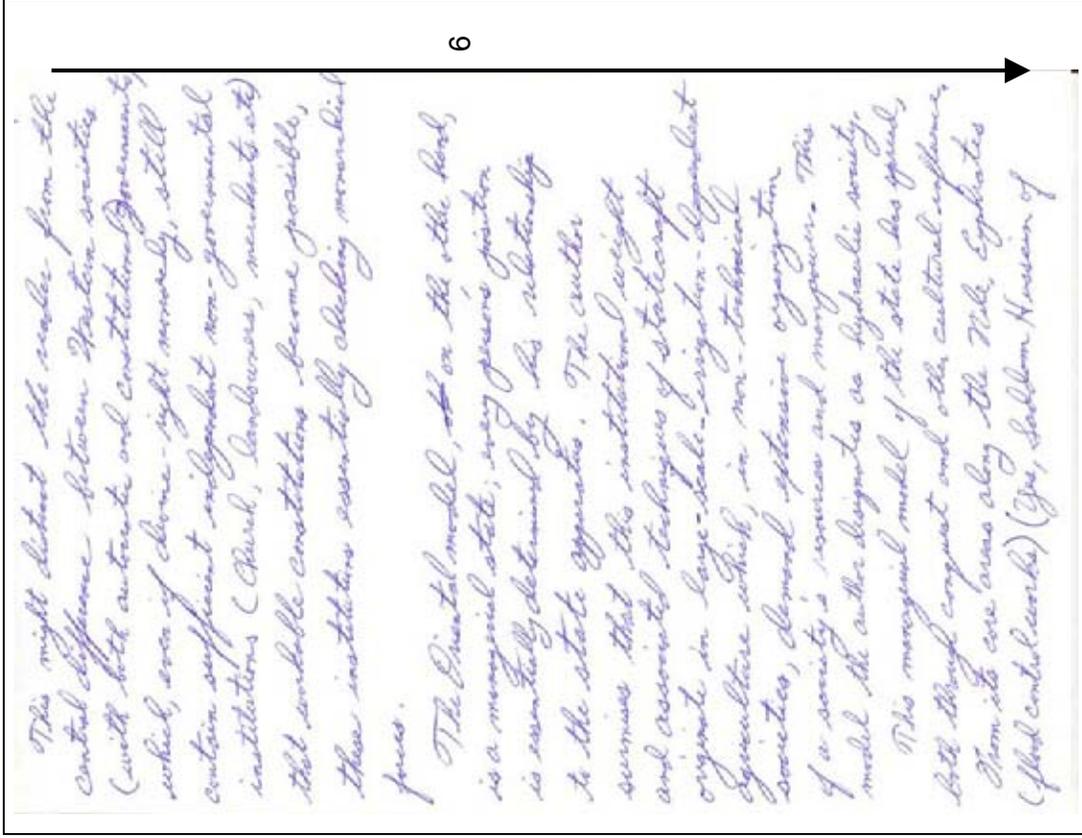
1. Acquisition of agricultural land would be from willing sellers only. The Corps DSEIS determined that the acquisition of 118,650 acres would represent only 5.7 percent of the Missouri River floodplain (which is primarily in agricultural production). The Corps does not consider this to be a significant adverse impact. Assuming all 118,650 acres of mitigation land have been acquired, and combine the year 2001 figure of 114,650 acres of public land currently existing within the 2,069,000 acre Missouri River floodplain, this would only amount to approximately 11.3 percent public (government) ownership of the floodplain.



2. Missouri River floodplain ground would not be taken out production unwillingly since the Mitigation Project would acquire land from willing sellers only. Acquisition of 118,650 acres would represent approximately 5.7 percent of the Missouri River floodplain.
3. Comment noted.



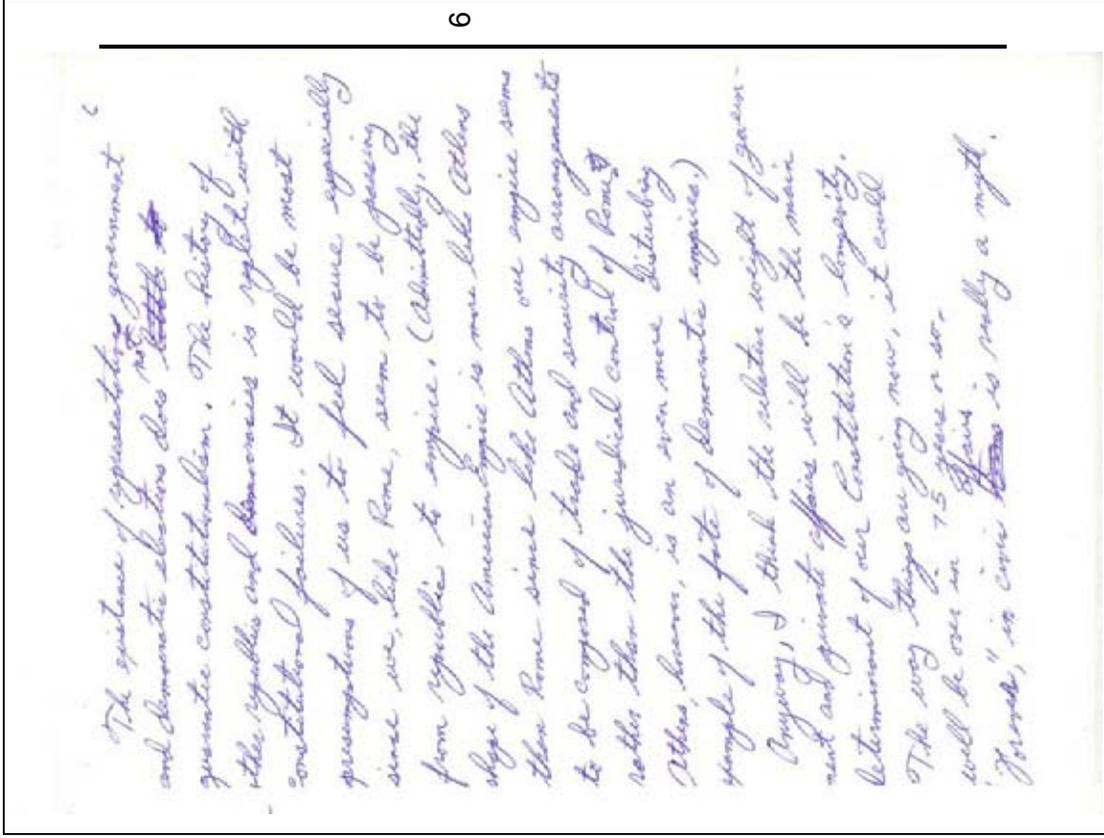
- 4. Comment noted.
- 5. Comment noted.
- 6. Comment noted.



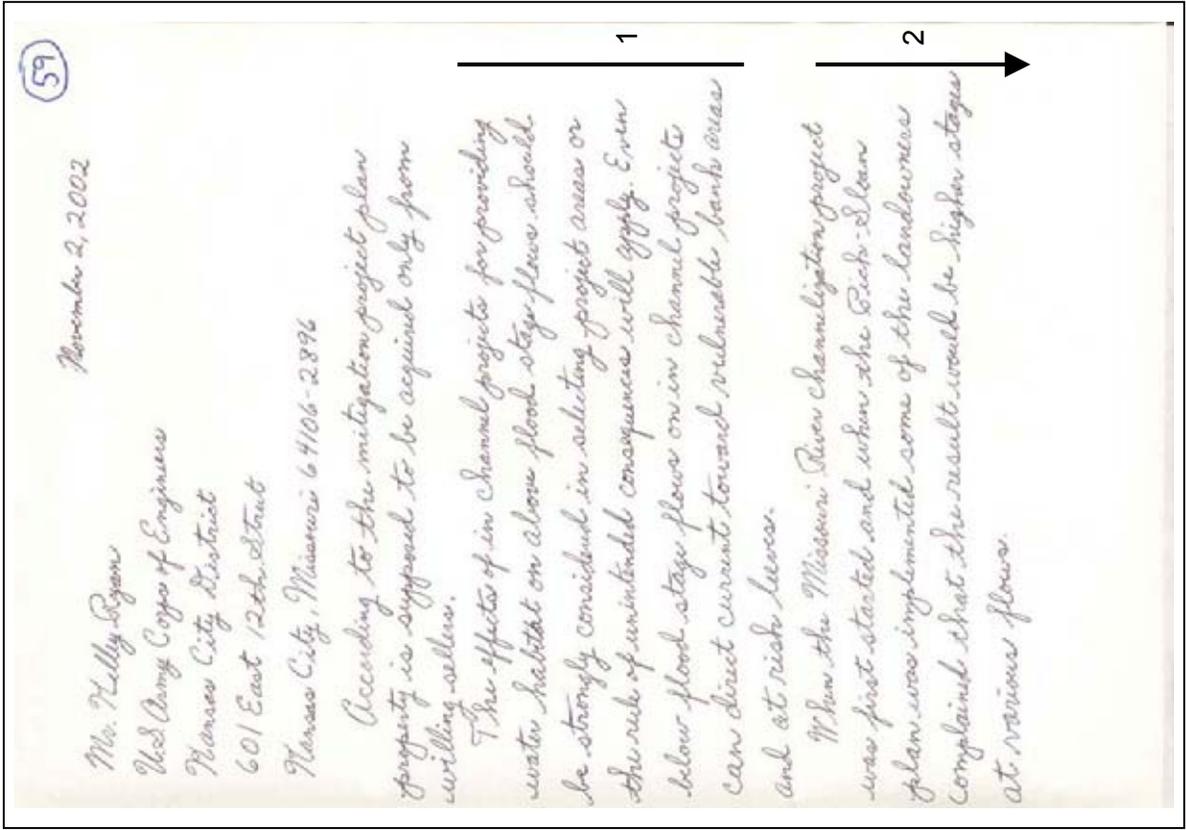
of dry makes more sense as an heir to the ancient Egyptian than as an Islamic ruler.), and China and Central America, the hydraulic model has extended to rainfall-dependent areas like Rome, (the Euphrates), Post-Hellenic Greece, Mesoamerican China (see Dickinson) and Crete, Byzantium, Transilvania, Bohemia, Moorish Spain, and the Ottoman Empire and, more recently, one might wonder if China might be included.

I view the control of land as one of the most crucial aspects of both government-private sector balance. The subversion which the Tsars created among their officials by making them land-holders served to solidify the autocracy. One might look at some of the National Conservancy's land acquisitions in a similar fashion i.e.; the creation of new government-dependent land-holders. The American Heritage River Initiative also comes to mind.

6



6



1. Individual projects designed under the Preferred Action would be designed to avoid adverse effects to the protected river banks and levees critical to flood protection and for managing flows above or below flood stage. In some areas, setting back levees could be possible to provide additional protection to the levee, to allow for an increase in flood storage capacity, and for mitigation site benefits. These projects are anticipated to result in some potential benefits that would reduce flooding in some areas by retaining floodwaters.
2. Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, are being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this DSEIS. Individual mitigation projects planned, designed and constructed under the Mitigation Project would be designed to avoid flooding and seep water effects.

2  
 In meetings these complaints were recognized and the offer was made that if higher stages resulted the Corps of Engineers would build levees to protect land against these elevated stages.

On June 8, 1929 a stage of 24.6 at Hermann handled 407,000 cu. ft. per second.

On May 10, 1961 a stage of 30.6 at Hermann handled 401,000 cu. ft. per second.

On February 25, 1985 a stage of 32.85 at Hermann handled 415,000 cu. ft. per second.

At lower flows:

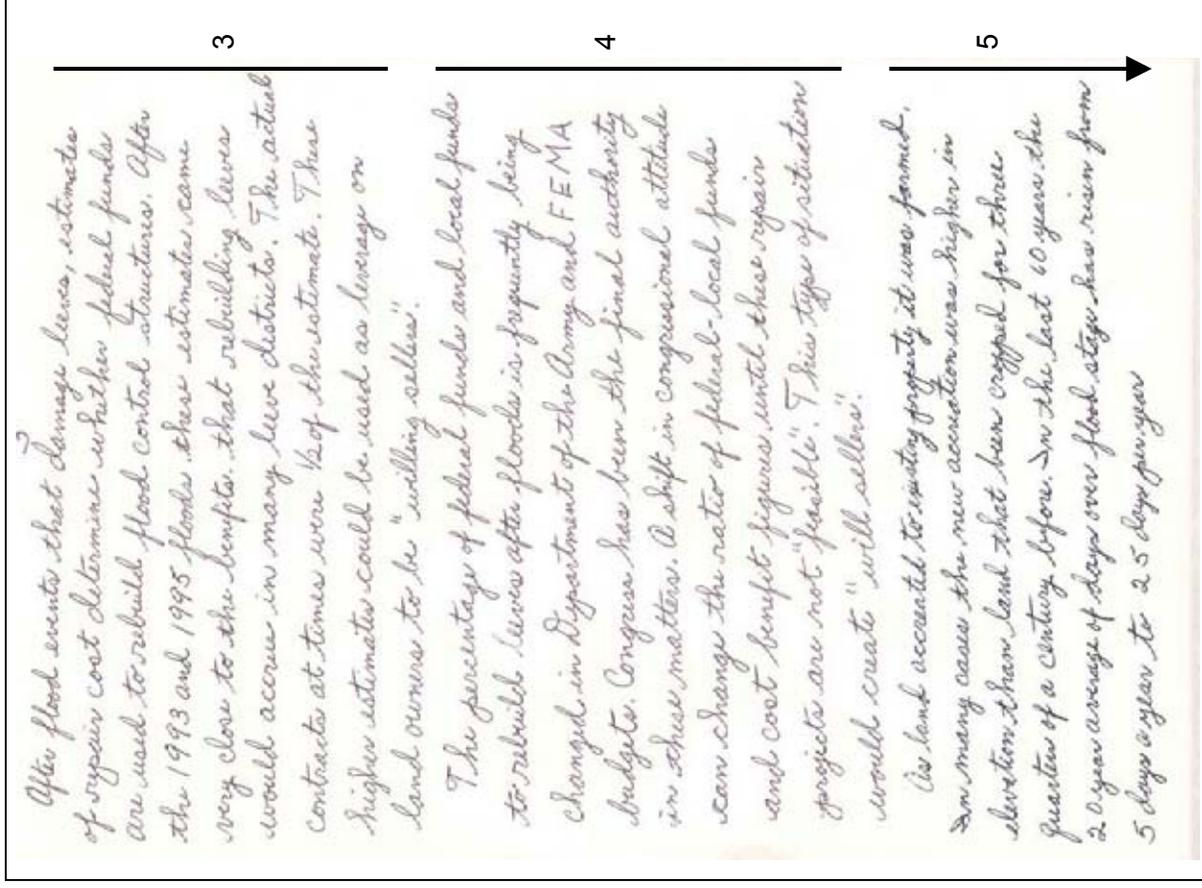
On November 30, 1931 an in bank stage of 20.7 at Hermann handled 267,000 cu. ft. per second.

On March 23, 1962 a stage of 25.3 at Hermann handled 275,000 cu. ft. per second.

On April 26, 1975 at a stage of 27.2 at Hermann the Missouri handled 263,000 cu. ft. per second.

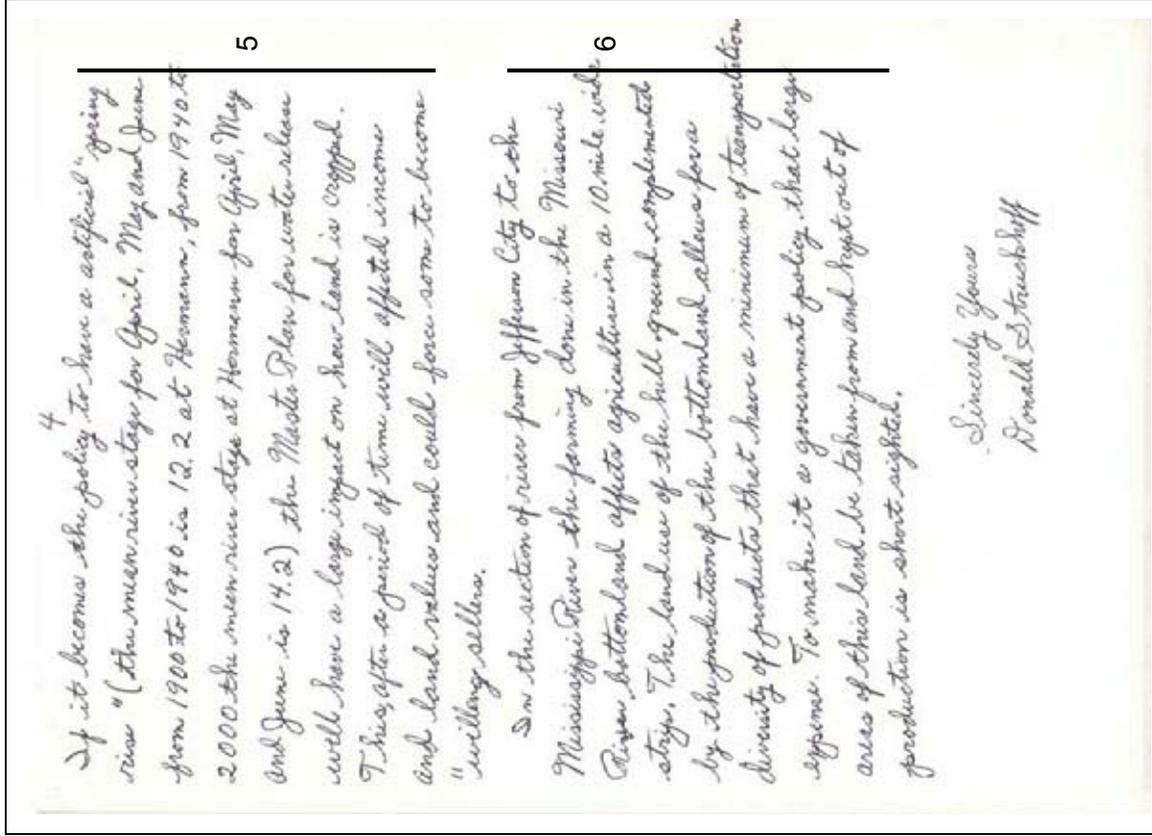
The cost of higher levees is not the only cost. The damage says water causes when the ground water table elevates is substantial, on the lower a 0 percent of the bottom ground the average is 760.0 per acre per year.

