

9. LETTERS FROM BUSINESSES

This section contains 51 letters received from the businesses listed in Table D2-8. Please note that, for the reader's convenience, this table is sorted alphabetically by the business name. However, comment documents are printed in numerical order by the comment identification number (first column). Responses to the comments coded (box with category and number) can be found grouped by categories in Section 4 of Volume VI, RDEIS Comments and Responses, Part 1.

Table D2-8. Summary list of comment documents received from businesses, including response codes.

Comment ID Number	Organization Name	Sender's Name	Page Number	Response Numbers
B0100013	AEP MEMCO Barge Line	Elder, Daniel J.	D2-634	Nav-49
B0100029	American Compressed Steel, Inc.	Battrum, Denis	D2-650	Nav-49
B0100014	American Electric Power River Transportation Divis	Franks, Grayford	D2-635	Miss-4; Nav-49
B0100022	American River Transportation Company	Wilken, Royce C.	D2-642	WQ-2; FC-8; Miss-4; Nav-7,12; MoPower-1; WS-11; Other-10,15,75
B0100023	American River Transportation Company	Wilken, Royce	D2-643	Miss-4,26; WS-16; Other-9,33
B0100009	Argosy Casino	Paschall, Tom	D2-631	FC-8; ErSd-11
B0200002	B & D Equipment Co., Inc.	Barton, James M.	D2-698	IntD-1; GW-2; Nav-7,12; Other-10,48
B0200005	Bank of Atchison	Ball, Donald E.	D2-700	IntD-1; GW-2; WQ-2; FC-8,13; Nav-7,8; Other-10
B0100012	Big Soo Terminal	Knepper, Kevin	D2-633	EnSp-9,12,17,30; FC-4,16; Nav-17; Other-14
B0100015	Big Soo Terminal	Knepper, Kevin	D2-635	EnSp-1,5,25,26,28,29,46,58,59
B0100020	Big Soo Terminal	Knepper, Kevin	D2-639	Nav-6,8,49; MoPower-1; WS-11
B0100007	Blaske Marine, Inc.	Blaske, Roger H.	D2-629	WRH-6; Nav-6,7,12; Other-10
B0200015	Bosch's Bayside	Bosch, Randy G.	D2-707	Rec-10,16,22; EnSp-8; Nav-6,8,42,43,45,46; Other-7
B0200014	Bridgeport Corporation	Seymour, Don A.	D2-706	Nav-49; Other-6
B0100034	Continental Cement Company	Beck, Tom	D2-696	Miss-4, Nav-51, Other-6
B0100031	DeBruce Fertilizer Inc.	Gibeson, Denny		EnSp-2,3,12,17; WRH-6; FC-4; Nav-6,7,8,23
B0200012	Environmental Perspective Maps	Gloe, Dale A.	D2-705	Other-7
B0200010	Gilster-Mary Lee Corporation	Welge, Donald E.	D2-704	EnSp-17,29; FC-8; Miss-4
B0200003	Great West Casualty Company	Rager, R. Scott	D2-698	IntD-1; GW-2; WQ-12; Hpower-18; Nav-12,45,46; MoPower-1
B0200006	Helvig Agricultural Service Company	Helvig, Neil E.	D2-701	EnSp-17,34; Hpower-12,18; Nav-6,7,8; WS-11; Other-7
B0100016	Hermann Sand & Gravel, Inc.	Engemann, Denis	D2-636	FC-8
B0100026	Ingram Barge Company	Crivello, John	D2-647	Miss-4; Other-7
B0100032	Intercontinental Engineering - Manufacturing Corp.	Everist, Brian D.	D2-693	FC-4,8; Nav-12,49; Other-6
B0100006	Irving F. Jensen Co., Inc., Contractors	Jensen, Jr., Irving R.	D2-629	Nav-8,12; Other-13
B0100002	Jebro Inc.	Bailey, Alden	D2-623	EnSp-4,17; Miss-4; Nav-3,8,23
B0100018	Lafarge North America	Van Winkle, Terry	D2-637	Nav-49
B0100027	Magnolia Marine Transport Co.	Harris, Roger K.	D2-648	Miss-4; Nav-49
B0200011	Manpower	Ricke, Matt	D2-705	Other-7,48
B0200009	Marina Inn, Inc.	Gleeson, John W.	D2-703	Rec-4,6
B0100008	MEMCO Barge Line, Inc.	Knoy, Mark K.	D2-630	Nav-23

