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November 16, 2017

MG Scott A. Spellmon
Commander
U.S. Army Corps of Engineers
Northwest Division
1201 NE Lloyd Boulevard, Suite 400
Portland, OR 97208-2870

Re: Missouri River Mainstem
System 2017-2018 Draft
Annual Operating Plan

Dear General Spellmon:

On behalf of the American Waterways Operators (AWO), the national trade association for the tugboat, towboat and barge industry, thank you for the opportunity to comment on the U.S. Army Corps of Engineers' Missouri River Mainstem System 2017-2018 Draft Annual Operating Plan (AOP).

The U.S. tugboat, towboat and barge industry is a vital segment of America's transportation system. The industry safely and efficiently moves over 760 million tons of cargo each year, including more than 60 percent of U.S. export grain, energy sources such as coal and petroleum, and other bulk commodities that are the building blocks of the U.S. economy. The fleet consists of nearly 5,500 tugboats and towboats, and over 31,000 barges. These vessels transit 25,000 miles of inland and intracoastal waterways, the Great Lakes, and the Atlantic, Pacific and Gulf coasts. Tugboats also provide essential services including ship docking, tanker escort and bunkering in ports and harbors around the country.

The tugboat, towboat and barge industry is not only an integral part of the U.S. intermodal transportation system, but also the safest, most affordable and most fuel-efficient, with the smallest carbon footprint of any surface transportation mode. Actions that adversely impact the efficiency of waterborne commerce, or that result in the diversion of cargo to other modes of transportation, are bad not only for the industry and the U.S. economy, but also for public safety and the environment.

Both the Flood Control Act of 1944 and rulings by the U.S. Court of Appeals for the Eighth Circuit direct the U.S. Army Corps of Engineers to treat navigation as one of the two primary Congressionally-authorized purposes of the Missouri River System. AWO continues to work to ensure that navigation's primacy is recognized, and that the navigation industry is not adversely impacted by system management decisions or diversions of water away from the primary Congressionally-authorized purposes.

Since 2001, AWO has been a member of the Coalition to Protect the Missouri River (CPR), a group of stakeholders that advocate for the responsible management of Missouri River resources to ensure the maintenance of the river's Congressionally-authorized purposes, including navigation. CPR also supports responsibly managed and properly balanced efforts to recover threatened and endangered species. In addition, AWO has been a member of the Missouri River Recovery Implementation Committee (MRRIC) since its inception in 2008.

AWO makes the following comments and recommendations on the 2017-2018 draft AOP:

- 1) AWO gratefully acknowledges the Corps' December 2017 target for the release of the Final 2017–2018 AOP. Without the final AOP, industry is unable to assess annual operational conditions and thus, negotiate transportation contracts. Diminishing the reliability of navigation adversely impacts competition among available transportation options, increasing transportation costs within the basin. In several previous AOP comments, AWO requested that the final AOP be released prior to January 1. ***AWO applauds the Corps for releasing the AOP before January 1 and encourages the Corps to continue this practice in the future.***
- 2) The decision by the Corps and the U.S. Fish and Wildlife Service not to implement the artificial spring pulses in 2018 as mandated in the Biological Opinion is also applauded by AWO. The Independent Science Advisory Panel's (ISAP) 2011 *Final Report on Spring Pulses and Adaptive Management* indicates that spring pulses, as currently implemented, are not accomplishing their intended outcomes. Specifically, the ISAP Report concludes that the "spring pulse management action, as currently designed, is unnecessary to serve as a cue for spawning pallid sturgeon."

The more recent *ISAP Evaluation of MRRMP v3 AM Plan and Pallid Level 3 Action*, released in November 2015, states that the "flow needs of the pallid sturgeon are imprecisely known at all life stages, therefore considerations of flow manipulations to benefit pallid sturgeon are now based on imprecise knowledge." This document further confirms that "the Spawning Cue Flows action presents a hypothesis without compelling technical support. The Action Description of bi-pulse flows and frequency is very detailed, but without scientific justification." In addition to this, ISAP recalls its 2011 conclusions about the "effectiveness and efficacy" of spring pulses from Gavins Point Dam in relation to pallid sturgeon spawning. Finally, the 2015 evaluation document concludes that "the ISAP notes again that the observation that pallid sturgeon are spawning under the currently managed flows suggests that such proposed managed pulses likely are not to be necessary to stimulate pallid sturgeon spawning in the lower Missouri River."

These ISAP reports validate the concerns of many stakeholders that the operation of the Missouri River Mainstem System is being dictated by the mandates of a Biological Opinion that is lacking scientific merit. Over ten years after the release of the revised Biological Opinion, there appears to be no clear-cut science in terms of what measures are needed to recover the pallid sturgeon. In light of the ISAP reports and the continued lack of science on sturgeon recovery, ***AWO requests that all spring pulses be permanently discontinued.***

- 3) Another full-length navigation season as predicted by all five runoff conditions in the 2017-2018 draft AOP will continue to build confidence in the reliability of the river. According to the Missouri Department of Transportation (MODOT), barge traffic on the Missouri River has been increasing over the last five years. In September 2014, the first barge shipments in eleven years traveled north to Sioux City, carrying hundreds of thousands of pounds of equipment to an expanding fertilizer plant in Nebraska. Vessel traffic continued regularly and consistently through December of that year with vessels moving as far north as Mile Marker 660.

The 2015-2016 navigation season was also a productive year for barge traffic on the Missouri River. In 2015, the Missouri River saw an increase in barge traffic volume due to reliable flows and a well-maintained navigation channel. Furthermore, the Port of Kansas City experienced an increase in barge traffic volume on the Missouri River in 2016 to roughly 45,000 tons, more than three times the amount of tonnage shipped from that port in all of 2015. An additional 60,000 tons moved from private terminals through the Kansas City area for a total of over 100,000 tons of freight. The Port of Kansas City expects barge traffic volume in 2017 to be roughly equivalent to 2016 levels. ***AWO requests that the Corps ensure that navigation flow targets are hit each year and that the channel is maintained and operated according to Congressionally-authorized direction.***

- 4) ***Due to its potential to diminish water available for navigation, AWO urges the Corps to address the impacts of increased reservoir sedimentation.*** Recent reservoir surveys indicate that sedimentation has shifted system storage zones. Before the shift's effects are felt, the Corps must act to adjust guide curves by a corresponding amount and move the sediment from the Carryover Pool to the Permanent Pool.

Finally, AWO notes that, as the Corps is aware, the drought of 2012-2013 seriously threatened the continuity of waterborne commerce on the mid-Mississippi River, especially once the Missouri River navigation season ended and flows into the Mississippi River fell. As stated by the Eighth Circuit Court, AWO continues to believe that the authorized purposes of the Missouri River System *include downstream navigation*. And, the Mississippi River is *downstream navigation*. For the good of the nation, the Western Rivers need to be managed as a system. Missouri River flows are critically important to Mississippi River waterborne commerce, especially during drought. AWO strongly encourages the Corps to hold an additional public meeting on the AOP each year in the Mississippi River Basin.

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Thank you again for allowing AWO the opportunity to provide comments on the draft AOP. The Corps' commitment to address these comments is appreciated. AWO looks forward to working together with the Corps to ensure that the Missouri River management plan balances the needs of the environment and the economy while providing reliable navigation flows.

Sincerely,

A handwritten signature in black ink that reads "Thomas M. Horgan". The signature is written in a cursive style with a large, stylized initial 'T'.

Thomas M. Horgan
Senior Manager – Midcontinent Office