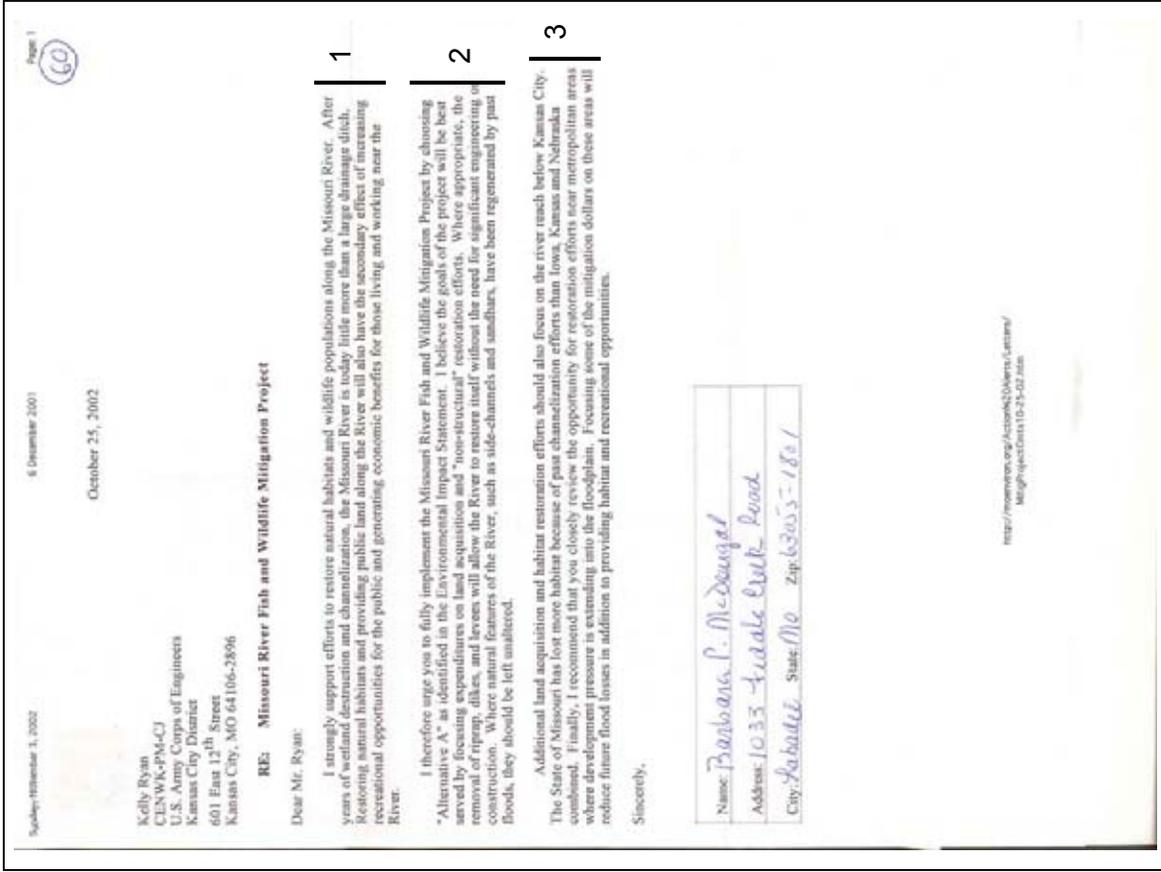
The higher "Spring river" could force farmers to become



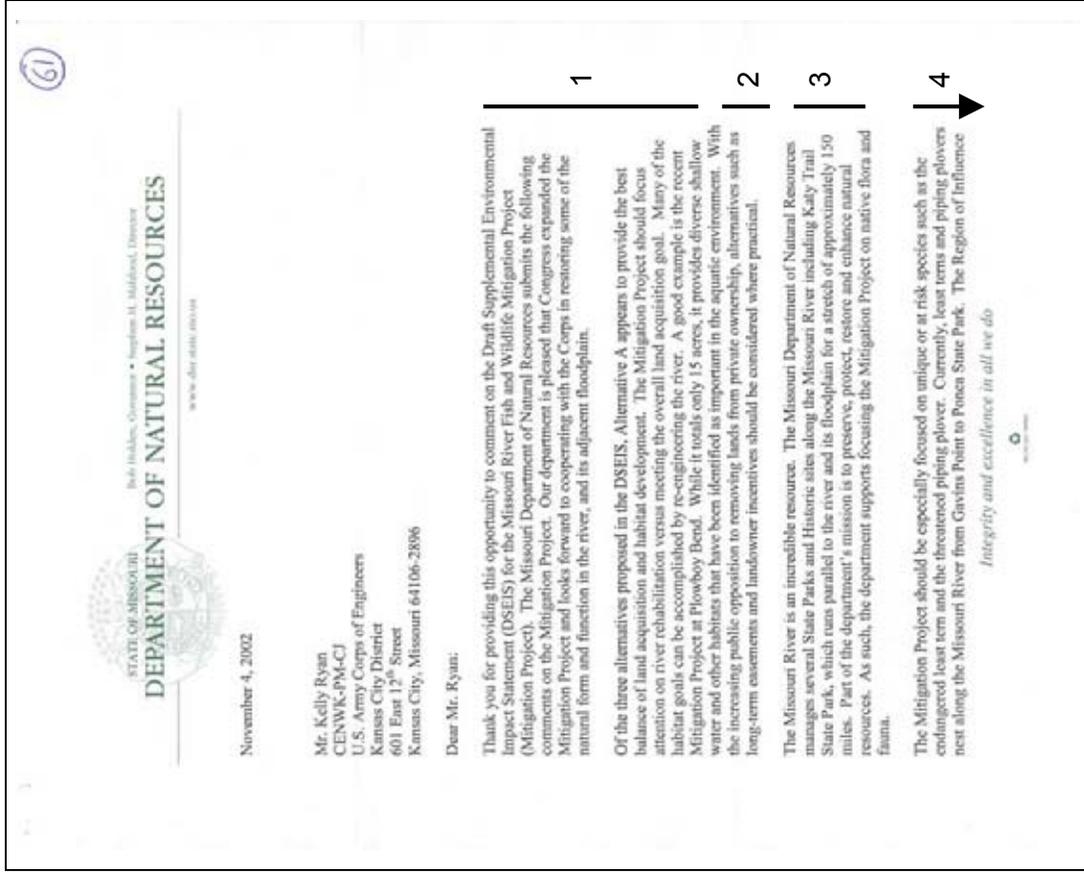
3. Outside the scope of this SEIS
4. The formula and procedures concerning Federal/local cost sharing for levee repairs and annual Congressional appropriations are outside the scope of this SEIS.
5. Changes in the operations of the Mainstem Reservoir System, which would include any change in flows, are being addressed in the NEPA process for the Master Manual Review and Update Study and is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this SEIS.

6. Missouri River floodplain ground would not be taken out of production unwillingly because the Mitigation Project would acquire land from willing sellers only.

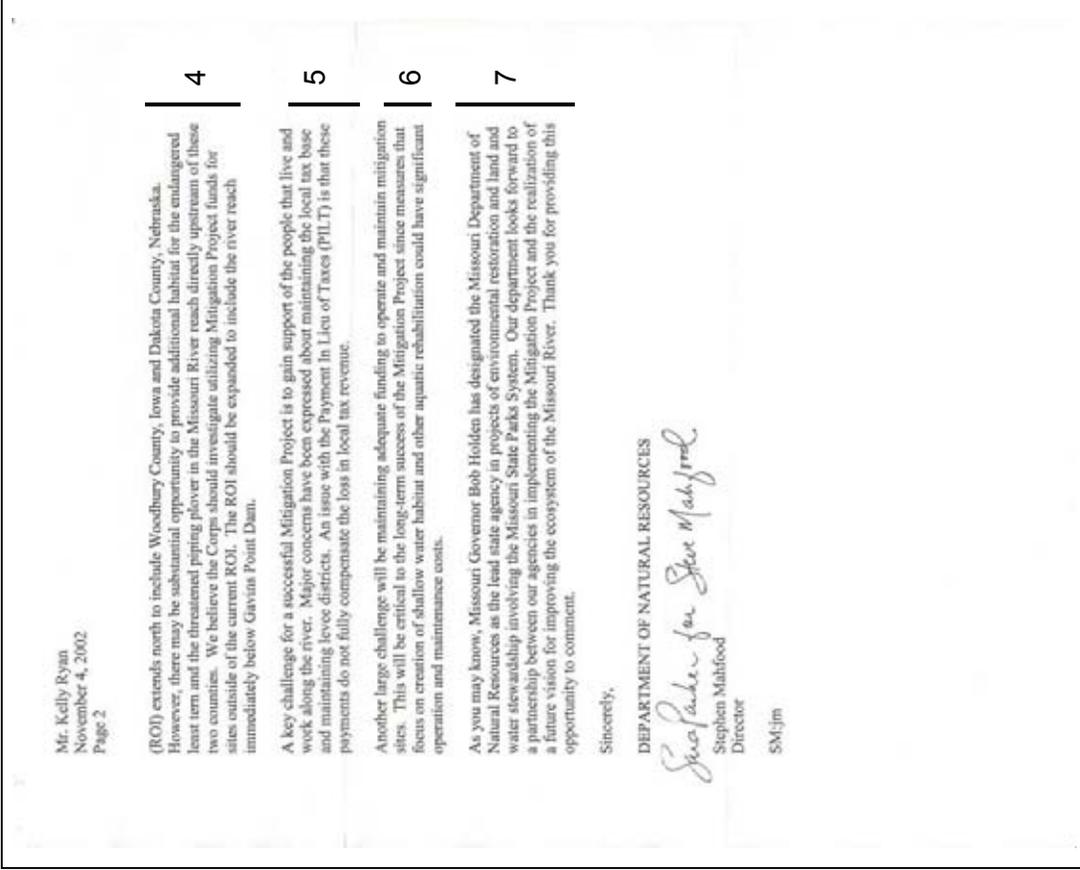




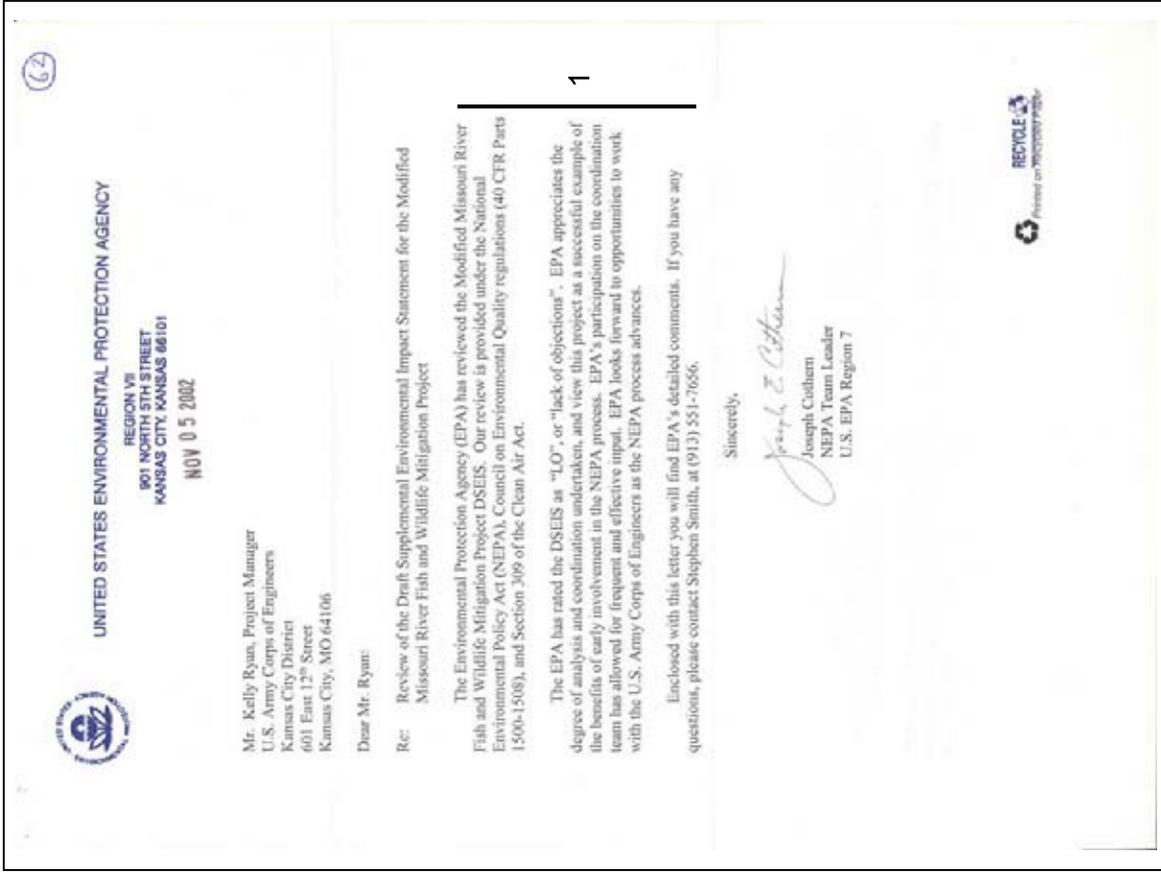
1. Comment noted.
2. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design. Restoration activities involving modification or removal of riprap, levees, and dikes would be incorporated into site design when such modifications can be made without impacting the navigation channel or flood control.
3. The acquisition of land under the Missouri River Fish and Wildlife Mitigation Project would include lands in the reach below Kansas City. Land acquisition is dependent on the availability of willing sellers. Land near metropolitan areas would be considered for the Mitigation Project if appropriate willing sellers are available in the area.



1. Comment noted.
2. The use of easements or land owner incentives for future Mitigation Project sites would depend on future Corps land acquisition policy.
3. Comment noted.
4. The Missouri River Fish and Wildlife Mitigation Project is intended to rehabilitate and restore fish and wildlife habitat for the benefit of many species of fish and wildlife, including critically threatened and endangered species. The Corps recognizes the need for additional habitat outside the ROI; however, the Missouri River Fish and Wildlife Mitigation Project is authorized only to mitigate for habitat lost as a result of the BSNP. The BSNP does not extend north of Sioux City, Iowa to Gavins Point Dam; therefore, conducting habitat restoration in this area would be outside of the Mitigation Project's authority.



5. Administration of the PILT program, including when payments are made and how much the payments are outside the authority of the Corps.
6. Comment noted.
7. Comment noted. The Corps is committed to continuing its strong working relationship with the state natural resource agencies, USFWS, and EPA as part of the coordination team for the Mitigation Project.



1. Comment noted. The Corps is committed to continuing its strong working relationship with the state natural resource agencies, USFWS, and EPA as part of the coordination team for the Mitigation Project.

EPA's Detailed Comments  
for the Draft Supplemental Environmental Impact Statement  
Modified Missouri River Fish and Wildlife Mitigation Project

1) P. 5-17, upper right side of page. " Federal and state governments own approximately 0.7 percent of the total land area in the ROI and approximately 5.5 percent of the land within the floodplain. The Preferred Action would result in the conversion of up to 118,650 acres of generally privately owned land to public ownership. However, existing public lands would also be developed for the Preferred Action. This is considered a less than significant impact."

2

- Here, and at other locations within the document, percentages of total area are intermixed with total area measurement units. For improved reader understanding, EPA suggests that consistent units of measure be utilized within a particular paragraph or discussion. In the above example, after discussing federal and state owned land (0.7 percent of total, 5.5 percent of floodplain), it is not readily apparent that "118,650 acres" would represent a less than significant impact. Converting the 118,650 acres to a percent, and then adding it to the 0.7 and 5.5 percent of current conditions, introduces an unnecessary step for the reader that could be alleviated if numbers are uniformly presented in either percentages or acres.

2) Table 2.4.1, page 2-12 to 2-14.

3

- EPA suggests adding a row comparing 'project costs' to this table (i.e. the information contained in section 4.5.5.1, and in Table 4.5-8).

3) Section 4.5.5 Local Economic and Recreation Impacts

4

-EPA recommends that Table 4.5-8 be modified to include a comparison of estimated project costs between the three alternatives (in particular, between the 'acquisition and development' vs. the 'no development' alternatives). Currently, project cost data is contained in this section (4.5.5), and it is not obvious to the reader that 'total project cost' would be found within 'Local Economic and Recreation Impacts.' Perhaps an additional row to this table labeled "Project Cost" with tabulated information for all three alternatives would be an effective means of communicating this information.