APPENDIX D, COMMENTS AND RESPONSES

Comment ID Number	Organization Name	Sender's Name	Page Number	Response Numbers
B0200001	Metro Electric, Inc.	Gill, Dave	D2-697	Other-7,10
B0100019	Mid-West Terminal Warehouse Company	LaMothe, Joe	D2-638	FC-8; Nav-12,49
B0100028	Navios Ship Agencies, Inc.	Duffy, George E.	D2-649	Miss-4,31; Nav-6,49
B0200008	Palmer's Candies	Palmer, Marty	D2-702	Rec-10; EnSp-12,17,18,29; Miss-4; Nav-6,8,12,42; Other-6,3,166
B0100036	Patee House Museum	Chilcote, Gary	D2-697	Rec-6, Nav-43
B0100033	Phillips 66 Company	Koster, Loretta	D2-694	Nav-8,49
B0100035	Phillips 66 Company	Clark, Douglas W.	D2-696	Nav-49
B0200004	Phillips Kiln Services Ltd.	Bertness, Eric	D2-699	Rec-4,10; Nav-51; MoPower-5; Other-164
B0100004	Phoenix Towing Company	Huffman, Donald C.	D2-625	EnSp-5,29; WRH-8; FC-8; Miss-4; Nav-5,6,8,12,42,47,50; Other-25,34,26,27,28
B0200013	Prince Manufacturing Corporation	Geary, Rhea V.	D2-706	Rec-21; IntD-1; FC-8; Nav-6,7,8,12; Other-6
B0100030	RiverBarge Excursions	Kindl, Jeff	D2-650	Rec-1,4,6,8,10,17; EnSp-12,25,28,32,33; WRH-6; Fish-14,21; FC-8; Miss-4; Nav-3,12,23,48,49; MoPower-1,7; WS-11; Other-164
B0100024	Riverway Co.	Becker, Terry R.	D2-645	EnSp-18,20,47; WQ-2; FC-6; Miss-4; Nav-6,7,8,12; MoPower-1; Other-31
B0100025	Riverway Co.	Hackett III, Raymond S.	D2-646	EnSp-17,20; FC-8; Miss-4,30; Nav-7,8,12; Other-11
B0200007	Rushville State Bank	Black, Gary E.	D2-702	EnSp-25; FC-8
B0100011	State Steel Supply Company	Bernstein, Jack	D2-633	EnSp-4,17; Nav-7,8,12
B0100001	Tennessee Valley Towing, Inc.	Dyer, William H.	D2-623	FC-8; Miss-4; Nav-12, Other-32
B0100003	Terminal Grain Corp.	Palmer, Douglas E.	D2-624	Rec-6,10; EnSp-20,29; WRH-8; Miss-4,21; Nav-6,8,9,12,13,30,42; MoPower-1; Hydro-15; Other-22,23,24
B0100005	Terminal Grain Corp.	Palmer, Douglas E.	D2-627	Nav-6,8,9,12,23; Other-29
B0100010	Terminal Grain Corp.	Palmer, Douglas E.	D2-631	Hpower-27; MoPower-1,3,4,7,8; Other-31
B0100021	Terminal Grain Corp.	Palmer, Douglas E.	D2-640	EnSp-5,9,12,17,27,28,29,31,32,46,47,53,58,59; Fish-14; ErSd-17; Other-10,70,86,189
B0100017	Terra Nitrogen - Port Neal Plant	Robinson, Dallas C.	D2-637	EnSp-4,17; Nav-8,12



TENNESSEE VALLEY TOWING, INC.

3594 LONE OAK ROAD
PADUCAH, KENTUCKY 42003
Phone (270) 554-0154
Fax (270) 554-0183

B0100001

January 23, 2002

U. S. Army Corps of Engineers
Northwest Division
Attn: Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, NE. 68144-3869

I am in the river transportation business and am fearful of the results of any of the "alternatives" proposed for the Missouri River.

Navigation on the Missouri River will be entirely wiped out by a "split season" and much damage will be done to the farmers and other industries that benefit from cheaper transportation costs, either due to actual use of river transportation or on a much larger scale by water compelled rates on other modes.

Nav 12

In addition a much larger issue to a "split season" or "back to nature" approach would be the high probability of disrupting river commerce on the Mississippi River, which relies on the Missouri River flow during the summer to maintain a navigable channel between St. Louis and Cairo. This will impact a huge section of our export grain market, putting the Illinois River and Upper Mississippi grain growers out of the export market.

