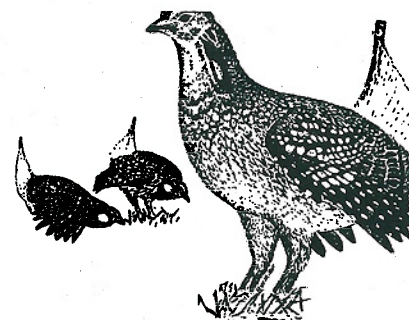




North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**PRESENTATION OF MIKE McENROE
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
INTERIM NATURAL RESOURCES COMMITTEE
October 31, 2007**

Chairman Flakoll and members of the Natural Resources Committee:

For the record my name is Mike McEnroe and I am speaking on behalf of the North Dakota Chapter of The Wildlife Society. Our Chapter testified in favor of HCR 3044 in hearings before both the House and Senate Natural Resources Committees during the 2007 Legislative session.

There is significant interest, from Montana to Missouri, in working toward sustainable management of the Missouri River System. Unfortunately, the 1944 Flood Control Act has locked in an outdated river management scheme that is counter to our contemporary social, economic and environmental needs. There is no better time than now for the State of North Dakota to urge Congress to address this issue. Past efforts by both the U.S. Army Corps of Engineers and the Federal Court system have failed to find the proper balance for Missouri River management. Thus, it is time for the third branch of government, Congress, to help resolve the issues.

The failure of the 44 Act is evidenced by the status of the river today. Currently and in the recent past, communities have been and are still threatened with the loss of municipal water supplies. Low water levels in Garrison and Oahe reservoirs threaten fish and wildlife and a multi-million dollar outdoor recreation industry. Hydropower production is increasingly inefficient due to low water levels. These problems are all resulting from poor choices the Federal Government makes related to the allocation of water and management provided by the 44 Act.

Some will argue that these impacts are the result of a 7-year long drought, and that once normal precipitation levels occur, the problem will go away.

We strongly disagree. The current drought only exacerbates an outdated management scheme called for by the 44 Act. The Chapter believes there are plenty of middle ground solutions that can better maintain and accommodate a contemporary set of societal needs.

Times have changed since 1944 when citizens of the Basin were focused on flood control, irrigation and the economic promise afforded by the navigation industry. No one imagined that the economic benefits from the current Missouri River recreation development would dwarf the navigation industry.

A modern piece of Missouri River management legislation could save taxpayers millions of dollars annually. Currently the Congress provides the Corps \$50-100 million per year to restore the ecological integrity of the river; ie., maintain water in oxbows and sandbar islands. The Corps estimates it will take \$1-2 Billion to complete this task. Much of the cost is a result of working against the river, trying to maintain habitats under flow conditions designed for navigation.

The Chapter has worked with Senator Dorgan and developed a short "white paper" on this issue. I have attached a copy to this presentation. On October 21, 2007, the Bismarck Tribune wrote an editorial calling for a similar approach within Congress to manage the Missouri River according to the contemporary needs of the citizens of the Basin (also attached). We have also mobilized our professional network in the basin states to promote this effort.

The Chapter urges the Natural Resource Committee to request the North Dakota Congressional delegation to implement the appropriate studies and public hearings to amend the 1944 Flood Control Act. These studies and hearings should focus on meeting the contemporary needs of the Basin through sustainable management of the Missouri River. Further we urge this Committee to urge their Legislative counterparts in other Basin States to take similar action with their Congressional delegations. A sustainable approach can address the needs of all, from Montana to Missouri, but it can not be a parochial driven list of only what's best for my district or state. The end result may be an amendment to the 44 Act or an entirely new piece of legislation. This effort will take time and effort, but we believe it is critical to provide fair, optimum, and sustainable management of the Missouri River now and into the future. The Chapter is working throughout

the Basin on this issue and is prepared to offer our expertise, and where needed or requested offer ideas on the overall strategy to meet the societal, economic, and environmental potential of this great river.

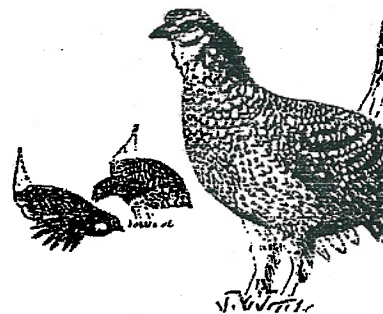


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THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502

January 26, 2007



Senator Byron Dorgan
U. S. Senate – Bismarck Office
Attention: Bob Valeu/Geoff Plague
220 East Rosser Ave
Bismarck, North Dakota 58501

Dear Senator Dorgan,

I am attaching a "White Paper" that briefly describes our approach to modernizing management of the Missouri River to sustain Missouri River values. This paper expands on information provided to you in our September letter, and subsequent discussions with Bob Valeu and Geoff Plague of your staff.