2. Comment regarding adding the percentage of the floodplain that 118,650 acres represents was added to the text, where appropriate, in the FSEIS.
3. A row comparing project costs was added to Table S-4 and Table 2.4.1.
4. Table 4.5-8 was modified to include a comparison of estimated project costs between the three alternatives.



1414 17th Lane • Missouri Valley, Iowa 51555 • 712-849-4111 • Fax 712-849-4491

November 4, 2002

Mr. Kelly Ryan  
CENWK-PM-CJ  
U.S. Army Corps of Engineers  
Kansas City District  
601 East 12<sup>th</sup> Street  
Kansas City, MO 64106-2836

Dear Mr. Ryan:

The Missouri River Natural Resources Committee (MRNRC) strongly supports expanding the Missouri River Fish and Wildlife Mitigation Project and endorses the preferred alternative identified in the September, 2002 Draft Supplemental Environmental Impact Statement (SEIS). The MRNRC was created 15 years ago as a formal coordinating group to promote the preservation, wise utilization, and enhancement of the natural and recreational resources of the Missouri River. Our official members consist of appointed representatives from the seven main stem (Montana, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri) state agencies with fish and wildlife management responsibilities for the river. Member agencies from Missouri, Kansas, Nebraska, and Iowa have worked closely with Corps staff to meet the objectives of the original project authorization and in development of the Draft Supplemental EIS.

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2

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4.5.6

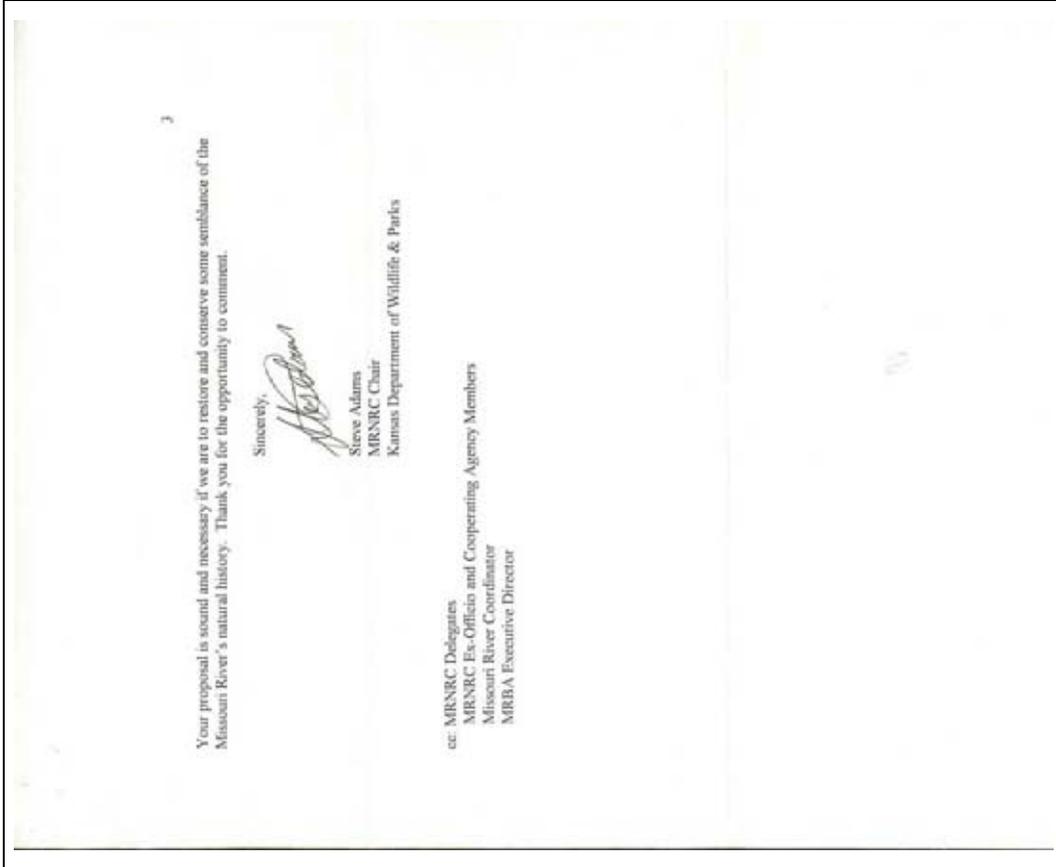
Implementation of the preferred alternative, in concert with improved flows, is key to reversing the decline in certain native fish and birds and improving fish and wildlife related recreation on the Lower Missouri River. The expanded project will provide the opportunity to restore side channels, backwaters, wetlands, and main channel border habitats that meet the reproductive and feeding needs of native fish, migrating birds, amphibians and reptiles, and furbearers. It is consistent with the past recommendations of the MRNRC<sup>1</sup> and the Missouri River Basin Association both of which have recommended acquisition of a network of public lands distributed along the lower river to improve fish and wildlife habitat, recreational values, and flood storage.

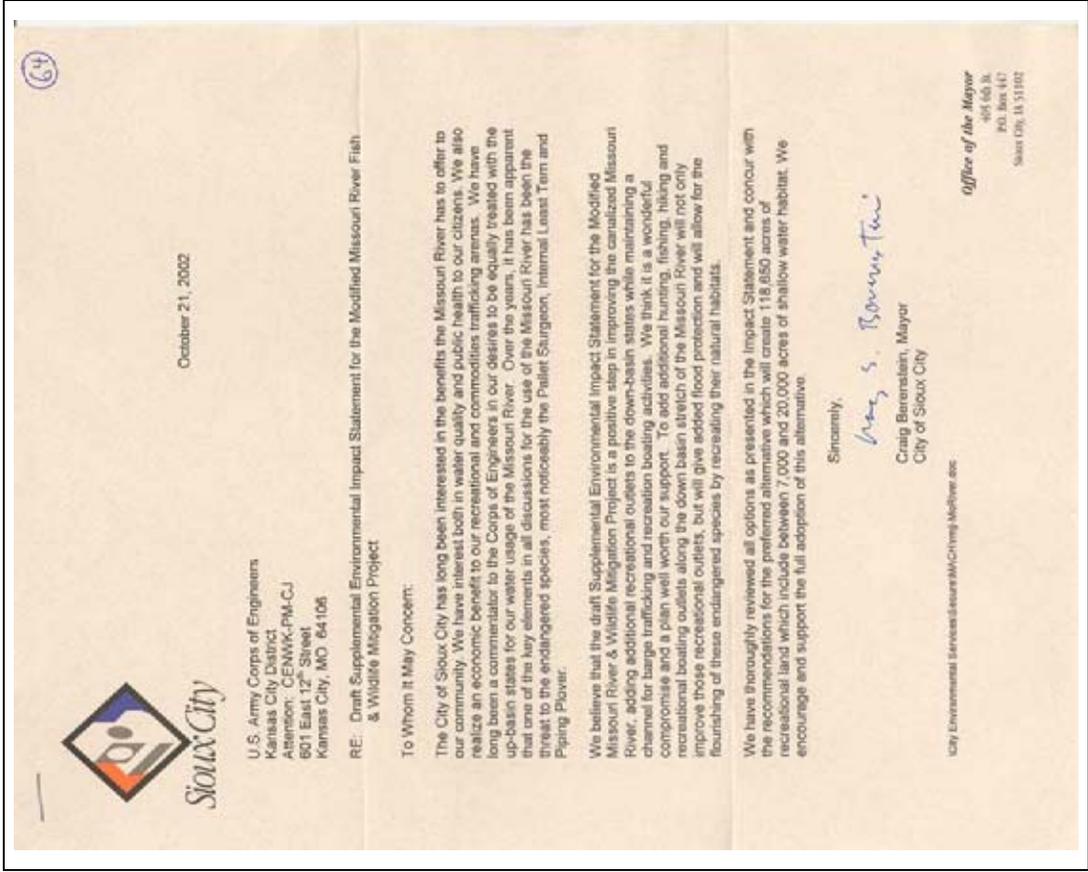
To achieve maximum fish and wildlife benefits from the project while ensuring funds are used most efficiently, we believe three core planning principals should be adhered to: 1) letting the energy of the river do as much of the work as possible, rather than "hard" engineering and construction; and 2) monitoring the performance of specific sites and modifying if results do not meet objectives; and 3) focusing on restoring a mosaic of riverine and floodplain habitats that meet the needs of the greatest number of species rather than focusing on several species.

1. Comment noted.
2. Comment noted.
3. Comment noted.
4. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design.
5. A monitoring and evaluation program would be developed by the Mitigation Project and used to implement adaptive management at mitigation sites.
6. The Missouri River Fish and Wildlife Mitigation Project is intended to rehabilitate and restore fish and wildlife habitat for the benefit of many species of fish and wildlife, including critically threatened and endangered species. It is not the sole intent of project to develop habitat to benefit a few species.

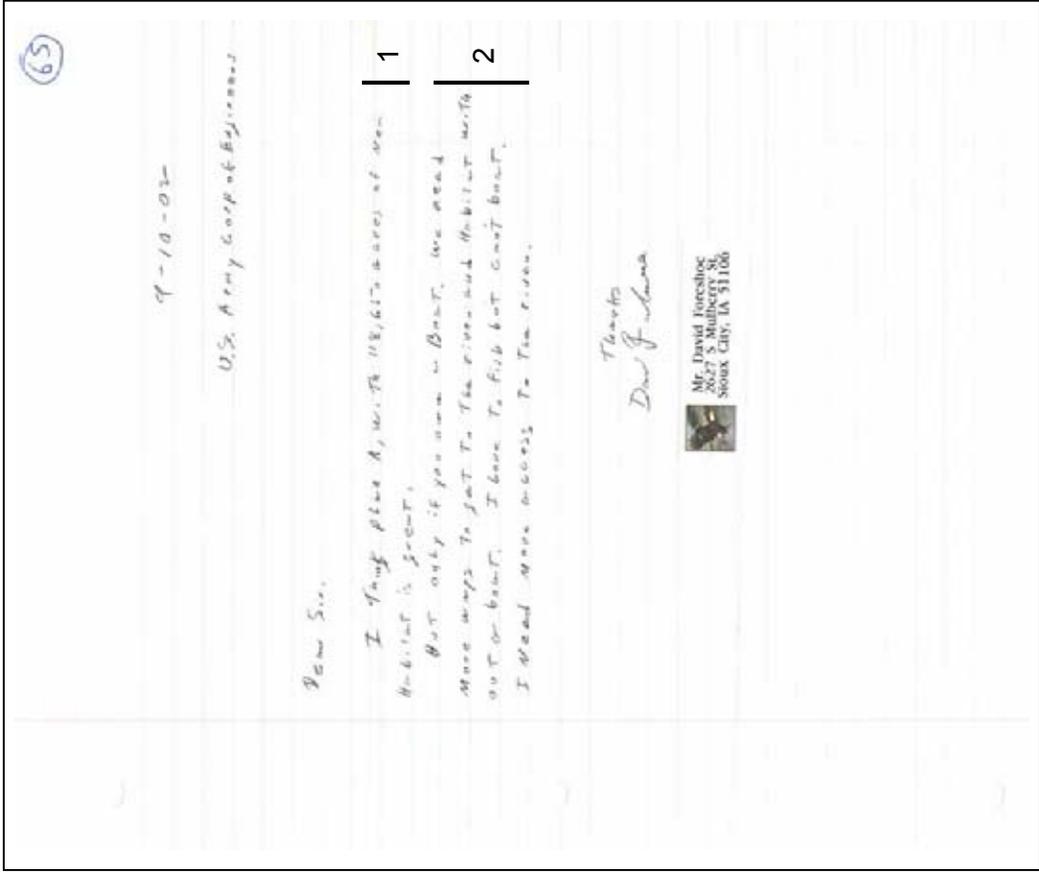
2	<p>Libbon Bottoms, a unit of the Big Muddy National Fish and Wildlife Refuge, is a good example of the benefits of letting the river do the work and avoiding, as much as possible, rigid control of chutes and side channels. This side channel, which formed largely through the power of high river flows and evolved on its own for several years, has greater habitat diversity and fish species diversity and abundance than more controlled, engineered projects. Lowering of wing dikes and removal of revetments (to expand river top width and shallow water), lowering of side channel/chute closing structures, removal of levees where feasible, and placement and anchoring of gaugs in side channels and dike fields are less costly means to restore aquatic and wetland habitats and should be given top priority during project planning and design.</p>
7	<p>We support the commitment to monitoring and adaptive management. However, the estimated amounts for monitoring and evaluation (Table 4.5-8, page 4-57) are very high relative to the amounts being spent now with entities such as the Nebraska Game and Parks Commission and Benedictine College. Future monitoring programs can be accomplished in a cost-effective manner by taking advantage of the monitoring expertise in state fish and wildlife agencies, local universities, or the Fish and Wildlife Service. We believe it would be very worthwhile to compile and evaluate monitoring data, especially aquatic data, from existing projects, to help design future projects for both the original authorization and the expanded authorization. The MRNRC and our Technical Sections are willing to assist the Corps in this regard.</p>
8	<p>As noted in Section 4.5.3, levee and drainage districts may incur loss of operation and maintenance funding if only a portion of the district is acquired. Efforts to avoid financial impacts to levee and drainage districts should be pursued. In addition to some of the measures identified to mitigate impacts (acquiring entire districts, levee realignment), other measures may be appropriate and should be considered. Although outside the purview of the Corps, increasing the Payment in Lieu of Taxes (PILT) and ensuring that districts received a part of this payment would be the most straightforward means to offset losses in tax revenue to local governments and levee and drainage districts.</p>
9	<p>Finally, we note that acquisitions should focus on sites that are the most vulnerable to flood damages, including areas that were former river channel prior to the Bank Stabilization and Navigation Project. There are repeated levee failures during larger floods in these areas because they are located in the river's active erosion zone. Acquisition of such areas will not only provide fish and wildlife benefits, but reduce the need for future federal outlays for repair of levees and other federal disaster assistance. This potential cost-savings is substantial but not accounted for in your economic analyses. After the 1993 flood, 27 Federal and 110 non-federal levees along the Missouri River were repaired by the Corps of Engineer in the Kansas City District. The Corps estimated total repair costs to the Federal levees at \$41.9 million and estimated that the cost to repair all non-federal levees exceeded \$300 million. Crop damages along the Missouri River in Missouri, which also are eligible for federal disaster assistance, were estimated at \$160 million. Many of the levees repaired after the 1993 flood also failed again as a result of the 1995 flood, requiring a new infusion of federal disaster assistance dollars.</p>
10	<p>Finally, we note that acquisitions should focus on sites that are the most vulnerable to flood damages, including areas that were former river channel prior to the Bank Stabilization and Navigation Project. There are repeated levee failures during larger floods in these areas because they are located in the river's active erosion zone. Acquisition of such areas will not only provide fish and wildlife benefits, but reduce the need for future federal outlays for repair of levees and other federal disaster assistance. This potential cost-savings is substantial but not accounted for in your economic analyses. After the 1993 flood, 27 Federal and 110 non-federal levees along the Missouri River were repaired by the Corps of Engineer in the Kansas City District. The Corps estimated total repair costs to the Federal levees at \$41.9 million and estimated that the cost to repair all non-federal levees exceeded \$300 million. Crop damages along the Missouri River in Missouri, which also are eligible for federal disaster assistance, were estimated at \$160 million. Many of the levees repaired after the 1993 flood also failed again as a result of the 1995 flood, requiring a new infusion of federal disaster assistance dollars.</p>

7. The Corps intends to use an adaptive management approach in mitigation site engineering and design to avoid over-engineering. The Corps would use natural river processes as much as feasibly possible in mitigation site design. Restoration activities involving modification or removal of riprap, levees, and dikes would be incorporated into site design when such modifications can be made without impacting the navigation channel or flood control.
8. Comments noted. Monitoring and evaluation will be important tool when incorporated with adaptive management, in order to ensure goals and objectives for mitigation are met.
9. The formula and procedures concerning PILT payments are outside the authority of the Corps. The Corps can not authorize increases in PILT payments, nor assure PILT payments are returned directly to local governments and drainage districts.
10. Comments noted. The Corps recognizes that acquisition of key areas prone to flood damage could be of great benefit in terms of increasing fish and wildlife habitat, while reducing future Federal outlays for levee repair and disaster assistance. However, because the scope of the SEIS is programmatic in nature, and the Missouri River Mitigation Project is relying on willing sellers, no site or area-specific analysis of adverse or beneficial impacts was conducted for any resources analyzed in the SEIS. The Corps acknowledges the potential savings to U.S. taxpayers and the Federal government could be realized if floodplain lands were acquired.





Comment noted.



1. Comment noted.
2. The modified Mitigation Project would result in an increase in access to the Missouri River due to an increase in publicly owned river frontage. However, no Mitigation Project funds would be spent on recreation-related facilities or features.

1 PROCEEDINGS  
 2 of the  
 3 PUBLIC HEARING  
 4 UNITED STATES ARMY CORPS OF ENGINEERS  
 5 MISSOURI RIVER FISH & WILDLIFE MITIGATION PROJECT  
 6 DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT  
 7 TUESDAY, OCTOBER 2, 2002  
 8 COLUMBIA, MISSOURI  
 9 Lange Middle School  
 10 7:00 p.m.