Miss 4

Finally, the "uncontrolled, back to nature" approach will undoubtedly cause massive flooding of some of the best farmland and much industry along the lower portion of the Missouri River.

FC 8

All of this for the "very questionable" hoped for benefit of 3 species that may or may not be endangered. I feel the Navigation Industry is becoming the real "endangered species" of our times.

Other - 32

Very sincerely

William H. Dyer

P.S. I can't understand the vehement attack by environmentalists on river transportation when one **15 barge tow replaces 39 MILES OF SEMI TRUCKS!!!**



B0100002

January 24, 2002

U.S. Army Corps of Engineers
Northwestern Division
Attention: Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, NE 68144-3869

To Whom It May Concern:

I am writing to urge you to continue to manage the Missouri River under the Current Water Control Plan (CWCP).

Changing releases from the Gavin's Point Dam would completely eliminate summer navigation on the Missouri River and hinder navigation on the Mississippi River.

Nav 3
Miss 4

Water transportation is a very cost effective and efficient means of transportation and it is relied upon heavily by the agricultural industry.

In areas where water transportation is not available trucking and rail rates are higher. The availability of water transportation makes the costs of other transportation more competitive saving consumers an estimated \$203 million annually (\$43.1 million annually for Iowans and \$36 million for Nebraskans).

Nav 8

The loss of navigation on the river will increase truck and rail traffic on our infrastructure. We need to realize that there are negative economic, safety and environmental impacts associated with the increased truck and rail traffic.

Nav 23

While the navigational losses resulting from proposed flow changes are real, the resulting benefits are uncertain. The U.S. Fish and Wildlife Service and the National Academy of Science both say that no scientific evidence exists that the proposed changes will indeed increase the population of the least tern, piping plover and pallid sturgeon.

EnSp 4,17

I ask you to continue to operate under the CWCP and not to sacrifice an entire industry for a risky experiment that lacks conclusive supporting scientific data.

Sincerely,

Alden Bailey
President & CEO

JEBRO INC. • 2303 Bridgeport Drive • Sioux City, Iowa 51111 • 712/277-8855
www.jebro.com

Terminal Grain Corp.

518 8th St
 PO Box 3809
 Sioux City, IA 51102
 Ph: 712-258-6596
 Fax: 712-258-6590

B0100003

December 5, 2001

US Army Corps of Engineers
 Northwestern Division
 Attention: Missouri River Master Manual RDEIS
 12565 West Center Road
 Omaha, NE 68144-3869

Dear Sir,

I am writing as a concerned citizen and President of Terminal Grain Corporation about the proposed changes to the Missouri River Master Manual. Due to the complex nature and enormity of the material, this is the first of several letters I plan to submit, each addressing separate areas of concern.

I am in support of the Current Water Control Plan and urge the Corps of Engineers to continue with that plan as opposed to the other alternatives offered in the RDEIS. I would also support the compromise as negotiated by MRBA (or the MCP) which fairly distributes the impact of drought and other unusual conditions.

My reasons are as follows:

- There are no significant benefits to any of the alternatives except to recreation above the Gavin's Point dam. The upriver recreation is already in place. Maintaining the CWCP will preserve that, the alternatives could increase the recreation, but only at a great disruption to more people and larger regional economies in the downstream states. Rec 6, 10
- All the proposed alternatives offer minimal net changes except to navigation and power generation. An example of the minimal change: only 164 acres of habitat produced by GP2021. On the other hand, the potential disruption to thermal power generation and navigation far exceeds the minimal benefits of the alternatives. Nav 30
WRH 8
MoPower 1
- It appears that all of the alternatives provide benefits to the upstream reservoirs with little or no benefits below Gavin's Point dam. There are no benefits to downstream stakeholders. This is an unfair distribution, particularly in light of population density and economic effects of the alternatives. Other - 22
- Much of the public relations discussion has been centered around \$7 million for navigation vs. \$80 million recreation. This argument is not truthful. Under the proposed alternatives, in particular, the so-called split navigation season, navigation will be completely lost as it will be unfeasible economically. On the flip side of those alternatives, the Corps numbers show an increase in recreation of only \$4 million in the best case. So the argument is a loss of \$7 million navigation in exchange for \$4 Nav 9, 12, 8, 6, 42

