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November 21, 2022

BG Geoff Van Epps
Commander, Northwestern Division
U.S. Army Corps of Engineers
P.O. Box 2870
Portland, OR 97208-2870

Re: Missouri River Mainstem
System 2022-2023 Draft Annual
Operating Plan

Dear General Van Epps,

AWO is the U.S. tugboat, towboat, and barge industry's advocate, resource, and united voice for safe, sustainable, and efficient transportation on America's waterways, oceans, and coasts. Our industry's 5,000 towing vessels and 33,000 barges comprise the largest segment of the U.S.-flag domestic fleet, providing family-wage jobs and long-term career opportunities for Americans and supporting some 270,000 jobs nationwide. Thank you for the opportunity to comment on the U.S. Army Corps of Engineers' Missouri River Mainstem System 2022-2023 Draft Annual Operating Plan (AOP).

Both the Flood Control Act of 1944 and rulings by the U.S. Court of Appeals for the Eighth Circuit direct the 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 diversion of water away from the primary Congressionally authorized purposes.

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

AWO makes the following comments and recommendations on the 2022-2023 draft AOP:

- 1.) AWO gratefully acknowledges the Corps' December 2022 target for the release of the final 2022–2023 AOP. Releasing the final AOP prior to the start of 2023 navigation season will allow industry time to assess annual operational conditions and negotiate transportation contracts, which is critically important for 2023 due to the ongoing drought. **AWO thanks the Corps for releasing the AOP before January 1, 2023 and encourages the Corps to continue this practice in the future.**
- 2.) This year, barge transportation has been severely impacted by historic low water on the inland waterways. Under these low water conditions, Missouri River flows remain critically important to waterborne commerce on the Mississippi River. Unfortunately, the draft AOP states, “[...] if during the 2023 navigation season there is no commercial navigation scheduled to use the upper reaches of the navigation channel, MRBWM will consider not providing navigation flow support in those reaches to conserve water in the System, reduce flood risk, and/or minimize incidental take of the protected species during the nesting season.” Deciding not to provide flow support would negatively impact navigation on the lower Missouri River and the middle Mississippi River. The Missouri River provides almost 50 percent of the flows to the middle Mississippi River during normal conditions. During the 2012 drought it provided up to 72 percent of the flows at St. Louis, and during the 1988 drought it supplied 88 percent of the flows. **These flows are essential to keeping the Mississippi River open for business. Unreliable flow support will jeopardize the efficient movement of waterborne commerce and harm the nation's economy.**
- 3.) AWO understands that due to the ongoing drought, a shortened navigation season is predicted in two of the five runoff conditions in the 2022-2023 draft AOP. If the decision to shorten the navigation season is made, we urge the Corps to communicate this decision to AWO, CPMR, and industry stakeholders well in advance to allow ample time for preparations to be made by companies that operate on the Missouri River.

While recent low water has caused issues for navigators, Missouri River navigation has otherwise benefitted from reliable flows and a decent channel in recent years. This in turn has brought new line-haul navigation companies and new investments to the river. In fact, NEW Cooperative's Port of Blencoe in Iowa opened just last year. This port can accommodate roughly 240,000 tons of dry commodities such as grain, soybeans, and fertilizer per year and will help to improve the economy of the region. This past year, even with the historic low water in the basin, 52,000 tons of fertilizer moved by barge through the Port of Blencoe. Additionally, AWO is pleased that the Lower Missouri River Navigation Study continues to move forward. The study should help the Corps and Congress direct funding that will improve and strengthen the reliability of navigation on the Missouri River. **The Missouri River must be seen as reliable to foster investment that promotes the use of this underutilized economic engine.**

- 4.) AWO thanks the Corps for holding six in-person public meetings on the draft AOP this year. These meetings are a valuable opportunity for companies operating on the Missouri and Mississippi rivers to engage with the Corps and take part in this important process. However, we are disappointed that the in-person meeting scheduled in St. Louis was cancelled at the last minute and rescheduled as a virtual meeting on a different date. This prevented numerous Mississippi River Basin industry stakeholders with operations on both rivers from participating in the meeting. **AWO strongly encourages the Corps to continue holding in-person public meetings on the AOP next year, including another meeting in St. Louis due to the critical impacts Missouri River flows have on the Mississippi River. If a scheduled in-person meeting must be canceled due to some unforeseen circumstance, a virtual meeting should be held on the same day as originally scheduled to ensure industry and stakeholder participation.**

Thank you again for allowing the opportunity to provide comments on the draft AOP. The Corps' commitment to addressing 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, appearing to read "Justin Lampert". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Justin Lampert
Senior Manager – Midcontinent Office