11 (The Public Hearing was called to order at  
 12 7:00 o'clock p.m., with Mr. Michael J. Bart, United  
 13 States Army Corps of Engineers, presiding.)

14 MR. BART: Good evening, ladies and  
 15 gentlemen. My name is Michael Bart, with the Corps  
 16 of Engineers out of Kansas City, Missouri. Welcome  
 17 to the Public Hearing on the Draft Supplemental  
 18 Environmental Impact Statement for the Missouri River  
 19 Fish & Wildlife Mitigation Project.

20 The Missouri River Fish & Wildlife  
 21 Mitigation Project was first authorized for  
 22 implementation in 1986. The Project was approved  
 23 originally to purchase 48,100 acres of land to  
 24 restore and enhance aquatic and terrestrial habitat

25

JOHN M. BOWEN & ASSOCIATES, COURT REPORTERS  
 1920 Commerce Tower, 811 Main Street, Kansas City, Missouri 64105  
 Phone: 816-231-1878 Fax: 816-231-1879  
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2

1 in the Missouri River flood plain.  
 2 The EIS, or Environmental Impact Statement,  
 3 was completed for the original project in 1987. In  
 4 1999, Congress authorized an additional 118,650 acres  
 5 for the Project. Because the additional 118,650  
 6 acres is considered a major change to the original  
 7 project, a supplement to the original EIS is being  
 8 prepared.

9 The Draft SEIS has been out for public  
 10 comments since September 20th. The Draft SEIS  
 11 prepared for the proposed Mitigation Project updates  
 12 and analyzes the potential biological, physical and  
 13 socioeconomic impacts from the purchase and  
 14 restoration of the additional 118,650 acres.

15 I would now like to show you a short video  
 16 that provides an overview of the issues associated  
 17 with the Mitigation Project's primary goal of  
 18 restoring fish and wildlife habitat loss through over  
 19 80 years of channelization and bank stabilization  
 20 projects on the lower Missouri River. Let's please  
 21 dim the lights.  
 22 (Whereupon, the video was shown at this time.)

23 MR. BART: If I can now have your  
 24 attention, I will go over the rules which will govern  
 25 the hearing tonight. This hearing is being conducted

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3

1 in accordance with the National Environmental Policy  
 2 Act, which requires federal agencies to consider and  
 3 document the potential environmental effects  
 4 associated with major federal actions.

5 I will serve as the presiding officer for  
 6 tonight's public hearing. My purpose here tonight is  
 7 to ensure that we conduct the hearing in accordance  
 8 with the meeting format and that anyone who wishes to  
 9 provide input or to make a comment has a fair  
 10 opportunity to speak and be heard.

11 The purpose of this hearing is to receive  
 12 input on the Draft Supplemental Environmental Impact  
 13 Statement from concerned citizens, public agencies,  
 14 Native American tribes or private business interests.

15 This public hearing provides you a means of  
 16 communication to the Corps of Engineers on issues and  
 17 potential impacts that you anticipate from the  
 18 Mitigation Project.

19 Your input will provide decision-makers  
 20 with the benefit of your local knowledge of the area  
 21 and the environmental effects, whether they be  
 22 adverse or beneficial, that you think may result from  
 23 the proposed Project.

24 This is a hearing, therefore, we are  
 25 looking for your comments only and we will not

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4

1 respond during this process to questions during the  
 2 hearing. This means that we won't be engaging with  
 3 those speaking in debate or responding to questions.

4 This forum is provided strictly to receive  
 5 comments. When you signed the attendance sheet as  
 6 you came in, you were also provided with a card to  
 7 fill out if you wanted to make a statement or provide  
 8 a comment tonight.

9 It is important that you fill out a card if  
 10 you want to make a statement tonight. After I have  
 11 recognized you, please proceed to the podium  
 12 provided, and clearly state your name, address, and  
 13 if you are representing yourself or an organization.

14 If you state that you are representing an  
 15 organization, then your comments will be understood  
 16 to be a reflection of that entire organization's  
 17 position. Elected officials will be given an  
 18 opportunity to speak first, followed by members of  
 19 the public chosen randomly from the comment cards.

20 A court reporter, Mr. John M. Bowen, is  
 21 present to record your comments and will be recording  
 22 verbatim everything that is said during the hearing.

23 This transcript will be included in the appendix to  
 24 the Final Supplemental Environmental Impact  
 25 Statement.

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5

1 Please assist him by speaking clearly, so  
 2 that he may hear and understand you and accurately  
 3 record what you have to say in the record of  
 4 tonight's hearing. Each speaker will be allowed five  
 5 minutes to speak.

6 Mr. Kelly Ryan, to my left, will hold up a  
 7 yellow card indicating that four and a half minutes  
 8 have passed to allow you to conclude your remarks. A  
 9 red card will be held up when you have reached five  
 10 minutes.

11 Lastly, if you do not want to make a verbal  
 12 comment tonight but you would still like to provide  
 13 your input, we have comment sheets available at the  
 14 registration table. All of your comments, whether  
 15 given verbally or written, will be given equal  
 16 consideration.

17 All comments, however, must be postmarked  
 18 by November 4, 2002, to be included in the record and  
 19 considered in the decision-making process.

20 We will now begin with comments from our  
 21 first speaker. Are there any elected representatives  
 22 here this evening who would like to make a statement  
 23 or provide any comments? Seeing none, we will  
 24 proceed to the first card provided to us this  
 25 evening. Mr. Paul LePage.

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 Kansas City, Missouri 64105  
 816-437-0378 816-437-0380 816-437-0379 816-437-0372 816-437-0373 816-437-0374 816-437-0375 816-437-0376 816-437-0377 816-437-0378 816-437-0379 816-437-0380 816-437-0381 816-437-0382 816-437-0383 816-437-0384 816-437-0385 816-437-0386 816-437-0387 816-437-0388 816-437-0389 816-437-0390 816-437-0391 816-437-0392 816-437-0393 816-437-0394 816-437-0395 816-437-0396 816-437-0397 816-437-0398 816-437-0399 816-437-0400 816-437-0401 816-437-0402 816-437-0403 816-437-0404 816-437-0405 816-437-0406 816-437-0407 816-437-0408 816-437-0409 816-437-0410 816-437-0411 816-437-0412 816-437-0413 816-437-0414 816-437-0415 816-437-0416 816-437-0417 816-437-0418 816-437-0419 816-437-0420 816-437-0421 816-437-0422 816-437-0423 816-437-0424 816-437-0425 816-437-0426 816-437-0427 816-437-0428 816-437-0429 816-437-0430 816-437-0431 816-437-0432 816-437-0433 816-437-0434 816-437-0435 816-437-0436 816-437-0437 816-437-0438 816-437-0439 816-437-0440 816-437-0441 816-437-0442 816-437-0443 816-437-0444 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6

1 MR. PAUL LEPAGE: I am Paul LePage. I own  
 2 and operate a farm within the Code Junction Levee  
 3 District located west of Jefferson City on the south  
 4 bank of the river. I express concerns about taking  
 5 land out of production.

6 I think that the 48,000 acres of land that  
 7 has already been promised and money allocated for is  
 8 sufficient for what you have proposed. I don't  
 9 believe it is right to take any more land out of  
 10 production, taking into consideration that this  
 11 Missouri River Valley from Sioux City to St. Louis,  
 12 along with other rivers in the Midwest, are the best  
 13 producing acres that we have in the United States of  
 14 America.

15 This land produces the food, and that is  
 16 why we have an abundant supply here in America, only  
 17 in America. We do not know what it is like to have  
 18 hungry people or empty grocery shelves for that  
 19 reason.

20 We cannot continue to take land out of  
 21 production. It is as simple as that. I appreciate  
 22 the fish and the wildlife, and I live along the  
 23 river, just as much as anybody. I don't think your  
 24 concern about the fish and wildlife suffrage from the  
 25 navigation project is accurate.

26

1

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1. The 118,650 acres of land to be acquired as under the Preferred Action for the Missouri River Fish and Wildlife Mitigation Project represents less than 1 percent of the cropland within the ROI and only 5.7% of the floodplain.

7

1 I have lived along the Missouri River all  
 2 my life and I am not a youngster. You can see that  
 3 due to my thinning hair, and the wildlife has been  
 4 there as long as I can remember, and fish have always  
 5 been abundant along our river.

6 In fact, there are a lot of people, more so  
 7 in years past, that were commercial fishermen along  
 8 the Jefferson City area of the river, at least. We  
 9 need to continue to navigation and the bank  
 10 stabilization project which was stated in the film.  
 11 I am a strong believer in that.

12 This is the most economical way for us to  
 13 move any goods here in the United States. It is more  
 14 environmentally friendly to move a ton of freight on  
 15 the Missouri River than it is to haul it up and down  
 16 the interstate with a big truck belching out its  
 17 diesel fumes.

18 I don't know the difference in the  
 19 environmental impact that the trucks have over the  
 20 barges, but I do know it is significant. The amount  
 21 of gallons of fuel it takes to move per ton, it is  
 22 phenomenally less than it is by truck.

23 So there is another reason to keep that  
 24 river protected for navigation. Milling sellers, I  
 25 wonder. What sneaks in there, in my opinion, are

2. Navigation would not be adversely affected by the Missouri River Fish and Wildlife Mitigation Project. The Corps is obligated to maintain the existing nine-foot deep and 300-foot wide navigation channel constructed as part of the BSNP. Site-specific design and environmental assessments would be conducted to avoid any adverse impacts to navigation.
3. The Missouri River Fish and Wildlife Mitigation Project would only acquire land from willing sellers.

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4. Comments noted.

1 land grabbers and they will buy land that they know  
 2 could be bought, and then that land will eventually  
 3 end up in the Corps of Engineers' hands, who I am  
 4 highly opposed to owning any property at all.

5 I don't think that in a project of the  
 6 Corps of Engineers to be in the real estate business.  
 7 But be that as it may, I am highly opposed to the  
 8 Corps owning any land at all.

9 In the State of Missouri, the Missouri  
 10 Department of Conservation owns way more land than  
 11 they should. I am not in control of that. I would  
 12 hope that Congress does not fund the project that you  
 13 people have in mind.

14 I am highly opposed to that. I stated my  
 15 reasons why. I am a food producer, and you guys look  
 16 like you eat pretty good to me, and I think we ought  
 17 to continue to have that abundance of food and fiber  
 18 in America.

19 We do have the most reasonably priced,  
 20 should we say, safe to eat and an abundance of supply  
 21 of food, more so than any country in the world. This  
 22 river land along the rivers in the Midwest is where  
 23 the majority of this good food comes from.

24 Thank you a lot for letting me speak  
 25 tonight. I speak very sincerely, and good evening to

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9

1 everybody.

2 MR. BART: Thank you, sir.

3 Mr. Joe Gibbs, please come to the

4 microphones.

5 MR. JOE GIBBS: My name is Joe Gibbs. I am

6 a Registered Engineer in private practice in Central

7 Missouri. I work with a dozen or more levee

8 districts between Richmond and Chesterfield along the

9 river. I am also Director of the Missouri Levee

10 Drainage District Association and the Upper

11 Mississippi, Illinois and Missouri River Association.

12 Due to time constraints, we have not been

13 able to get together to decide what our official

14 statement would be from those associations, so I

15 don't represent them tonight because we have not had

16 time to discuss it yet.

17 You will be receiving comments, I am sure,

18 by November 4th. I do not represent the levee

19 districts that I work for, but I am here basically in

20 my own capacity in giving you my background and

21 essentially my credentials on this.

22 I do see several shortcomings in this

23 program and the policies and what is happening. That

24 is based upon the work that has gone before up to

25 this point. I was able to read very briefly part of

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10

1 the Supplemental Environmental Impact Statement that  
 2 we had available at the library, and I see that many  
 3 of the things that have been of concern a bit before  
 4 and have been pointed out to you have not been  
 5 corrected.

6 I realize that the money for the additional  
 7 acreage has not been appropriated yet, and I would be  
 8 reluctant to encourage my representatives to approve  
 9 that until many of the deficiencies are addressed and  
 10 taken care of.

11 I will restate many of them here. I  
 12 understand that the payment in lieu of taxes is  
 13 handled by the Bureau of Land Management, and in  
 14 their process I read the formula and the procedure  
 15 for determining that, and can see nothing but  
 16 problems for local political entities ranging from  
 17 fire department districts, ambulance districts,  
 18 school districts, levee and drainage districts.

19 The statement was also read that no  
 20 payments are made to levee districts. The other  
 21 thing is that when the land is purchased, even though  
 22 payment in lieu of taxes might be forthcoming, it  
 23 doesn't take into account bona fide increases in  
 24 taxes voted on by the local voters.

25 In other words, it is a flat rate and it

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1. Administration of the Payment in lieu of taxes (PILT) program is the responsibility of the Bureau of Land Management (BLM) and appropriations for the program are decided by Congress. The formula and procedures concerning PILT payments and annual Congressional appropriations are outside the authority of the Corps.
2. Comment noted.
3. Comment noted.

- 4. Comment noted.
- 5. Project lands are acquired subject to existing road easements. Public roads have not been closed by this project.
- 6. Comment noted.

11

1 stays that way, and it works a tremendous financial  
 2 hardship on the local entities that are supporting  
 3 our society here, and I am speaking mainly for the  
 4 central part of the State of Missouri.

5       The other thing is in the buying practices.  
 6 The biggest complaint that I get, and I get all the  
 7 complaints because that is who my clients are, they  
 8 are complaining all the time about government  
 9 programs, and that is that you allow the farmer or  
 10 the seller to farm the land for two more years after  
 11 the sale of the land.

12       There has been some talk about leasing it  
 13 back and other items, but the issue is that if you do  
 14 anything favorable like that for the seller, you  
 15 immediately eliminate all other private land owners  
 16 being able to purchase that property.

17       On a closing day, a landowner needs to take  
 18 control of the land and start farming it in order to  
 19 make payments and to earn an income off of it. The  
 20 other issues that come down the line on that, roads  
 21 have been closed.

22       Farmers and tracts of land have been  
 23 isolated from participating in the levee and drainage  
 24 in the Levee and Drainage Districts. Your buying  
 25 tactics need to be spelled out really very clearly

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1 and not changed with every political whim that comes  
 2 along in Washington. This creates a hardship for  
 3 other people in the private sector that might want to  
 4 buy the land.

5 The other thing I have spoken about, and  
 6 that is wetland banks. Whenever we have a government  
 7 agency coming along with several hundred thousand,  
 8 maybe several billions of dollars before it is over  
 9 with, and farmers and levee districts and drainage  
 10 districts need wetland banks in order to move problem  
 11 areas out of their immediate area.

12 This would provide monies back to the  
 13 government for development of the lands that they buy  
 14 and converting them to wetlands. The paperwork, the  
 15 cost, the engineering expense, I am involved with  
 16 this on a monthly basis, and it is very expensive, it  
 17 is very cumbersome and it is very iffy.

18 The political aspects of it are as  
 19 important as a simple raw meeting of the engineering  
 20 requirements and the environmental requirements, and  
 21 being successful in getting projects completed as far  
 22 as drainage is concerned. But operating wet banks is  
 23 certainly something that needs to be done.

24 The other issue is, the \$499 program for  
 25 levee repairs. It is my understanding from the

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7. Missouri River mitigation lands could be made available if an acceptable mitigation bank proposal was received from a Section 404 permit applicant and coordinated with the EPA, USFWS, state 401 agency, and the Corps. However, because these lands are being purchased and managed for mitigation of the BSNP, double counting of benefits would not be allowed. Per the *Federal Guidance for the Establishment, Use and Operation of Mitigation Banks* published in the Federal Register (Volume 60, Number 228, Pages 58605-58614), Federally-funded wetland conservation projects undertaken via separate authority and for other purposes cannot be used for the purpose of generating credits within a mitigation bank. However, mitigation credit may be given for activities undertaken in conjunction with, but supplemental to, such programs in order to maximize the overall ecological benefit of the conservation project.
8. Comment noted.

13

1 Environmental Impact Statement that these lands will  
 2 work detrimentally towards determining the benefit  
 3 cost ratios.

4 If you don't buy the whole levee district,  
 5 and you are certainly going to have work with these  
 6 levee districts in a favorable way and not in a  
 7 negative way as they are set up right now.

8 The other issue is local entities must be  
 9 able to condemn property like for power lines,  
 10 wetland projects, water lines, erosion, levees, water  
 11 wells, other treatment plants, levees and drainage  
 12 districts.

13 The other issue is that you have no  
 14 provisions for increase in taxes for wetland projects  
 15 such as bonded indebtedness for schools, fire  
 16 protection districts, buildings and other items.

17 Basically, you are a new landowner coming in and you  
 18 are in no way compatible with the land uses that are  
 19 out there. Thank you very much.

20 MR. BART: Thank you.  
 21 Mr. Troy Gordon.  
 22 MR. TROY GORDON: My name is Troy Gordon  
 23 from Harrisburg, Missouri, and I am here as an  
 24 individual tonight. I would like to say that I  
 25 support the Preferred Action Plan and see it as one

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- 9. Comment noted. Project has successfully worked with existing levee districts to date.
- 10. Comments noted. Laws effecting management of Federal lands are outside the scope of this project. Utilities, municipalities, and others will be able to seek easements on these mitigation lands as needed.
- 11. The policy of the Corps in implementation of the Missouri River Fish and Wildlife Mitigation Project is to acquire land from willing sellers only. Laws governing Federal land acquisition are outside the scope of this project. Private landowners always retain the right to file a claim for any damages they think have been caused by the Government.