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• Page 2

December 5, 2001

million recreation. (According to the TVA study of February 1997, commissioned by the Corps, navigation's impact is far greater than \$7 million – actually between \$80 and \$203 million; so the GP alternatives trade \$4 million in recreation benefit for \$80 million or more in lost benefits)

- The GP plans, while outlined as 4 separate plans, in actuality are one plan and are too undefined for practical use. The Corps own language appears to reserve the right to make changes upward or downward "if monitoring and data analysis indicate this measure is necessary..." Whose analysis of the data? And what are the criteria and objectives that will allow changes? Who sets those objectives and goals? There is too much uncertainty in this process. Under the fluid GP plans, it is impossible for downstream stakeholders to make long term plans of any kind relating to use of the river. Additionally, it could be argued that the GP plans circumvent the NEPA process. Other - 23
- The GP plans will cause complete disruption of downstream river uses and remove the ability of stakeholders to make long term plans and river based investments. If downstream stakeholders – citizens, cities, shippers, power companies, or water supply systems don't know what the long term river flow expectations are, economic investment in river related functions will either be unreasonably expensive by building for the worst case, or will simply not be made (to the detriment of downstream economies) Nav 13
- It is my understanding that below the Platte River mouth, the river already has a substantial seasonal change in water flow. (spring rise, summer low). Obviously above the dam system there is also seasonal flow fluctuations. The main impact of the split season will be in the 200 mile stretch between Gavin's Point and Platte River. If the river contains 2,000+ miles of potential sturgeon habitat and much of that already has a natural flow fluctuation, why will 200 additional miles in the Sioux City area make any difference? EnSp 29
- The three year cycle of unbalancing of the reservoirs sounds like a workable plan. I am not as familiar with the reservoir shoreline issues, but the concept of shoreline vegetation and subsequent flooding for habitat appears to make sense. Considering the cross section of the lakes vs. the channelized river, the 3 foot change in lake elevations will probably generate substantially more bird habitat than the 6 or 7 foot change the GP plans show for the below dam river. EnSp 20
- The proposed flow fluctuations proposed by the GP plans do not mimic the natural hydrograph. The GP plans call for maximum discharges from the system in May with the low flow point occurring in July. It is my understanding that the Run of the River flows are several months behind that with maximum flows occurring in June and July and minimums occurring in September. If the point of this exercise is to mimic flows to encourage sturgeon to spawn, why should we expect them to respond to a cue that is out of season any differently than the CWCP? It seems to be a lot of socio/economic risk for the river basin with no idea whether it will work or not. Hydro-15
- According to the RDEIS (page 3-16) at St Louis, 47% of the Mississippi flow comes from the Missouri River. Significant changes in the Missouri Master Manual will certainly cause major changes to the Mississippi. I don't believe the impact of those Miss 4, 21

• Page 3

December 5, 2001

changes have been properly considered and have been greatly understated in the RDEIS.

With today's knowledge, a modern version of the Pick-Sloan Act would probably look entirely different and the current Missouri River system would not be built as it is. However, the fact remains that the Missouri System is built and the entire basin has built a socio-economic system around the current river structure and operating plan. Major changes to the System and plan (such as those contemplated by the GP alternatives) will cause major disruption to the lower state socio-economic system for questionable anticipated results.

Other - 24

Again, in closing, I urge the Corps of Engineers to continue operating the Missouri River with the CWCP, but would accept the MRBA compromise or MCP. The GP plans are totally unacceptable and unfairly burden the downstream stakeholders.

Sincerely,

Douglas E. Palmer
President

cc: Senator Charles Grassley
Senator Tom Harkin
Congressman Tom Latham
Governor Tom Vilsack



PHOENIX Towing Company

10 South Brentwood Blvd.
Clayton, Missouri 63105
726-2211

November 2, 2001

U. S. Army corps of Engineers Northwest division
Attention: Missouri river Master manual RDEIS
12565 West Center Road Omaha, Ne. 68144-3869

Re: RDEIS

Dear Sir or Madam:

The opportunity to review Corps data regarding the RDEIS has been limited because the information was released too close to the time of the public hearings. The technical information is still not readily available to stakeholders, especially the economic impacts on the Mississippi River. We question if the Corps has satisfied the requirements of NEPA. However, we would offer the following comments based on the information available.