An overhaul of the 1944 Flood Control Act is complex and will require careful deliberations to achieve the practical and sustainable result that will be in the best interests of the basin. As this process moves forward, more and specific details will need to be addressed. The North Dakota Chapter of The Wildlife Society* is prepared to offer our expertise and ideas to make this come to fruition.

We are ready to discuss this further with you, and appropriate partners. Please advise us on how we can assist in this effort.

Sincerely,

Allyn J. Sapa
President

*The North Dakota Chapter of the Wildlife Society is a state chapter of the parent The Wildlife Society. Our membership is made up of 300 wildlife professionals and natural resource specialists. Our mission is to provide a forum for discussion of ecological issues, enable our membership to pursue conservation of North Dakota's natural resources, and provide scientifically sound information concerning the wise use of natural resources in support of a conservation ethic.

The Outdated 1944 Flood Control Act - Framing The Issue And The Opportunity

There is significant interest, from Montana to Missouri, in working toward achieving sustainable management of the Missouri River system. Unfortunately, the 1944 Flood Control Act ('44 Act) has locked in an outdated river management scheme that is linked with current social, environmental, economic and political dilemmas. Instead of sound practical and sustainable river management, we have negative impacts to all congressionally authorized purposes. There is no better time than now and no better Congress than the 110th to address this pressing issue. Since enactment of the '44 Act, numerous societal changes have occurred and additional scientific and technical information has been collected which points towards the need for a modernization of the '44 Act. Recently, the Corps of Engineers and the Federal Court system have both tried to find the proper balance for Missouri River management and both attempts to address the issue have not satisfactorily met the contemporary needs of the basin, and thus, resulted in failure. It's now up to the third branch of government, Congress, to step in and help resolve the issue.

The failure of the '44 Act is evidenced by the current status of our river system. In 2007, a new and longer list of community water supplies will be threatened by low water and poor water quality, fish and wildlife species continue to be endangered with efforts to mitigate the dilemmas costly and short-lived, irrigation systems will increasingly struggle to reach any water, the navigation industry is running on minimum service levels and a 60 day shorter season, hydro power production is increasing inefficient due to low water, multimillion dollar cold-water fisheries are anticipated to be lost - all resulting from the choices the Federal Government currently makes related to the allocation of water and direction provided under the '44 Act. 2007 also presents the opportunity afforded by a new Congress, one which seems to be well represented by key members from the Missouri River basin who could make a new Missouri River law a reality.

Many will argue that these impacts are a result of a 7-year long ongoing drought, or that the proper balance during these low water periods should be a "pain" shared by all users of the river. We strongly disagree. We propose that the drought only exacerbates the impact of an outdated piece of legislation, which has disproportionately allocated water to one use at the expense of every other purpose in the basin. While we can't do anything about a drought, we can address amending the organic legislation to modernize management for all purposes, including the navigation industry and the needs of the state of Missouri. We believe that there is considerable opportunity to identify middle-ground solutions that can maintain and accommodate a modern set of societal needs including the ecological restoration of the river.

The times have changes. In 1944 citizens of the basin were primarily focused on issues related to flood control, irrigation and the economic promise afforded by a navigation industry. They could never have imagined that the economic benefits achieved from Missouri River recreation would dwarf those of the navigation industry, or that the sediment trapped in the Missouri River reservoir system would hamper our protection from hurricanes to cities like New Orleans. Today, a multitude of pressing issues face citizens of the Missouri River basin including restoration of the ecological infrastructure of the Missouri River, MR&I water development,

collaborative governance, sediment buildup and Tribal water rights just to name a few.

A modern piece of legislation could also save the taxpayers a tremendous amount of money. Congress currently allocates 50-100 million dollars per year related to the ecological restoration of the Missouri River alone. The Corps has stated that 1-2 billion dollars will be needed over the next 20 years to complete this task. Much of that cost is a result of working "against" the river in order to preserve the mandates directed from the '44 Act instead of working under a more contemporary law.

This recommendation for updating the '44 Act in response to contemporary needs is neither original nor disconnected to previous recommendations. You have articulated this need in the past and the need for new legislation was also recommended by the National Research Council's 2002 report entitled "The Missouri River Ecosystem, Exploring the Prospects For Recovery". The report recommends that Congressional support is ultimately needed to help establish acceptable goals for the use and management of the Missouri River system and that Congress must step in and identify the authorities to do so. Now is the best time for a new piece of legislation to address this need.