14

1 small step in mitigating for that habitat that was  
 2 destroyed by the original Bank Stabilization and  
 3 Navigation Project.

4 I would, however, suggest in the Preferred  
 5 Action Plan rather than having the shallow water  
 6 habitat to be arranged from 7,000 to 20,000 acres. I  
 7 would suggest that the full 20,000 acres or more be  
 8 converted to shallow water habitat.

9 That is more in keeping with the fish &  
 10 Wildlife Service biological opinion that the 20,000  
 11 acres figure originally came from. So I think that  
 12 the 20,000 acres should be seen as a minimum rather  
 13 than a maximum for the Preferred Action Plan.

14 Additionally, for the new acquisitions  
 15 under this Supplemental Environmental Impact  
 16 Statement, I would encourage the new acquisitions. I  
 17 don't have a problem with doing some of the shallow  
 18 water habitat projects on existing state and federal  
 19 lands.

20 However, I think in addition to that for  
 21 the total acreage of the project this needs to be new  
 22 acquisitions and the projects that are done on the  
 23 existing state and federal land should not count  
 24 toward that acreage total.

25 One of my biggest concerns with the Plan is

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1. Comment noted.
2. The Preferred Action in the DSEIS includes a range of shallow water habitat development from 7,000 to 20,000 acres. The USFWS BiOp establishes a goal of 20-30 acres per river mile in the channelized Missouri River. The acres of shallow water habitat developed by the Missouri River Fish and Wildlife Mitigation Project would depend on the amount of Congressional funding allocated to the Mitigation Project. The USFWS states in the BiOp that a restoration of 12,035 acres to 19,565 acres is reasonable and prudent. However, these acreages are dependent on what already exists downstream of Kansas City. The BiOp did not have data for this stretch of river. The Missouri River Fish and Wildlife Mitigation Project is intended to rehabilitate and restore fish and wildlife habitat for the benefit of many species of fish and wildlife, including critically threatened and endangered species. However, it is not the sole intent of this Congressionally authorized project to develop only shallow water habitat to benefit threatened and endangered fish species.
3. The authorization for development of the 118,650 acres of fish and wildlife habitat would allow for acreage to be developed on existing public lands, as has been done with the development of the previous 48,100 acres.
4. A monitoring and evaluation program would be developed by the project and used to implement adaptive management of Mitigation Project sites.

- 5. The Corps plans to continue to use an adaptive management process with future mitigation sites.

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1 the need to have adequate monitoring. Some of the  
 2 projects that have gone on so far have not had  
 3 adequate monitoring. There needs to be extensive  
 4 biological monitoring and especially to make sure  
 5 that these species do respond to the projects that  
 6 are implemented.

7 I do recommend that the Corps intend to do  
 8 adaptive management and look at the results of the  
 9 different projects that are implemented, and if those  
 10 are not working as they were intended, that the Corps  
 11 will go in and do additional work.

12 I think the example I would like to point  
 13 out on that is in the bottoms of the north unit where  
 14 the chute was cut through and the chute hasn't  
 15 functioned completely as it was originally intended  
 16 to.

17 There were problems with log jams and it  
 18 has not had water in it the majority of the year.  
 19 The Corps is now going to go back in and do  
 20 additional work there to deepen the chute, and I  
 21 think that is the way it should be done with all of  
 22 them.

23 If you see that the project is not working,  
 24 then you go back in and manipulate it until it does  
 25 work. I commend that. I do encourage that there be

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1 monitoring on all the different units that are  
 2 purchased to make sure that they are functioning as  
 3 it was intended.

4 I thank you for the opportunity to make  
 5 comments, and again I do support the Preferred Action  
 6 Plan and hope that it is fully funded. Thank you  
 7 very much.

8 MR. BART: Thank you. Are there any other  
 9 individuals or organizations that wish to make a  
 10 statement this evening? Hearing none, we thank you  
 11 for your comments. We encourage you to provide  
 12 written comments by the closing date of November 4,  
 13 2002, and this concludes the formal portion of the  
 14 Public Hearing on the Draft Supplemental  
 15 Environmental Impact Statement for the Missouri River  
 16 Fish & Wildlife Mitigation Project. Thank you for  
 17 attending.

18 (Whereupon, the meeting was duly adjourned  
 19 at 7:35 o'clock p.m.)

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REPORTER'S CERTIFICATE

1 I. JOHN M. BOWEN, a Certified Shorthand  
 2 Reporter, with offices at 1930 Commerce Tower, 911  
 3 Main Street, Kansas City, Missouri, do hereby certify  
 4 that I transcribed the proceedings of the Public  
 5 Hearing, United States Army Corps of Engineers,  
 6 Missouri River Fish & Wildlife Mitigation Project,  
 7 Draft Supplemental Environmental Impact Statement,  
 8 Columbia, Missouri, that the foregoing 16 pages  
 9 constitute a true and correct transcript of the  
 10 Public Hearing held at said time and place.

11 IN WITNESS WHEREOF, I hereunto set my hand  
 12 and seal this 11th day of October, 2002.

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*John M. Bowen*  
 Certified Shorthand Reporter

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R E C O R D I N G S  
of the  
PUBLIC HEARING  
UNITED STATES ARMY CORPS OF ENGINEERS  
MISSOURI RIVER FISH & WILDLIFE MITIGATION PROJECT  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

WEDNESDAY, OCTOBER 2, 2002  
WASHINGTON, MISSOURI  
Washington Middle School  
7:00 p.m.

(The Public Hearing was called to order at 7:00 o'clock p.m., with Mr. Kelly Ryan, United States Army Corps of Engineers, Presiding.)

MR. RYAN: If everybody can have a seat, that would be great. Good evening, my name is Kelly Ryan, from the Kansas City District of the Corps of Engineers. Welcome to the Public Hearing on the Draft Supplemental Environmental Impact Statement for the Missouri River Fish & Wildlife Mitigation Project. The Missouri River Fish & Wildlife Mitigation Project was first authorized for implementation in 1986. The Project was approved originally to purchase 48,100 acres of land to restore

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and enhance aquatic and terrestrial habitat in the Missouri river flood plane. An environmental impact statement was completed for the original 48,100 acres in 1987. In 1999 congress authorized an additional 118,650 acres for the project. Because the additional 118,650 acres is considered to be a major change to the original project, a supplement to the original environmental impact statement is being prepared. The Draft SEIS has been out for the public to review and comment since September 20, 2002. The Draft SEIS was prepared for postmitigation project updates and analyzing potential biological, physical, and socioeconomic impacts from the purchase and restoration of the additional 118,650 acres.

At this time, I would like to show a short video that provides an overview of the issues associated with the mitigation project's primary goal of restoring fish and wildlife habitat lost through over 80 years of channelization and bank stabilization projects along the Missouri river.

(Video shown here.)

MR. RYAN: I will now go over the rules which will govern the hearing tonight. This hearing is being conducted in accordance with the National Environmental Policy Act which requires federal agencies considering

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1 documenting potential environmental effects associated  
 2 with major federal actions. I will serve as presiding  
 3 officer for tonight's public hearing. My purpose here  
 4 tonight is to ensure that we conduct the hearing  
 5 according to the meeting format and that anyone who  
 6 wishes to provide input or to make a comment has a fair  
 7 opportunity to speak and be heard.

8 The purpose of this hearing is to receive  
 9 input on the Draft SEIS for concerned citizens, public  
 10 agencies, Native American tribes, or private business  
 11 interests. This is a hearing; therefore, we are looking  
 12 for your comments only and will not be responding during  
 13 this process to questions during the hearing. This  
 14 means that we won't be engaging with those speaking or  
 15 debate or responding to questions. This forum is  
 16 provided strictly for comments. When you signed the  
 17 attendance sheet, you were also provided an opportunity  
 18 to fill out a card if you want to speak. There is still  
 19 an opportunity to do that. Pass up the cards at this  
 20 time.

21 After I've recognized you, please proceed to  
 22 the podium provided and clearly state your name,  
 23 address, and if you are representing yourself or an  
 24 organization. If you state that you are representing an  
 25 organization, any comments will be understood to be a

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1 reflection of the entire organization's position.  
 2 Elected officials will be given an opportunity  
 3 to speak first followed by members of the public. We  
 4 choose the order of that randomly from the comment  
 5 cards. A court reporter, Ms. Denise Ballard, is present  
 6 to record your comments. She'll be recording verbatim  
 7 everything that is said during the hearing. This  
 8 transcript will be included in an appendix in the final  
 9 SEIS. Please assist her by speaking clearly so that you  
 10 can be heard and she can understand you and accurately  
 11 record what you have to say for the record for tonight's  
 12 hearing.

13 Lastly, if you do not want to make a verbal  
 14 comment but you would still like to provide your input,  
 15 we have comment sheets available. All of your comments  
 16 whether given verbally or written will be given equal  
 17 consideration. All comments, however, must be  
 18 postmarked by November 4 to be included in the record  
 19 and considered in the decision making process.

20 We'll now begin with the comments from our  
 21 first speaker. First of all, are there any elected  
 22 officials who would like to speak at tonight's hearing?  
 23 Okay, having heard none, we'll move on then to comments  
 24 from the general public. The first speaker chosen is  
 25 Ron Hardeke. If you'll come on up, please.

5

1 MR. HARDEKE: My name is Ron Hardeke and I'm  
 2 3944 Block Springs Road, Wentzville, Missouri. I'm here  
 3 representing Missouri Farm Bureau. Good evening, my  
 4 name is Ron Hardeke. I own and operate a family farm in  
 5 Gasconade County. I commend the Corps of Engineers for  
 6 holding these hearings and I appreciate the opportunity  
 7 to be a part of this process. For the record, I'm  
 8 opposed to the preferred action for the modified  
 9 Missouri River Fish and Wildlife Mitigation Project for  
 10 several reasons.

11 First, I am concerned about increase of public  
 12 ownership of land by state and federal agencies such as  
 13 the Missouri Department of Conservation, U.S. Army Corps  
 14 of Engineers, and U.S. Fish and Wildlife Service. An  
 15 stated in the draft summary, the preferred action for  
 16 this project is to acquire up to 166,750 acres of land  
 17 between Sioux City, Iowa and St. Louis, Missouri. Most  
 18 of this land is privately owned; therefore, farmers and  
 19 land owners will be displaced.

20 Approximately 150 years ago, the federal  
 21 government was selling land to citizens in order to  
 22 build a strong economy. That philosophy has served our  
 23 nation well. I'm concerned that today there is an  
 24 unrelenting effort for the government to acquire private  
 25 land, eroding the economic base of our nation.

1. Comment noted.
2. Comment noted.
3. The Corps' policy for implementation of the Missouri River Fish and Wildlife Mitigation Project is to acquire land from willing sellers only, therefore, farmers and/or landowners would not be unwillingly displaced as a result of the Mitigation Project.

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<p style="text-align: center;">4</p> <p>This is not the only project or program that requires land acquisition. The Big Muddy National Fish and Wildlife Refuge can obtain up to 60,000 acres between Kansas City and St. Louis. In addition, the Natural Resources Conservation Service has acquired easements through programs such as Wetlands Reserve Program, Emergency Wetlands Reserve Program and the Conservation Reserve Program.</p> <p>In the WRP, easements have been made on over 60,000 acres of land within the region of influence of this project. Farm and rural economies will be negatively impacted as land is taken out of agricultural production. Agriculture is the primary industry in the majority of the 46 counties in the region of influence. yet you have stated in the summary that agriculture will experience less than a significant adverse impact. Of the 118,650 acres that can be acquired, up to 90,530 acres of cropland will be retired, decreasing farm income by an estimated \$22 million annually. Missouri's agriculture industry could lose up to 58,000 acres of cropland and over \$14 million annually.</p>	<p style="text-align: center;">5</p> <p>Retiring land from agricultural production and displacing farmers will have a ripple effect through the rural communities and counties within the region of influence. For example, decrease in corn production by</p>
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4. It was estimated in the DSEIS that if all planned conservation and mitigation projects within the ROI, excluding CRP, EWRP, and WRP, maximized their respective land acquisition authorizations, only approximately 1.8 percent of the land area in the ROI studied in the DSEIS would be converted to public conservation use. In Missouri, approximately 2.1 percent of the land area in the ROI would be converted to conservation land use if all planned these programs maximized their respective authorizations. This was considered a less than significant cumulative impact in the DSEIS. While WRP easements do reduce the taxable value of the land, WRP lands under easements remain in private ownership.
5. The estimated potential decrease of approximately \$14 million per year of corn and soybeans sold in the Missouri counties in the ROI would be approximately 1.2 percent of the total crop value in the 25 Missouri counties, and a much smaller percent of the state's total agricultural products value. The Corps does not consider this to be a significant adverse impact on the state's agricultural economy. The Corps considered the potential effect on retail sales in the ROI and found that the estimated decrease in crop production could result in an associated decrease in retail sales in a county of between 0.05 and 1.66 percent. The Corps recognized this potential effect, but considers this level of impact to be less than significant.

7	5	<p>1 taking land out of production will impact local farm</p> <p>2 retail service businesses by decreasing the sale of</p> <p>3 seed, fertilizer, and other inputs. The shifting of</p> <p>4 land into public ownership will also decrease the tax</p> <p>5 base for county governments. While they will receive</p> <p>6 payments in lieu of taxes, tax revenue derived from</p> <p>7 private ownership cannot fully be replaced. In</p> <p>8 addition, there is no guarantee these payments will</p> <p>9 continue year after year because they must be</p> <p>10 appropriated by congress.</p>
	6	<p>11 I'm concerned about how land owners will be</p> <p>12 affected if conservation sites are adjacent to their</p> <p>13 property. Problems such as additional weed control,</p> <p>14 increased foraging by wildlife on cropland, trespassing</p> <p>15 on farmland by hunters and recreation users at the</p> <p>16 mitigation sites, and a potential increase in ground</p> <p>17 water levels from adjacent aquatic sites may hinder crop</p> <p>18 planting or harvesting or all vital concerns.</p>
	7	<p>19 Finally, when government agencies acquire land</p> <p>20 in the levee district, they usually do not allow the</p> <p>21 levees to be maintained or repaired near their land.</p> <p>22 This jeopardizes the entire district and causes the</p> <p>23 remaining land owners undue expense to build levees</p> <p>24 around the government plan. Ultimately, the remaining</p> <p>25 land owners may be forced to become willing sellers</p>
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6. Conversion of private land to public ownership would decrease the tax base of the effected county. However, the Corps found that the potential effect on an individual county's tax revenue would be less than 1.8 percent after PILT payments. The Corps acknowledges the comment that PILT payments must be appropriated by Congress.
7. The Corps acknowledges that there could be increased foraging and trespassing on private croplands adjacent to mitigation sites, however these are not anticipated to be significant. Mitigation site property boundaries will be identified with signage. Some sites would include crop plantings for on-site wildlife foraging. Prior to developing sites, design and environmental analyses would be conducted to avoid off-site groundwater impacts.
8. The DSEIS determined that the Preferred Action for the Missouri River Fish and Wildlife Mitigation Project could have a significant impact on levee and drainage districts due to potential increases in levee assessments for remaining landowners. The Corps is committed to working with levee and drainage district associations to avoid negative impacts to levee district members as a result of the loss of levee assessments from the acquisition and development of a mitigation site. Potential measures to minimize adverse effects could involve limiting the amount of a levee or drainage district that would be acquired, acquire all land within the levee district if all members were willing sellers, or working with the district and landowners to develop an agreeable levee realignment. The impact analysis for levee and drainage districts was presented in Section 4.5.3.

1. Comments noted.

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1 because they can no longer protect their property from  
2 flooding.

3 In closing, the farmers and land owners along  
4 the Missouri river have access to several land  
5 management programs. I believe state and federal  
6 agencies should focus less on acquiring land and more on  
7 cooperating with the farmers and land owners to address  
8 fish and wildlife habitat concerns. Thank you.

9 MR. RYAN: Thank you. Sorry about the delay.  
10 Be careful. We would like to now hear from Leona  
11 Kuchan, please.

12 MS. KUCHAN: Okay, I'm Leona Kuchan from  
13 Washington, Missouri and we were formerly owners of a  
14 farm in the river bottom in Augusta. I have attended  
15 many of these meetings and I've attended meetings with  
16 Corps, attended meetings with the Busch Fish and  
17 Wildlife. I've arranged to have congressman Connie  
18 Helfub (ph. sp.), Jim Talent, I've talked with them and  
19 they were for us, they worked.

20 But when I go to some of these other meetings,  
21 I hear one side and the same person can tell me two  
22 different things. And I feel that we are citizens of  
23 this country, we are land owners, we are top taxpayers,  
24 we care for our countries. My husband has served in the  
25 service for his country and so have many other farmers

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1 that own land in this bottom. We are entitled to  
 2 respect, honesty, sincerity, and none of this misleading  
 3 that's been going on. One time a year one thing.  
 4 another time of year another thing. I feel that we are  
 5 more important to our country than the fish and the  
 6 wildlife and the animals. Let's put everything in their  
 7 proper perspective for the better of our country. Thank  
 8 you.