Other - 25

1. Impacts on Missouri River navigation:

- The only plan that we can support is the current water control plan CWCP. This plan spreads the pain amongst all users during periods of high flows and during periods of drought. Four plans GP1528, GP2028, GP1521, GP2021 increase the risk of flooding and the elimination of Missouri river navigation. The MCP plan transfers water rights to the upper basin during periods of drought. Higher reservoir levels reduces water available to navigation and to other downstream users. The Corps has underestimated the amount of water flows necessary to provide minimum service. They are using flows from pre 1993 floods. Over 100 dikes are still in need of repair and the minimum flows called for in the Master Manual will not provide a reliable channel until these repairs have been completed. Higher reservoir levels in the upper basin also denies water to navigation that

Nav 12, 5, 47
Other - 34
FC 8

B0100004

has provided this industry with reliable flows. To provide consistent service to our customers we must have reliable flows.

- The split season is no season for Missouri River navigators. The normal Missouri river season is now 8 months. April 1 thru November 30. The split season takes June, July, and August out of the middle of the season. This then leaves a season of 2 months followed by a season of 3 months. This does not work logistically and it provides no service to the shipper. We will discontinue service to the Missouri River and navigation on the Missouri river will cease.

Nav 12

- The Corps failed to include the economic impact for the loss of jobs for shippers, terminals, and ports.

Nav 50

- The Corps failed to include the effect of water depletions on their data

Other - 26

- The Corps did not use the same methodology to measure the economic impacts of upstream recreation and navigation. The navigation numbers do not include water compelled rate savings which increases the value of navigation by \$75-200 million.

Nav 8, 6, 42

2. Impacts on Mississippi River navigation:

- All plans take water from the Mississippi River when the river needs the water i. e. during periods of low flow or during periods of drought or they add water (the spring rise) during periods of high flows which only threatens to add to flooding problems.

Miss 4

- The split season would reduce flows during the summer months when Normal flows on the Mississippi are low and during a period when the Missouri River provides up to 65% of the water in the Mississippi river. Thus threatening to close this vital waterway.

- The Spring rise threatens to close the Mississippi River due to flooding in the spring.

FC 8

- Any disruption in Mississippi River shipments affects the entire Midwest and the port of New Orleans. There is 100,000,000 tons of cargo that moves on the Mississippi River annually thru the reach of river from the mouth of the Missouri River to Cairo, Il.

Miss 4

- The Corps model did not include impacts for shippers on the Upper Mississippi River and the Illinois River. Since they would not be able to move thru the St. Louis area they would suffer greatly.

Miss 4

- Any plan which increases lake levels in the upper basin takes water away from the Mississippi River and we are therefore opposed to changes in lake levels.

Miss 4

3. The Biological opinion

- Does not the Fish and Wildlife have to show there is no other way to accomplish their goal. They seem to have proposed solutions that are not solutions. They seem willing to disrupt navigation, flood control, water supply, recreation in the lower basin, power generation, and Mississippi River navigation for no benefit to wildlife.

Other - 27

- The Spring Rise is supposed to be designed to create a spawning cue for the pallid sturgeon. This benefit is a myth. The Corps of Engineers records show that there is a natural spring rise on the Missouri River from the mouth of the Platte River (Missouri river mile 595) on downstream. Gavins Point is mile 811.1. Therefore the only part of the Missouri River to be of any benefit to the pallid sturgeon is the 216.1 miles between Gavins Point and the Mouth of the Platte river. This is on a River that is 2320.7 miles long. Also what about the pallid sturgeon habitat on other rivers such as the Yellowstone River and the Lower Mississippi River. These rivers have a natural spring rise and the pallid sturgeon does not reproduce in these areas. More miles of pallid sturgeon habitat. Why are not the pallid sturgeon reproducing in these areas? Why are not the pallid sturgeon reproducing on the Missouri River below the mouth of the Platte River? The USF&W has provided no evidence that a spring rise will aid the pallid sturgeon.

EnSp 5,29

- Regarding the Spring rise and the split season as an aid to the reproduction of the interior least tern and the piping plover the facts are even more ludicrous. The Corps study shows that by having a spring rise and a split season they will create 164 acres of habitat for these birds. This is in a watershed that drains most or all of 8 states. Only 164 acres. They have spent more money studying the issue than it would have cost them to create the habitat with a couple of bulldozers.