We recommend that the following steps be taken to address this issue. First, the Senators office identifies a small group of constituents with a broad knowledge base concerning the Missouri River and its uses. This group would review the possibility of drafting a piece of legislation that could meet not only North Dakota's needs but also the needs of the entire basin. We sincerely believe that there is an approach that can improve all of the on-going concerns from Montana to Missouri. For this effort to be successful this cannot be a parochially driven discussion and we will be unsuccessful if it deteriorates into only a list of what's best for my particular interest. Once this group completes its assigned task of pulling together a list of the issues, the Senator could schedule hearings to receive input from users about the need for an updated piece of legislation, or an amendment to the existing '44 Act. The end result, we hope, would be an updated law that takes into consideration the contemporary needs of the basin, including but not limited to the long-term support for the ecological restoration of the river. We believe that this end product will prove to be well worth the time and effort needed to push it through Congress.

We are prepared to offer our expertise, mobilize our professional network in the Missouri River basin states, and where needed, contribute to the formalization of an overall strategy that maximizes the societal, economic, and environmental potential of this great river.

January 2007

North Dakota Chapter of The Wildlife Society

Oct 14, 2007

The Bismarck Tribune

www.bismarcktribune.com

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Missouri River needs our care

Those who believe that rivers have souls can discern the Missouri River's misery for renewed respect. It has been manipulated to the point that it hardly resembles the watercourse over which Lewis and Clark marveled.

The Missouri will not become the river again. We've dammed it, dredged it, flushed it and with its flow we've altered its banks and channel. We've more or less tamed it. Its good that its propensity for flooding has been mitigated for the most part.

But the river is not static. It is subject to the effects of drought. It is covered by a growing population for drinking water.

Mismanaging the Missouri River for the sake of a dying navigation industry is pointless. Having the interests of people, wildlife and the character of the river itself in the upper basin impinged against downstream states and what the river becomes as it flows to the Mississippi might reflect political reality, but it's futile in the long run.

The human scheme of interference with the Missouri River needs to be rethought — not discarded, perhaps, but given a fresh consideration.

Now is the time.

The U.S. Army Corps of Engineers is the principal manager of the river's lifeblood, and it has come up with a draft of a 2007-08 operating plan. The plan will be up for discussion with representatives of the Corps at 7 p.m. Wednesday at the Doublewood Inn. It's worth noting from the plan that flow support for navigation will end at Sioux City, Iowa, on Wednesday and at its mouth near St. Louis on Oct. 26. That's 35 days early, the Corps says — not that it matters much, barge and tow traffic has dwindled markedly in recent years.

But the Army Corps doggedly obeys its orders for "operating" a river, as determined by the 1944 Flood Control Act. It was a cobbled-together effort to reconcile the Pick Plan, emphasizing navigation and flood control, and the Sloan Plan, providing for irrigation, hydroelectric generation and flood control. The 1944 act has held sway for 63 years, altered only slightly to recognize that recreational uses and the interests of wildlife exist in addition to flood control.

It will take action by Congress to modernize our stewardship of the Missouri River. The first step is authorization of a Section 216 study. Sen. Byron Dorgan, D-MD, could — and should — be instrumental in moving the process to get going. Statesmanship will need to overcome parochial thinking. — What's good for my state?

Good science is needed. Groundwork has been done by a committee of the National Research Council, as published in a 2002 book. Its last chapter calls for a new Missouri River Protection and Recovery Act.

The two concepts are significant: protection and recovery.

The final page of the book says: "Moving beyond gridlock and toward river recovery and better cooperation between the basin states is a tremendous challenge, but one that must be addressed if ecological declines are to be reversed and the region and nation are to enjoy a broader set of benefits from the Missouri River ecosystem."

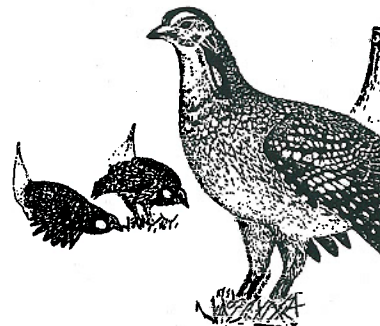
(The draft version of the Army Corps of Engineers' 2007-08 annual operating plan for the Missouri River can be seen at <http://dam.mud.musc.edu/river/fraction.html> — Editor)



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**TESTIMONY OF MIKE McENROE
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
HOUSE NATURAL RESOURCES COMMITTEE
ON HCR 3044, February 8, 2007**

Chairman Porter and Members of the House Natural Resources Committee:

My name is Mike McEnroe, and I am speaking on behalf of the North Dakota Chapter of The Wildlife Society. The Chapter supports HCR 3044.

The U.S. Army Corps of Engineers continues to manage the Missouri River System with management strategies and economic uses from prior to the end of World War II. Sixty-three years later, we are trying to live with the contemporary needs of the 21st century.

The economic and intangible values of boating, fishing, and outdoor recreation dwarf the economics of navigation and barge traffic. It is time the make management of the Missouri River and Lakes Sakakawea and Oahe contemporary with the needs of our State and the Nation.