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9 MR. RYAN: Thank you. Mr. Mike Smith.  
 10 MR. SMITH: I'm Mike Smith from Washington,  
 11 Missouri. I would just like to say I would like to see  
 12 the mitigation project go forward. I feel like  
 13 maintaining the Missouri river as a barge channel has  
 14 come at far too great an expense and I would like to see  
 15 the Missouri river restored to at least some resemblance  
 16 of what it was. That's what I have. Thank you.

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17 MR. RYAN: Thank you. Mr. Tom Dawes.  
 18 MR. DAWES: My name is Tom Dawes, I'm from St.  
 19 Charles, Missouri; and I would like to say as a citizen  
 20 of Missouri and recreational user of the resources along  
 21 the river, I am in full support of the project. I  
 22 utilize the fish and wildlife habitat along the river  
 23 and throughout the state of Missouri; and although I  
 24 respect the issues associated with private lands and  
 25 farmers, I feel that there is a need for additional

- 1a. Comment noted.
- 1b. Comment noted.
- 2. The acquisition of land under the Missouri River Fish and Wildlife Mitigation Project would include lands in the reach from Columbia to St. Louis. Land acquisition is dependent on the availability of willing sellers. The Corps certainly recognizes the need for additional public lands in metropolitan areas such as St. Louis. Land near metropolitan areas would be considered for the Mitigation Project if appropriate willing sellers are available in the area.

3. Comment noted.

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1 public ownership along the river, particularly in the  
2 area of St. Louis. From Columbia to St. Louis, we do  
3 have a lack of public ownership of land particularly at  
4 the mouth of the Missouri river where it meets the  
5 Mississippi. And it would be beneficial for not only  
6 sportsmen but also other recreational users for  
7 additional public lands in that area. Again, I just  
8 wanted to make the comment that I am in full support of  
9 the project. I think it's an important project for the  
10 mitigation of lands that were lost due to the  
11 stabilization project.

12 And although I do respect the issues  
13 associated with farmers and the loss of private lands  
14 and do have some concerns about the payments in lieu of  
15 taxes and issues associated with the levee districts. I  
16 feel that with only approaching willing sellers, that  
17 the government is going to be fair to land owners along  
18 the river and that only those lands will be taken out of  
19 production in the future. Thank you.

20 MR. RYAN: Is there anyone else that would  
21 like to make a statement tonight? Anyone? Okay, having  
22 heard none, if there are no more speakers, this will  
23 conclude our public hearing. Thank you very much for  
24 coming.  
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NOTARIAL CERTIFICATE

STATE OF MISSOURI            ) SS  
COUNTY OF ST. LOUIS        )

I, S. DENISE BALLARD, a Registered Professional Reporter, Certified Court Reporter, Certified Shorthand Reporter, and duly commissioned Notary Public within and for the State of Missouri do hereby certify that these proceedings were held before me at Washington Middle School, 401 East Fourteenth St., Washington, Missouri on October 9, 2002. Further, that said proceedings were reduced to writing by me and that this transcript is a true and correct record of the hearing.

I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this proceeding is held. Further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12 day of October, 2002.

*S. Denise Ballard*



P R O C E E D I N G S  
of the  
P U B L I C H E A R I N G

UNITED STATES ARMY CORPS OF ENGINEERS  
MISSOURI RIVER FISH & WILDLIFE MITIGATION PROJECT  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

THURSDAY, OCTOBER 10, 2002  
LEXINGTON, MISSOURI  
Lexington Middle School  
7:00 PM

(The Public Hearing was called to order at 7:00 o'clock p.m., with Mr. Kelly Ryan, United States Army Corps of Engineers, presiding.)

MR. RYAN: Good evening. My name is Kelly Ryan. I work for the Kansas City District Corps of Engineers, and welcome to the public hearing for the Draft Supplemental Environmental Impact Statement for the Missouri River Fish and Wildlife Mitigation Project.

The Missouri River Fish and Wildlife Mitigation Project was first authorized for implementation in 1986. The project was originally approved to purchase 48,100 acres of land to restore and enhance aquatic and terrestrial habitat in the Missouri River floodplain.

An Environmental Impact Statement was completed for the original 48,100 acres in 1987. In 1999, Congress authorized an additional 118,650 acres for the project and

because the additional acres is considered a major change to the original project, a supplement to the original EIS is being prepared.

The draft SEIS has been out for public comment since September 20<sup>th</sup>. The draft SEIS prepared for the proposed mitigation project updates and analyzes the potential biological, physical, and socioeconomic impacts from the purchase and restoration of the additional 118,650 acres.

I would like to now show a short video that provides an overview of the issues associated with the mitigation project's primary goal of restoring fish and wildlife habitat lost through over 80 years of channelization and bank stabilization projects in the lower Missouri River.

(The film is shown at this time after which the following comments were made.)

MR. RYAN: I'll now go over the rules that we will follow in the hearing process. This hearing is being conducted in accordance with the National Environmental Policy Act which requires Federal agencies to consider and document potential environmental effects associated with major federal actions. I will be serving as the presiding officer for the public hearing tonight.

My purpose is to ensure that we conduct the hearing according to the meeting format and that anyone who wishes to provide input or to make a comment has a fair opportunity to speak and be heard.

The purpose of the hearing is to receive comments. This is a hearing therefore we are looking for your comments only and will not be responding to questions during the hearing. That means that we won't be engaging or speaking in debate or responding to questions. This forum is provided strictly to receive comments.

1. Farmers and/or landowners would not be unwillingly displaced as a result of the Mitigation Project.

When you walked in you signed an attendance sheet and there were some comment cards provided. If you wish to speak, you need to fill out one of those cards. Elected officials will be given the opportunity to speak first followed by members of the public chosen randomly from the comment cards, so after I recognize you, please come to the podium and clearly state your name, address, and if you are representing yourself or an organization. If you state that you're representing an organization then your comments will be understood to be a reflection of the entire organization's position.

Lastly, if you do not want to make verbal comments tonight but would still like to give input, we have some comment sheets available at the registration table. All your comments whether given verbally or written will be given equal consideration. All comments, however, must be postmarked by November 4, 2002, to be included in the record and considered in the decision making process.

So, we will start. Are there any elected officials who would like to make a comment tonight?

(No response)

MR. RYAN: Having heard none then I will start with Mr. Jim Chappell.

MR. CHAPPELL: In your flim, it talked about using willing sellers. However, there are ways to make people willing sellers. The government sets the price on land at what they want to buy. Can I negotiate price with you?

MR. RYAN: We won't be responding to questions at this time.

MR. CHAPPELL: Well, the comment I wanted to make is that eventually people are forced to be willing sellers whether they want to be or not. That is all I have to say.

MR. RYAN: Thank you. Mr. Tom Handley.

<p>1a</p> <p>MR. HANDLEY: My name is Tom Handley, 7000 S. Hardsaw, Oak Grove, and I represent myself. I am in favor of the Preferred Plan as proposed. It has already been authorized in 1999 and there is a need to make efforts to mitigate back for the effects to fish and wildlife. There is particularly a need for slack water areas for fish to live. One final thing, in addition to developing the areas for fish and wildlife there needs to be a way to access the river, particularly boat ramps. One glaring gap is the area around Kansas City and I would like to suggest that it be looked at to find an area useful for this wildlife mitigation project.</p>
<p>2a</p> <p>MR. RYAN: Thank you. Mr. Dan Wilch.</p>
<p>1b</p> <p>MR. WILCH: I have been interested in these types of programs for many years and I am in support of Option A. This one appears to be very well thought out. It is a long overdue program and I would like to see it get moving along. As I reviewed the comments from the scoping meetings that were included in the Draft, I am concerned that the program may falsely earn a bad reputation for land acquisition. I would like to see a sentence in the SEIS that says the Corps will monitor the administration process so that if there is a failure in the process it will be corrected and the project administered properly.</p>
<p>2b</p> <p>MR. RYAN: Thank you. Is there anyone else who would like to make a comment or statement tonight?</p> <p>(No response.)</p> <p>MR. RYAN: Having heard none this will conclude our public hearing. Thank you very much for coming tonight.</p>

1a. Comment noted.  
2a. The authorized purpose of the Missouri River Fish and Wildlife Project is to restore terrestrial and aquatic fish and wildlife habitat along the Lower Missouri River from Sioux City, Iowa to the mouth near St. Louis. Although, the acquisition of land and development of habitat would provide significant indirect benefits to recreation along the Missouri River, no Mitigation Project funds would be used for recreational facilities or features. Recreational facilities and features would have to be provided by others, such as the state fish and wildlife agencies, who then would operate and manage the facilities. Further, the location of future mitigation sites will be based on the location of willing sellers.

1b. Comment noted.  
2b. Comment noted.

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**P R O C E E D I N G S**

of the  
**PUBLIC HEARING**

**UNITED STATES ARMY CORPS OF ENGINEERS**  
**MISSOURI RIVER FISH & WILDLIFE MITIGATION PROJECT**  
**DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

**TUESDAY, OCTOBER 15, 2002**  
**SIDNEY, IOWA**  
Sidney Elementary School

7:00 p.m.

(The Public hearing was called to order at 7:00 o'clock p.m. with Mr. Michael Barnes, United States Army Corps of Engineers, presiding.)

**MR. BARNES:** Good evening, gentlemen. I'm Mike Barnes. I'm from the Omaha District Corps of Engineers. I'd like to welcome you to this public hearing on the draft Supplemental Environmental Impact Statement for the Missouri River Fish and Wildlife Mitigation Project.

The Missouri River mitigation project was first authorized in 1986, and the project was approved originally to purchase 48,100 acres of land to restore and enhance the aquatic and terrestrial habitat in the

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Missouri River flood plain.

At that time Environmental Impact Statement was completed to cover that. In 1999 Congress authorized an additional 118,650 acres for the project. Because the additional acres was considered a major change in the original project, a supplemental to the original EIS was to be prepared.

The draft SEIS has been out for public comment since September 20, 2002. This draft EIS prepared for the proposed mitigation project updates and analyzes potential biological, physical and socioeconomic impacts from the purchase of the additional acres.

To begin with I'd like to show you a short video that provides an overview of the issues associated with this project whose primary goal is restoring fish and wildlife habitat lost through the 80 years of channelization and bank stabilization projects on the lower Missouri River.

(The film is shown at this time after which the following comments were made.)

**MR. BARNES:** At this time I'd like to go over the rules that will govern the hearing tonight. This hearing is being conducted in accordance with the National Environmental Policy Act which requires federal agencies to consider and document the potential

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1 environmental effects associated with major federal  
 2 actions.

3 I will serve as the presiding officer for  
 4 tonight's public hearing. My purpose here tonight is to  
 5 ensure that we conduct the hearing according to the  
 6 meeting format and that everyone who wishes to provide  
 7 input or to make a comment has a fair opportunity to  
 8 speak and be heard.

9 This is a hearing. Therefore we are looking  
 10 for comments only. We will not respond to questions  
 11 during the hearing or debate the speaker at that time.  
 12 This form is provided strictly to receive comments.

13 After I have recognized you, please proceed to  
 14 the podium provided and clearly state your name, address  
 15 and who you are representing. If you state that you are  
 16 representing an organization, we will assume that your  
 17 comments reflect the feelings of the entire  
 18 organization.

19 Elected officials will be given an opportunity  
 20 to speak first followed by members of the general  
 21 public.

22 A court reporter, Miss Fitzgerald, is present  
 23 to record your comments and will be recording verbatim  
 24 everything that is said during the hearing. This  
 25 transcript will be included as an appendix to the final

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1 SEIS. Please assist her by speaking clearly so that she  
 2 can hear you and understand you and accurately record  
 3 what you have to say for the record tonight.

4 Each speaker will be allowed up to five  
 5 minutes. Mr. Turner next to me here will be holding up  
 6 a yellow card when you have 30 seconds remaining and red  
 7 card will be held up when you've reached the five minute  
 8 limit.

9 Lastly, if you do not want to make a verbal  
 10 comment tonight but you would still like to provide  
 11 input we have comment sheets available at the  
 12 registration table. All your comments, whether verbally  
 13 or written, will be given equal consideration. All  
 14 comments however must be postmarked no later than  
 15 November 4, 2002, to be included in the record and  
 16 considered in the decision making process.

17 We will now begin with comments from our first  
 18 speaker. Mr. Brantz, would you come forward and state  
 19 your name, address and who you're representing and give  
 20 your comments.

21 MR. BRANTZ: Don Brantz, 23820 Brothers  
 22 Avenue, Glenwood, Iowa, and I'm a Mills County  
 23 supervisor.

24 One of the first items that I think we need to  
 25 consider is the mission and the mission has always been

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1 -- the No. 1 mission has been flood control and I think  
 2 sometimes we, you know, miss the boat on that.

3 The other thing is for some time there hasn't  
 4 been a drag line, a barge drag line, in this part of the  
 5 Missouri River basin and what that has done is it has --

6 the southern part of Mills County of the Missouri River  
 7 and a lot of Fremont County there's been siltation, and  
 8 this brings the water level up and this makes -- this  
 9 hurts the agricultural community, particularly during  
 10 periods of wet weather or large rainfall.

11 One of the things, if you purchase this ground  
 12 it hurts us economically in that there's no longer grain  
 13 to be moved to market. Those grain dollars turn over  
 14 seven times. There is a trade-off for maybe some  
 15 hunting and some of that but it's not for the millions  
 16 of potential dollars in grain from the trucking industry  
 17 and the farm industry. And this hurts local government  
 18 in particularly our small communities and we need to be  
 19 aware of this.

20 You know, we talk about the two birds and the  
 21 fish and a lot of that is not documented. It's still  
 22 theory that we can bring some of the fish back to the  
 23 river and the Pluover and some of the other birds are in  
 24 other areas besides the Missouri River, so if we lost  
 25 those we wouldn't necessarily lose the birds, and we are

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1. Operation of the Mainstem Reservoir System for flood control is not a component of the Missouri River Fish and Wildlife Mitigation Project evaluated in this DSEIS. Operations and maintenance of the BSNP as it relates to flood control is not within the scope of the DSEIS. The Mitigation Project has the potential to reduce flood damages.
2. Operations and maintenance of the BSNP is not within the scope of the DSEIS.
3. The potential decrease of approximately \$2.7 million per year of corn and soybeans sold in the six Iowa counties in the ROI would be approximately 0.38 percent of the total crop value in the six Iowa counties, and a much smaller percent of the state's total agricultural products value. The Corps does not consider this to be a significant adverse impact on the state's agricultural economy. The Corps considered the potential effect on retail sales in the ROI and found that the estimated decrease in crop production could result in a decrease in retail sales in a county of between 0.05 and 1.66 percent. The Corps recognized this potential effect, but considers this level of impact to be less than significant.

1 making farmers the species that's very much in danger.

2 So those are the only comments I have and we

3 would look at our No. 1 priority, flood control, No. 2,

4 economic development for our small, rural communities.

5 Thank you.

6 MR. BARNES: Our next comment will be by

7 Mr. McAlexander, please come forward.

8 MR. McALEXANDER: I'm Jim McAlexander, 2762

9 215th Street, Sidney, Iowa. I am a farmer and also a

10 county committee chairman of FSA committee.

11 I look at this as a unique county here in

12 Fremont County especially. We have a county that has

13 Nishabotna plus the Missouri River flowing through it,

14 and when the Missouri River is held at a high level it

15 causes cuses the Nishabotna to flood a lot more readily

16 because the slow down on the flow of the water, and we

17 can have up to a third loss of our grain crop area in

18 Fremont County just by having the rivers too high.

19 One of the main things I was concerned about

20 is the tax base. I see that you're addressing it as far

21 as a payment to the state but as most things go with the

22 government operation, when money is given to the state

23 it doesn't always trickle down to the county where a

24 loss of taxes comes from. I'd like to see it guaranteed

25 that those counties that are losing property taxes would

4. Comments noted.

1. Conversion of private land to public ownership would decrease the tax base of the effected county. However, the Corps found that the potential effect on an individual county's tax revenue would be less than 1.8 percent after PILT payments. The Federal PILT program specifically designates payments back to affected states for distribution to counties. It is outside the Corps jurisdiction to guarantee PILT payments are returned to affected counties.

2. Comment noted.

1	be able to retain that money for themselves.	7
2	I would like also to comment that in this	1
3	county we've seen in the last 15 years it's gone from	
4	1,500 farmers down to 688 now and that makes a very	2
5	small unit here to pay taxes in a county of 8,000	
6	people, and that's the comments I'd like to make right	
7	now.	
8	Thank you.	
9	MR. BARNES: Is there any other elected	
10	officials who wish to make a statement at this time?	
11	(No response.)	
12	MR. BARNES: Having heard none we will	
13	now move on to hear from the members of the general	
14	public. First comment will be from Mr. Eater.	
15	Mr. Eater? Mr. Eater? Mr. Eaton?	
16	MR. EATON: Jim Eaton, I guess that's me. I	
17	guess I'm the only one that answered.	
18	MR. BARNES: I can't read; can I?	
19	MR. EATON: My name is Jim Eaton. My office	
20	address is 416 Clay Street, Sidney, Iowa. I guess I	
21	live out in the country but my mailing address is 416	
22	Clay Street, Box 429234, Sidney.	
23	I came here really unofficially, I guess.	
24	I've been an attorney for Missouri Valley Grainage	
25	District for a good many years. That's a major drainage	

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1 district that extends from Plum Creek on the north clear  
 2 down to the Missouri line. My trustees, none of them  
 3 are here tonight, but I assume that if they were their  
 4 concern would be the impact of these mitigation projects  
 5 on interior drainage.