WRH 8

4. Adaptive management

- The Adaptive Management process is an ongoing dialog between the Corps of Engineers and the environmental community whose purpose is to review ways in which to enhance the environment for fish and wildlife. As it now stands navigation will have no way to participate in this process. It is imperative that this group not be allowed to change the flows, or releases out of Gavins Point, or to redefine the lake levels

Other - 28

to the detriment of navigation. Adaptive management is a significant concern for anyone who relies on the Corps for certainty of flows.

Conclusion: We recommend that the corps operate the system as describe by the Master Manual. All flow changes proposed are destructive to navigation and are unacceptable. Habitat restoration, fish hatcheries, and good science can benefit wildlife. An artificial and ineffective change in flows is not the answer.

Sincerely,



Donald C. Huffman
Executive Vice President

Terminal Grain Corp.

518 8th St
PO Box 3809
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Fax: 712-258-6590

B0100005

January 15, 2002

US Army Corps of Engineers
Attn: Missouri River Master Manual RDEIS
12565 West Center Rd
Omaha, NE 68144-3869

RE: Comments on the RDEIS

Dear Sir,

I am writing as a concerned citizen and President of Terminal Grain Corporation, owner and operator of the Big Soo Barge Terminal, mile 728 on the Missouri River.

I urge the Corps of Engineers to maintain the Current Water Control Plan, the MRBA compromise plan or the MCP instead of the GP alternatives offered in the RDEIS.

The GP alternatives would unfairly distribute the impact of changes in the Missouri River Master Manual.

Other - 29

In this letter, I will address my concerns about the affect the alternatives will have on navigation and the economic implication to the entire Missouri River basin. I don't feel that the full economic impact of navigation on the river has been adequately considered in relationship to the other decision factors.

In particular:

- According to the TVA study report, "Rail Rates and the Availability of Barge Transportation: The Missouri River Region", February 1997, prepared for the Corps of Engineers, the effect of water-compelled freight rates amounts to over \$200 million dollars per year.
- The TVA clearly states in several places throughout its report that navigation offers freight rate benefits above and beyond the tonnage that is moving on the river. The benefits are distributed widely to a variety of shippers and materials throughout the basin area. *"Commercial navigation on the Missouri River confers a number of benefits to a variety of constituencies. Some of these benefits represent additions to aggregate economic welfare which would be impossible in the absence of navigation"* TVA study, Feb. 1997.
- Again, according to the TVA rate study, water-compelled rate savings during the study amounted to \$45 million for corn shipments, \$56 million for wheat shipments,

Nav 8

Nav 6, 8

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Operating Since 1918

Nav 8, 9

• Page 2

January 15, 2002

\$35 million for soybeans, and \$12 million for fertilizer shipments. Total: \$148 million for these 4 items alone. These numbers are a far cry from the \$7 million in supposed benefits in the RDEIS. Due to my exposure to rail and barge shipments in this area, strongly disagree with the understated \$7 million benefit. The TVA study is much more in line with actual shipments.

- The May 1998 update of the TVA, February 1997 report reduced the benefit dramatically, but the benefit was still \$80 million. At the same time the May 1998 report reiterated: "As with the original estimates, the updated results reflect a measurable relationship between available navigation and railroad rates." (pg A5) The report also stated: "What remains clear, however, is the irrefutable conclusion that available commercial navigation on the Missouri River can provide necessary competition to rail carriage under a wide array of historically observed economic conditions." (pg A11).

Nav 8, 6

- The February 1997 TVA report used 1992 shipment data. The May 1998 update used 1995 shipment data. The May 1998 report showed a significant reduction in shipments of commodities and thus the navigation benefit was reduced. The May 1998 points out that crops had poor yields in 1995 and that shipment sizes rebounded to 1992 levels in 1996. (pg A8). With shipment sizes rebounding, the benefit due to Water Compelled Rates should actually increase back close to the February 1997 estimate of over \$200 million. This \$200 million benefit is not presented in the RDEIS.

Nav 6

- The RDEIS claims only \$7 million in benefit. As I understand it, the methodology of the \$7 million benefit study was to measure the rate differential between rail and barge shipments using current freight rates in the river corridor. The answer might be right for this study, but this is a flawed study for the matter being investigated. It is measuring rail rates that are already "water-compelled". Of course the differences will be small; the affect of river navigation is already in place. Flawed methodology.