6 Obviously we have a number of ditches and  
 7 dlews and things that drain to the river, and when the  
 8 river has been high as it has been up until the last  
 9 couple, three years a good many acres of land have been  
 10 flooded and continue to be.

11 I realize this hearing tonight is not directed  
 12 towards the river flow management, which is apparently a  
 13 whole other issue, but I would express this concern,  
 14 reiterate what Don and some of the others have said  
 15 about the economic effect on the tax base. That would  
 16 be a concern.

17 I notice that on one of your charts over here  
 18 you've indicated that the preferred action would have a  
 19 substantial impact on drainage, in levy districts and  
 20 obviously that would be our major concern, what  
 21 substantial impact. How would these developments  
 22 substantially impact on drainage or levy districts?  
 23 Are we just talking about affecting in the assessment  
 24 base or are we talking about actual construction things  
 25 that might affect interior drainage, so that would be,

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1. The effects of the Mitigation Project on interior drainage was studied in the SEIS under the topic of groundwater hydrology. It was recognized that potential offsite groundwater impacts could occur as a result of developing aquatic and wetland habitats on mitigation sites, but these impacts were considered less than significant. Measures to avoid potential harm to adjacent landowner interior drainage include acquiring enough mitigation land so that any aquatic or wetland habitat development would be far enough from a property boundary or levee protected to avoid potential off-site effects of increase groundwater. Mitigation sites would be designed and managed such that off-site groundwater impacts would be avoided and interior drainage problems for adjacent landowners avoided.
2. Conversion of private land to public ownership would decrease the tax base of the effected county. However, the Corps found that the potential effect on an individual county's tax revenue would be less than 1.8 percent after PILT payments. The Federal PILT program specifically designates payments back to affected states. It is up to state government to distribute PILT payment back to counties. It is outside the Corps jurisdiction to guarantee PILT payments are returned to affected counties.

<p>1 I'm sure, the paramount concern of the trustees.</p> <p>2 Mitigation development, I don't think -- I</p> <p>3 think some land has been acquired by the Corps in</p> <p>4 Fremont County. I'm aware of some other by Nebraska</p> <p>5 City. I'm not aware of all of it that has been</p> <p>6 acquired. I don't think any development has started</p> <p>7 yet, to my knowledge, but obviously we would like to</p> <p>8 know what developments are planned and how they might</p> <p>9 impact particularly on drainage and development and</p> <p>10 operation of our district.</p> <p>11 Every year we have to maintain levees. We</p> <p>12 haven't been so bad the last two or three years but</p> <p>13 prior to that we were levied substantial amounts to have</p> <p>14 to repair and maintain our ditches and that would be</p> <p>15 obviously the economic cost of having to do that is a</p> <p>16 major factor that our trustees, I know, would be</p> <p>17 concerned about, so I think that that would be a major</p> <p>18 concern that the drainage district I'm sure would have</p> <p>19 would be the impact on drainage and the cost of the</p> <p>20 drainage, also the assessment base and flood protection.</p> <p>21 Thank you.</p> <p>22 MR. BARNES: Our next person to</p> <p>23 comment would be Mr. Askew.</p> <p>24 MR. ASKEW: Yes, thank you. My name is John</p> <p>25 Askew, 2219 160th Street, Thurman, Iowa.</p>	<p>3</p> <hr/> <p>4</p>
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3. The DSEIS determined that the Preferred Action for the Missouri River Fish and Wildlife Mitigation Project could have a significant impact on levee and drainage districts due to potential increases in levee assessments for remaining landowners. The Corps is committed to working with levee and drainage district associations to avoid negative impacts to levee district members as a result of the loss of levee assessments from the acquisition and development of a mitigation site. Potential measures to minimize adverse effects could involve limiting the amount of a levee or drainage district that would be acquired, acquire all land within the levee district if all members were willing sellers, or working with the district and landowners to develop an agreeable levee realignment. The impact analysis for levee and drainage districts is in Section 4.5.3.
4. Comment noted.

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1 Looking through and talking with the Corps  
 2 officials here tonight it was very clear to see that the  
 3 mitigation project is something that hopefully we can  
 4 see mitigate some of the problems we've been having with  
 5 habitat and increasing the habitat for some of the  
 6 native species that we have here.

7 Also as a township trustee I've been having  
 8 some concerns over as you take those lands out of our  
 9 tax bases, especially on townships, that while they are  
 10 still in production, while you're still getting revenues  
 11 from the leasing of that land there is that PILT, that  
 12 payment in lieu of tax, that are coming back supposedly  
 13 to the counties which I think as a township trustee  
 14 where I think you do a better job is finding out whether  
 15 those payments are coming back, but after the land is  
 16 developed, developed into a series of slums, bends,  
 17 whatever, shoots, whatever you want to call them, at  
 18 that point those payments will stop.

19 At that point then we as a township and also  
 20 counties have to address how we deal with the loss of  
 21 tax base on that, so that's one of the problems I see.

22 Other aspects as we work on a state-wide  
 23 vision for what we want to try to do with the river,  
 24 these are some of the things that are solutions to some  
 25 of the concerns we've had. We don't see the solutions

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1. Comment noted.
2. Conversion of private land to public ownership would decrease the tax base of the effected county. However, the Corps found that the potential effect on an individual county's tax revenue would be less than 1.8 percent after PILT payments. The Federal PILT program specifically designates payments back to affected states. It is up to state government to distribute PILT payment back to counties. It is outside the Corps jurisdiction to guarantee PILT payments are returned to affected counties. PILT payments are made to affected states as long as the Federal government owns land in a state. PILT payments do not stop once a project has been constructed.

3. Comment noted.

11

1 as in raising the water levels or spring rises and  
 2 changing the flow levels on the Missouri River as much  
 3 as trying to deal with what we have, what we have out  
 4 there and are able to mitigate the problems we have with  
 5 other endangered species at this time.

6 I'm excited about some of the prospects as for  
 7 the keeping the navigation, keeping it as our No. 1  
 8 priority, but also bringing in the environmental  
 9 aspects, the recreational aspects also into this.

10 Thank you very much.

11 MR. BARNES: Is there anybody else that wishes  
 12 to make a statement tonight?

13 (No response.)

14 MR. BARNES: Having heard none, this concludes  
 15 the official hearing for the Missouri River Fish and  
 16 Wildlife Mitigation project draft SEIS. I'd like to  
 17 thank you all for attending.

18 \* \* \* \* \*

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**C e r t i f i c a t e**

I, **BERNDA FITZGERALD**, a Notary Public, with offices at 1930 Commerce Tower, 911 Main, Kansas City, Missouri, do hereby certify that I was present at the taking of the proceedings as set forth in the caption page hereof; that I then and there took down in shorthand the proceedings had at that time, and the foregoing pages constitute a true and correct transcript of the shorthand notes made at that place and time.

My Commission expires February 19, 2004.

  
 Notary Public

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**P R O C E E D I N G S**  
of the  
**PUBLIC HEARING**  
**UNITED STATES ARMY CORPS OF ENGINEERS**  
**MISSOURI RIVER FISH & WILDLIFE MITIGATION PROJECT**  
**DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

**WEDNESDAY, OCTOBER 16, 2002**  
**ATCHISON, KANSAS**  
Atchison Heritage Convention Center  
7:00 P.M.

(The Public hearing was called to order at 7:00 o'clock p.m. with Mr. Kelly Ryan, United States Army Corps of Engineers, presiding.)

**MR. RYAN:** Well, good evening. My name is Kelly Ryan. I work for the Kansas City District Corps of Engineers, and welcome to the public hearing for the draft Supplemental Environmental Impact Statement for the Missouri River Fish and Wildlife Mitigation Project.

The Missouri River Fish and Wildlife Mitigation Project was first authorized for implementation in 1986. The project was originally approved to purchase 48,100 acres of land to restore and enhance aquatic and terrestrial habitat in Missouri

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River flood plain.

Environmental Impact Statement was completed for the original 48,100 acres in 1987. In 1999 Congress authorized an additional 118,650 acres for the project and because the additional acres is considered a major change to the original project, a supplement to the original SEIS is being prepared.

The draft SEIS has been out for public comment since September 20th. The draft SEIS prepared for the proposed mitigation project updates and analyzes the potential biological, physical and socioeconomic impacts from the purchase and restoration of the additional 118,650 acres.

I would like to now show a short video that provides an overview of the issues associated with the mitigation project's primary goal of restoring fish and wildlife habitat lost through over 80 years of channelization and bank stabilization projects in the lower Missouri River.

(The film is shown at this time after which the following comments were made.)

**MR. RYAN:** I'll go over some rules now that we'll follow in the hearing process. This hearing is being conducted in accordance with the National Environmental Policy Act which requires federal agencies

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3

1 to consider and document potential environmental effects

2 associated with major federal actions and I'm going to

3 serve tonight as the presiding officer for the public

4 hearing tonight.

5 My purpose is to ensure that we conduct the

6 hearing according to the meeting format and that anyone

7 who wishes to provide input or to make a comment has a

8 fair opportunity to speak and be heard.

9 The purpose of the hearing is to receive

10 input. This is a hearing therefore we won't -- we are

11 looking for your comments only and will not be

12 responding during this process to questions during the

13 hearing. That means we won't be engaging or speaking in

14 debate or responding to questions. This form is

15 provided strictly to receive comments.

16 A court reporter, Miss Brenda Fitzgerald, is

17 present to record your comments. She will be recording

18 verbatim everything that is said during the meeting

19 tonight. The transcript will be included in the

20 appendix in the final Supplemental Environmental Impact

21 Statement. So when you're called, please be sure to

22 speak clearly so that she can hear and understand you

23 and accurately record what you have to say in the record

24 for tonight's hearing.

25 We have some comment cards. When you walked

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1 in you signed an attendance sheet and there were some

2 comment cards provided. If you wish to speak, you need

3 to fill out one of those cards. We'll be calling --

4 elected officials will be given the opportunity to speak

5 first followed by members of the public chosen randomly

6 from the comment cards, so after I recognize you, please

7 come to the podium and clearly state your name, address

8 and if you're representing yourself or an organization.

9 If you state that you're representing an organization

10 then your comments will be understood to be a reflection

11 of the entire organization's position.

12 Lastly, if you do not want to make verbal

13 comments tonight but would still like to give your

14 input, we have some comment sheets available at the

15 registration table. All your comments whether given

16 verbally or written will be given equal consideration.

17 All comments, however, must be postmarked by November 4,

18 2002, to be included in the record and considered in the

19 decision making process.

20 So, we'll start, the first speaker -- first is

21 there anyone that's an elected official who would like

22 to make a comment tonight?

23 (No response.)

24 MR. RYAN: Having heard none then I will start

25 with Mr. Bill Griffith.

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1. Comments noted.

1		5
2	MR. GRIFFITH: Thank you, Mr. Ryan. My name	
3	is Bill Griffith. I'm from Leavenworth, Kansas. I'm	
4	here representing the Sierra Club. I am chairman of the	
5	Conservation Committee of the Kansas Chapter of the	
6	Sierra Club and also chair of the Sierra Club's National	
7	River Committee and I will be also forwarding written	
8	comments to you within the next week or two as well.	
9	What I would like to say is I'm pleased to see	
10	the mitigation effort that's going forth in general with	1
11	the acreage involved. The mitigation efforts I've seen	
12	in the past especially like Hamberg Bend and things like	
13	that I've been impressed with and hope the Corps	
14	continues in that spirit on its mitigation efforts.	
15	I think it will certainly increase the amount	
16	of fishing and wildlife which is something I have	
17	interest in with my sons on a personal basis. I think	
18	it's also a win/win for all of us in general due to the	
19	amount of land that has been taken due to the	
20	navigation. I believe we need to strike a little more	
21	of a balance than has been done in the past and this is	
22	long overdue.	
23	Thank you.	
24	MR. RYAN: Thank you, sir. Mr. Steve Adams.	
25	MR. ADAMS: Thank you, Mr. Ryan. My name is	
	Steve Adams. I'm Natural Resources Coordinator for the	
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1. Comments noted.

1 Kansas Department of Wildlife and Parks and on behalf of  
 2 the Department I want to thank the Corps and HDR  
 3 Engineering for the work that they have done in putting  
 4 together this draft of the Supplemental Environmental  
 5 Impact Statement for the mitigation project.  
 6  
 7 As you know, the Department has been an active  
 8 participant in terms of commenting and working with the  
 9 Corps on the mitigation project since the beginning of  
 10 this, and we feel like this has been a very productive  
 11 and a very good process throughout the years and we  
 12 appreciate the work that the Corps has done.  
 13  
 14 The Department strongly supports the expanded  
 15 mitigation project. We believe that restoration of  
 16 habitats, which of course is the primary purpose of this  
 17 project, is something which is of vital importance to  
 18 the flood plains of the Missouri River and the aquatic  
 19 habitats associated with the Missouri River.  
 20  
 21 We feel that the restoration of these habitats  
 22 are something that is a great benefit to the people in  
 23 the State of Kansas and in the natural resources of our  
 24 state. Efforts such as this that restore fish and  
 25 wildlife habitats and that provide opportunities to the  
 26 public are very beneficial to our local communities  
 also. They provide a source of economic diversity.  
 They provide local recreation opportunities to the

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1. Comments noted.

1 citizens of the state and, once again, most importantly  
 2 provide needed restoration of terrestrial and aquatic  
 3 habitats in the flood plain and in the aquatic areas of  
 4 Missouri River itself.  
 5 My comments are going to be very brief. We  
 6 will submit formal written comments to the Corps before  
 7 November 4th. Once again, we appreciate the work of the  
 8 Corps and HER in this process and we are ready to help  
 9 in any way that we can to further this process.  
 10 Thank you.  
 11 MR. RYAN: Thank you. Mr. Nelson Curry.  
 12 MR. CURRY: Thank you, Mr. Ryan. My name is  
 13 Nelson Curry. I'm a resident of Atchison, Kansas. Been  
 14 a resident for approximately 17 years. I'm a 30 year  
 15 member of Ducks Unlimited. I'm not officially  
 16 representing Ducks Unlimited although I'm a committee  
 17 member of the local chapter.  
 18 I'm here basically to show my support for  
 19 mitigation in general, the principles that it stands  
 20 for, the examples that are shown presently in  
 21 Benedictine Bottoms and hopefully the future examples  
 22 that have been shown as far as the mitigation is allowed  
 23 to proceed.  
 24 I think there's some very good examples here  
 25 recently shown within the flood plain since the '93

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1 flood of actual examples of not only wildlife habitat,  
 2 mitigation increasing habitat but also the benefit of  
 3 the flood plain as to flood events that have occurred  
 4 since '93, and it's been documented very well that these  
 5 flood events have been mitigated due to the presence of  
 6 land that was not there prior to '93.

7 I'm a strong believer also in the rights of  
 8 land owners and I appreciate the Corps' position that  
 9 additional land if it comes to that will only be  
 10 acquired through willing sellers. I think it's a  
 11 win/win situation. Atchison has a strong history and  
 12 lots of ties to the river. Having lived in western  
 13 Kansas for the early part of my life, the people of  
 14 Atchison I think appreciate -- need to appreciate more  
 15 what they have here right at their very door step from a  
 16 recreational standpoint, historical standpoint and I  
 17 hope that the mitigation process proceeds.

18 I appreciate your time.

19 MR. RYAN: Thank you. Lieutenant Colonel  
 20 Mike Brooks.

21 MR. BROOKS: My name is Lieutenant Colonel  
 22 Mike Brooks. I'm here to represent the Fort Leavenworth  
 23 Rod and Gun Club. I'm a resident of Lansing, Kansas.  
 24 We've been here back and forth for about ten years.  
 25 The message from the club, about a 280 member

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1 strong organization, tremendously diverse organization  
 2 when it comes to being consumers or users, participants  
 3 in outdoor activities here in eastern Kansas and western  
 4 Missouri is that the more opportunity to get the public  
 5 into wildlife habitat restoration and into the outdoor  
 6 sports arena the better.

7           Much as my friend Mr. Curry said, acquiring  
 8 property is a very touchy subject. Acquiring property  
 9 willingly is, in our view, the right way to do it. And  
 10 quite frankly, the river itself now in many instances is  
 11 near sterile relative to a lot of sport fishing and  
 12 hunting because of the speed of the current so the  
 13 mitigation project in an effort to expand and improve  
 14 existing habitat will be greatly appreciated by the  
 15 members.

16           MR. RYAN: Thank you. Loren Chapin.

17           MR. CHAPIN: I'm Loren Chapin. I'm just a  
 18 farmer across the river and I was wondering if there's  
 19 got any projects on River Mile 414 to 416 if I could get  
 20 any answer on that, plans to do anything in that area?

21           MR. RYAN: We'll be happy to talk to you after  
 22 the hearing. We're just taking comments, though, right  
 23 at this time.

24           MR. CHAPIN: Okay. Thank you.

25           MR. RYAN: Are there -- is there anybody else

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1. Comments noted.

1a. No mitigation sites are currently located at this location.

1. The design of mitigation sites will be compatible relative to the future operations of the Mainstem Reservoir System.
2. The Corp pays fair market value. The Corp conducts or contracts for a real estate appraisal to be done to establish the land's value.

10

1 who would like to make a statement tonight, a comment?

2 We will be around to answer a few questions.

3 MR. JOHNSON: I'd like to make a comment. I

4 haven't got a card filled out.

5 MR. RYAN: Come on up to the podium there.

6 I'll need your name and address.

7 MR. JOHNSON: Ted Johnson, I live at Big

8 Lake, Missouri and I would like to know how the spring

9 rise and the wildlife mitigation plan is going to work.

10 That is one question, and how much is the Corps of

11 Engineers going to be willing to pay for this prime farm

12 land along the river that they would like to turn into a

13 wildlife area?

14 MR. RYAN: Thank you. Is there anyone else

15 who would like to make a comment or statement?

16 (No response.)

17 MR. RYAN: Having heard none, then, we will

18 conclude the hearing portion of this meeting. I

19 appreciate you coming out and showing your interest in

20 the project and we will stick around for questions

21 informally.

\* \* \* \* \*

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C e r t i f i c a t e

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3 I. BERENDA FITZGERALD, a Notary Public, with  
4 offices at 1930 Commerce Tower, 911 Main, Kansas City,  
5 Missouri, do hereby certify that I was present at the  
6 taking of the proceedings as set forth in the caption  
7 page hereof; that I then and there took down in  
8 shorthand the proceedings had at that time, and the  
9 foregoing pages constitute a true and correct transcript  
10 of the shorthand notes made at that place and time.

11 My Commission expires February 19, 2004.

12  
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15 Notary Public

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**PROCEEDINGS**  
of the  
**PUBLIC HEARING**  
**UNITED STATES ARMY CORPS OF ENGINEERS**  
**MISSOURI RIVER FISH & WILDLIFE MITIGATION PROJECT**  
**DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**  
**THURSDAY, OCTOBER 17, 2002**  
7:00 p.m.

\_\_\_\_\_

Arbor Park Elementary School  
1717 Adams Street  
Blair, Nebraska

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**PUBLIC HEARING**      2

1      MR. BARNES: Good evening, ladies and  
2      gentlemen. My name is Mike Barnes, and I'm from  
3      the Omaha District Corps of Engineers. I would  
4      like to welcome you to this public hearing on the  
5      Draft Supplemental Environmental Impact Statement  
6      for the Missouri River Fish and Wildlife  
7      Mitigation Project.  
8      The Missouri River Fish and Wildlife  
9      Mitigation Project was first authorized for  
10     implementation in 1986. The project was approved  
11     originally to purchase 48,100 acres of land to  
12     restore and enhance aquatic and terrestrial  
13     habitat in the Missouri River floodplain. An  
14     environmental statement was prepared at that time.  
15     In 1999 Congress authorized an additional  
16     118,650 acres for the project. Because the  
17     additional acres was considered a major change in  
18     the original project, a supplemental to the  
19     original SEIS is being prepared now. A draft SEIS  
20     has been out for public comment since  
21     September 20th, 2002.  
22     The draft SEIS prepared for the proposed  
23     mitigation project updates and analyzes the  
24     potential biological, physical, and social  
25     economic impacts from the purchase and restoration

PUBLIC HEARING 3

1 of the additional acreage.

2 I would now like to show you a short video

3 that provides a review of the issues associated

4 with the mitigation project's primary goals of

5 restoring fish and wildlife habitat lost through

6 the over 80-year channelization and bank

7 stabilization projects on the lower Missouri

8 River.

9 (Videotape was played.)

10 MR. BARNES: I would now like to go over the

11 rules that will govern this hearing tonight. This

12 hearing is being conducted in accordance with the

13 National Environmental Policy Act which requires

14 federal agencies to consider and document

15 potential environmental effects associated with

16 major federal actions.

17 I will serve as the presiding officer for

18 tonight's public hearing. My purpose here tonight

19 is to ensure that we conduct the hearing according

20 to the meeting format and that everyone who wishes

21 to provide input or to make a comment has a fair

22 opportunity to speak and be heard.

23 This is a hearing. Therefore, we are looking

24 for comments only, and we will not be responding

25 during the process to questions during this

PUBLIC HEARING 4

1 hearing. This means we are not going to be

2 engaging speakers in debate or responding to

3 questions. This forum is provided strictly to

4 receive comments.

5 After I have recognized you, please proceed

6 to the podium provided and clearly state your

7 name, address, and if you are representing

8 yourself or an organization. If you state that

9 you are representing an organization, then your

10 comments will be understood to reflect the entire

11 organization's position.

12 Elected officials will be given an

13 opportunity to speak first, followed by members of

14 the public chosen randomly by the comment cards.

15 A court reporter, Ms. Randall, is present to

16 record your comments and will be recording

17 verbatim everything that is said during the

18 hearing. This transcript will be included as an

19 appendix to the final SDIS. Please assist her by

20 speaking clearly so that she can hear and

21 understand you and accurately record what you have

22 to say for the record tonight.

23 Each speaker will be allowed five minutes to

24 speak. Mr. Turner will hold up a yellow card

25 indicating 30 seconds remaining. A red card will

## PUBLIC HEARING

5

1 be held up when the five minutes is over.

2 Lastly, if you do not want to make a verbal

3 comment tonight but you would still like to

4 provide input, we have comment sheets available at

5 the registration table. All your comments,

6 whether orally or written, will be given equal

7 consideration. All comments, however, must be

8 postmarked no later than November 4, 2002, to be

9 recorded in the record and considered for the

10 decision-making process.

11 We will now begin with comments from our

12 first speaker. Are there any elected officials

13 who wish to make a statement at this time?

14 Having heard none, we will now go on to the

15 general public. The first speaker will be

16 Mr. Whiting.

17 MR. WHITING: White-ing (ph).

18 MR. BARNES: Whiting, excuse me.

19 MR. WHITING: I don't stand very well. Can I

20 sit here?

21 MR. BARNES: That's fine, yeah.

22 MR. WHITING: I have been around long enough

23 to remember the wild unchanneled river, and it has

24 really created some -- some changes, not all for

25 the good, some for the very -- good. We have

PUBLIC HEARING 6

1 three mitigation projects, two completed and one  
2 ongoing on Decatur Bend up here that don't appear  
3 to me to be doing much good. And I think that had  
4 there been a little bit more citizen input, they  
5 could have been much more effective.  
6 I tried hard to get several other people to  
7 come with me today, this evening, and they all  
8 said, what's the use, they don't pay any  
9 attention.  
10 I said, well, I'm going to say something  
11 anyway. I guess that's the major portion of my  
12 remarks. Thank you.  
13 MR. BARNES: Thank you, Mr. Whiting.  
14 The next speaker will be Mr. Farnik.  
15 MR. FARNIK: My name is Jim Farnik. I'm from  
16 Creighton, Nebraska. Can I give this -- this is a  
17 copy of my report. Can I give this to somebody  
18 here now?  
19 MR. BARNES: Yes.  
20 MR. FARNIK: Good evening, sir. Thank you  
21 for this time. I did condense six pages into two  
22 pages, and I'm requesting another minute added on.  
23 MR. BARNES: I think we can allow that.  
24 MR. FARNIK: Okay. Thank you very much, sir.  
25 Good evening. My name is Jim Farnik. I'm

1. Comment noted. The planning and design for all mitigation sites are closely coordinated with the state's fish and game agency. Constructive input from the public is encouraged at all times. The Corps does use experience gained at existing mitigation sites in the planning, design, construction, and operation of future mitigation sites.

PUBLIC HEARING 7

1 from Creighton, Nebraska, located in Knox County.  
2 and I represent myself.  
3 I have riverfront property along the Niobrara  
4 and Missouri Rivers within the 70-mile reach of  
5 Gavins Point and Fort Randall Dams.  
6 According to a 1994 Corps of Engineers  
7 sedimentation study, 135 million tons of sediment  
8 is deposited within this system annually, enough  
9 to cover 860 acres of land nine feet deep.  
10 Four million tons of sediment is deposited  
11 annually within the -- four million tons of  
12 sediment is deposited annually within the 70-mile  
13 reach. An estimated 200 million tons since  
14 closure has devastated 20 miles of Knox County  
15 Missouri River floodplain, along with the mouth of  
16 four tributaries, and by the end of the next  
17 century, it will be one billion tons, enough to  
18 cover an estimated 59,000 acres nine feet deep.  
19 By the end of this century, there will be  
20 little permanent pool remaining in Gavins Point  
21 Dam, let alone capacity for annual flood control  
22 and multiple use or exclusive flood control.  
23 All indications are that this Missouri River  
24 water control project is an irreversible  
25 commitment that is not waiting to happen, as a

1. Comment noted.

PUBLIC HEARING

8

1 result of sediment deposition.

2 Congress made no provisions to deal with this  
3 sediment in the beginning of this water control  
4 project and no serious provisions have been made  
5 since.

6 On 3-11 it clearly spells out the role of  
7 Corps of Engineers' operations of the main stem  
8 reservoir system and the controlled release of  
9 water from Gavins Point Dam, the constructed  
10 levees, storage capacity, flood control,  
11 structures, and improvements that prevent Missouri  
12 River flows from contributing to flood damage in  
13 the reaches downstream from the dams.

14 On 3-11, 3-12, quote, mainstem reservoir,  
15 flows are reduced by tributary reservoir storage.  
16 On 3-17, within the region of influence,  
17 1,245,000 acres of land, not including pasture,  
18 hay land, and other ag uses, are subject to  
19 flooding, including 21,000 residences, 4,700  
20 commercial and industrial buildings valued at 15.4  
21 billion dollars. This does not include the value  
22 of the agricultural land.

23 On 5-4, quoting again, the master manual  
24 describes the operation of the Missouri River  
25 reservoir system including the water control plan

2. Comment noted.

PUBLIC HEARING 9

1 which prescribes operation policy for the multiple  
2 project purposes of flood control, hydropower,  
3 water supply, water quality, irrigation,  
4 navigation, and fish and wildlife.

5 Quoting again from 3-6, releases from Gavins  
6 Point Dam navigation, flood evacuation, and  
7 non-navigation. By the end of the first decade of  
8 the next century, 72 or 80 percent of the total  
9 capacity in acre feet will be lost in Gavins Point  
10 Dam.

11 On 3-3, the Draft Supplemental Environmental  
12 Impact Statement constantly presents figures and  
13 acres pertaining to river channel, adjacent to  
14 river channel aquatic, terrestrial, and fish and  
15 wildlife habitat that have been lost, along with  
16 15 million pounds of fish that could have been  
17 supported at any one time. Plus 772,000 days of  
18 recreation lost annually as a result of the bank  
19 sedimentation navigation project.

20 The lead agency, the United States Corps of  
21 Engineers, the U.S. Fish and Wildlife Service, and  
22 cooperating agencies and the citizens of this  
23 country already have in place .5 million acre feet  
24 of fish and wildlife habitat, recreation accesses,  
25 facilities, and storage capacity in the lower

1

2

	PUBLIC HEARING	10
1	project of Gavins Point Dam. Gavins began with	2
2	570,000 acre feet in 1955, and by 1995, 105,000	
3	acre feet of total storage lost was recorded.	
4	Now, when project purposes other than power	3
5	generation are no longer options for Gavins Point	
6	Dam and the project purposes are severely reduced	
7	from Fort Randall. what are the consequences to	
8	the reach between Randall and Sioux City and the	
9	balance of the remaining 735 miles below Sioux	
10	City?	
11	Removing an additional 118,650 acres of	
12	farmland from production and adding to existing	
13	projects could total 282,000 acres within the	
14	region of influence to increase species and	
15	habitat and recreation, in a century that will	4
16	supposedly see the global population double	
17	itself. seems about as necessary as Congress	
18	designating 39 miles of the Missouri River below	
19	Fort Randall Dam to protect the species and	
20	habitat and immediate environment for the	
21	enjoyment of present and future generations at a	
22	time that it is destroying itself at a rate of	
23	11,000 tons of sediment every day.	
24	Now, reviewing the fact that 1,245,000 acres	
25	of land, not including pasture and hay lands, are	

3. Gavins Point Dam and Fort Randall Dam are located outside the ROI for the DSEIS and analysis at these locations is outside the scope of this DSEIS. Sedimentation issues below Sioux City caused by the Mainstem Reservoir System are outside the scope of the DSEIS.

4. Comment noted.

PUBLIC HEARING

11

1 subject to flooding, and including the value of  
 2 residential and nonresidential buildings, is it a  
 3 possibility that, when the lower projects are full  
 4 of sediment and no longer a flood control project  
 5 purpose, that the federal government could have  
 6 more land and property to mitigate than funds to  
 7 buy and restore it with?

8 A recent study just completed by the Corps of  
 9 Engineers indicates a no cost-effective solution  
 10 to river sediment being deposited within the  
 11 70-mile reach.

12 If the Gavins Point project is a key  
 13 ingredient regarding the project's purpose, along  
 14 with the other projects, then sediment needs to be  
 15 on the agenda.

5

16 For this draft to examine and discuss only  
 17 the impact the mitigation project would or would  
 18 not have on the environment as depicted in chapter  
 19 four as a whole, and not take into consideration  
 20 the long-term negative impact that the project and  
 21 surrounding area could be subjected to, does not  
 22 provide a balanced view or discussion of the need  
 23 and purpose of the project.

6

24 Doing nothing to protect the Gavins Point  
 25 project plus the project purposes that the dams

7

- 5. Outside the scope of this DSEIS.
- 6. Comment noted. Outside the scope of this DSEIS.
- 7. Comment noted.

PUBLIC HEARING 12

1 offer within this Missouri River water control  
 2 project and everything to achieve this 118,650  
 3 acre mitigation project appears similar to a  
 4 sacrifice. 7

5 From the standpoint of this sidewalk and  
 6 shoreline engineer, based on what I have been able  
 7 to decipher from this Draft Supplement Impact  
 8 Statement for this Missouri River Fish and  
 9 Wildlife Mitigation Project, supporting this  
 10 mitigation project or the legislation that  
 11 authorized it is not an option for me.

12 Until this sedimentation buildup becomes part  
 13 of the agenda or the ingredient in any legislation  
 14 or restoration project within this 735 miles or,  
 15 for that matter, the entire 4,340 of waterways, I  
 16 could only support alternative C, which is the no  
 17 action alternative.

18 Thank you, sir.

19 MR. BARNES: Thank you, Mr. Farnik.

20 Is there anyone else who wishes to make a  
 21 statement tonight? Sir?

22 MR. Weisner: My name is Don Skip Weisner,  
 23 M-S-I-S-N-S-R, Weisner Management Services, LLC,  
 24 and former director of Simgco.  
 25 We have done a ton of Missouri River policy

8. Comment noted.

PUBLIC HEARING 13

1 and technical studies. I chair a technical study  
2 group on the Missouri River, the Sioux City  
3 stretch, now of which Mr. Whiting is a member.

4 We would request that you take the preferred  
5 alternative, and when you are working with that,  
6 that you work with the local group in terms of  
7 effecting ways of providing wetlands and rivering  
8 habitat that we have previously discussed with the  
9 Corps of Engineers, and use that data that we have  
10 put together for projects that will work for an  
11 entire stretch.

12 I believe the upper limits of mitigation  
13 authority is Sioux City, although I think it makes  
14 a lot of sense to extend, if we can, legislatively  
15 that authority to Ponca State Park because there  
16 is a vast opportunity in the river miles 719 to  
17 741 to create considerable rivering habitat.

18 We, the technical committee that I chair,  
19 would be glad to work with you, Mr. Barnes, and  
20 your associates in developing plans that will  
21 work. Thank you.

22 MR. BARNES: Thank you, Mr. Meisner.

23 Is there anyone else who wishes to make a  
24 statement at this time?

25 Having heard none, this concludes the

1. Comment noted. The planning and design for all mitigation sites are closely coordinated with the state's fish and game agency. Constructive input from the public is encouraged at all times. The Corps does use experience gained at existing mitigation sites in the planning, design, construction, and operation of future mitigation sites.
2. Comment noted. Extension of project authority is outside the scope of the SEIS.

1

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PUBLIC HEARING 14

1 official hearing for the Missouri River Official  
 2 Wildlife Mitigation Project, Draft SEIS. I would  
 3 like to thank you all for coming tonight.  
 4 (Whereupon, the hearing was concluded at  
 5 7:30 p.m.)  
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PUBLIC HEARING 15

1 STATE OF NEBRASKA )  
 2 )  
 3 COUNTY OF DOUGLAS ) ss  
 4 I, Bobbi M. Randall, RPR, a General Notary  
 5 Public in and for the State of Nebraska, do hereby  
 6 certify:  
 7 That said hearing was taken before me at the  
 8 time and place set forth and was taken down by me  
 9 in shorthand and thereafter reduced to  
 10 computerized transcription under my direction and  
 11 supervision, and I hereby certify the foregoing  
 12 hearing is a full, true, and correct transcript of  
 13 my shorthand notes so taken.  
 14  
 15 IN WITNESS WHEREOF, I have hereunto  
 16 subscribed my name this 24th day of October, 2002.  
 17  
 18  
 19  
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 21  
 22  
 23  
 24  
 25

*Bobbi M. Randall*  
 Bobbi M. Randall, RPR  
 General Notary Public