Nav 9

- Additionally, the navigation benefits are based on the cost reduction the navigation industry provides to the nation. The effect of the loss of navigation will be felt 99% on a regional basis. With the loss of navigation, it is all but guaranteed that alternative transportation modes will increase dramatically in cost. That effect will be felt locally and regionally, not nationwide. Competitive alternative sources of transportation are vital to the economic vitality of this region.

Nav 8

- A split navigation season, such as GP2021, will kill navigation. On paper, the split season might look feasible with adequate water levels in the spring and again in the fall. In reality, the economics of two season openings and closings per year will make navigation a logistic nightmare and economically unfeasible. Shippers will have to organize and plan shipments within relatively tight timeframes. The reality of such tight windows, scheduling equipment, while coordinating with the barge lines for opening and closing the two annual "seasons" will most likely prove to be unwieldy and will result in the demise of non-dedicated navigation service.

Nav 12

- The collateral impact and cost to society due to the loss of navigation on the Missouri will be enormous. Using the Corps numbers of 1.5 million tons of product shipped by river in 1994, the resulting dislocation of those tons will amount to an additional

Nav 23

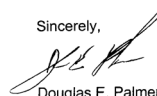
• Page 3

January 15, 2002

60,000 trucks pounding up and down Interstate 29. Statistically, some of those trucks will be involved in accidents and people will be hurt or killed. Even if some of the displaced tons move by rail, there will still be a statistical impact of railroad accidents with resulting damage and injuries. The extra tons moving by truck or rail will also generate extra costs to society in the form of extra damage and shorter life for the primary highways (I-29 corridor)

In closing, I urge the Corps of Engineers to not adopt any of the GP alternatives, but instead remain with the CWCP, the MRBA compromise or MCP in light of the large and damaging effects to regional economics that would result from the GP alternatives.

Sincerely,



Douglas E. Palmer
 President

cc: Congressman Tom Latham
 Senator Tom Harkin
 Senator Charles Grassley
 Governor Tom Vilsack

IRVING F. JENSEN CO., Inc.
CONTRACTORS

2220 HAWKEYE DRIVE
P.O. BOX 1618 PHOENIX (712) 252-1891
SIOUX CITY, IOWA 51102



B0100006

January 25, 2002

U.S. Army Corps of Engineers
Northwestern Division
Attention: Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, NE 68144-3869

To Whom It May Concern:

As a concerned business owner that relies on Missouri River navigation for efficient transportation, I am urging you to continue to operate under the Current Water Control Plan (CWCP).

As I understand, changes in the Missouri River's flow are being proposed to create an unproven artificial spawning cue for the pallid sturgeon and suitable habitat for the least tern and piping plover. The U.S. Fish and Wildlife Service and the National Academy of Science agree that there is no certainty that changing the water releases from upstream Missouri River dams will increase the population of these three species. Yet, downstream river users are being asked to bear the burden of the high economic costs of river flow management changes.

Other - 13

The proposed changes eliminate navigation on the Missouri River during low flow summer months and would force many barge and towing companies out of business. In addition, it eliminates the \$200 million annual savings that result from competition between barges, trucks and railroads. In areas where water transportation is not available, truck and rail prices are higher. Without the option of barge traffic, industries (particularly the agriculture industry) will be forced to pay higher transportation costs.

Nav 12, 8

Navigation is a congressionally authorized purpose of the Missouri River and I urge you not to adopt any plan that severely limits the ability to use the river for this purpose.

Very truly yours,

IRVING F. JENSEN CO., INC.

Irving F. Jensen, Jr.
Irving F. Jensen, Jr.

IFJ,JR:bs

bmi

Blaske Marine Inc.

P.O. BOX 117
ALTON, ILLINOIS 62002
(618) 462-4155

B0100007

January 31, 2002

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

Dear Ladies & Gentlemen,

I know you have been holding your breath waiting for my comments and opinions relative the RDEIS.

1. I do not believe the economic benefits of Navigation have been fairly presented.

Blaske Marine, BMI Transportation and Sun Transportation spend millions of dollars for payroll, fuel and supplies in the Missouri River Basin.

Nav 6, 7

The effect of navigation on freight rates in the Missouri Valley is far more reaching than what is presented in your economic presentation.

2. We will not be able to operate on the Missouri River with a split season. The logistics would be prohibitive and will not be economically feasible.

Nav 12

It disturbs me very much that you would consider shutting down an industry that is environmentally friendly in hopes that a fluctuation of flows might cause a fish to spawn.

3. I believe habitat restoration through engineering is the proper way to approach a trial and error scenario, rather than distroying current uses of the river.

WRH 6

4. Adaptive Management is a great concern, if the team is made up of Biologist. Every interest group should be represented and have equal say in any decisions effecting the operation of the Missouri River.

Other - 10

5. I believe the current water control plan is the only option that can be administered to everyone's benefit and provide a healthy and prosperous Missouri Valley.

I hope that practical and level heads will prevail, rather than covering to radical idealism.

Thank you for the opportunity to comment on the RDEIS Proposals.

Respectfully,

Roger H. Blaske
ROGER H. BLASKE
President
Blaske Marine, Inc.

RHB/bak

B0100008



February 5, 2002

Rose Hargrave
U.S. Army Corps of Engineers
Northwestern Division
Attention: Missouri River
Master Manual RDEIS
12565 West Center Road
Omaha, NE 68144-3869

Dear Ms. Hargrave:

How we decide to balance the multiple uses of this important national treasure, the Missouri River, will indicate how we, as a nation, value economic prosperity, the health of the family farm and our environment.

I am president of MEMCO Barge Line. We operate 30 towboats and 1850 barges, and are engaged in the transportation of dry bulk commodities on the inland rivers of the Midwest and the Gulf Intracoastal Waterway. We employ 750 people. These jobs, the economic wealth these jobs bring and the tax base will be negatively impacted if navigation is destroyed with the proposed actions.

The importance of agriculture and navigation to our nation is of enormous importance. Reliance on world markets and transportation to these export opportunities is critical to our nation's farm economy. World population continues to climb and our nation's farmers meet that challenge by producing food to meet ever-increasing needs. Their efforts are complemented by the role navigation plays in the transportation of agricultural commodities to the world market.

Agriculture and other industries are highly dependent on river navigation to remain competitive in the world markets. The competitive cost of transportation on the Mississippi and Missouri Rivers is one reason our nation is able to compete in global export markets. South American countries are investing large sums in river infrastructure to upgrade their river systems to be more competitive in world markets. America cannot afford to allow any aspect of river commerce to deteriorate for fear of losing export market share to South America at the expense of our agricultural industry.

Missouri is a critical link between the Plains States and the Gulf for agricultural commodities. Steady flows of the water from the Missouri provide stable navigational flows connecting the Upper Midwest States to the Gulf.

MEMCO Barge Line, Inc.

16090 Swingley Ridge Road, Suite 600 • Chesterfield, MO 63017 • 636 530-2100 • Fax 636 530-4100

Rose Hargrave
Page Two
February 5, 2002

Navigation offers transportation unparalleled in environmental effectiveness. To transport the same quantity of cargo as a 40-barge tow, it would require a convoy of more than 2300 trucks stretching over 90 miles on our highways. Imagine the toll this would take on our roads, the increased pollution it would cause to the environment and increased accidents and fatalities that would occur due to the number of trucks on the highways.

Barges are more fuel-efficient than other cargo shipping methods, and emit fewer pollutants. It is also a safer mode of traffic than trucks or trains. Barge traffic emits almost no noise pollution, a claim that cannot be made by either railway or trucks.

We strenuously urge the Corps to choose CWCP as its preferred alternative and work to create habitat for threatened and endangered species in a way that does not endanger America's economic prosperity, the American farmer and the environment.

Sincerely,

Mark K. Knoy
President

MKK.sc
H:\mkk\Missouri River Letter Jan 2002.doc

Nav 23



U.S. Army Corps of Engineers
Attn: Missouri River Master Manual RDEIS
1/24/02

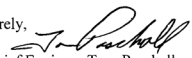
Sirs,

After a review of the various plans that could be put into effect I am concerned about changes in the water control plan as it relates to a large spring and fall rise. Fortunately for Argosy Casino in Riverside, Mo. the flood of 1993 was one year before our beginning of operation at our site. A flood of that magnitude now would almost certainly cause us to cease operations, which would result in lost revenues, possible loss of jobs for an indefinite period, and loss of tax revenue for this community. I know that that flood was considered an anomaly that could only occur between hundred year intervals, but it did occur, after all, under our current plan (CWCP). In the spring of 1995 we also had a higher than normal spring rise which created significant problems for our old site which was actually by the riverbank. We now harbor in our own slip, which was dug into the land adjacent to the river in the summer and fall of 1995. We had staired walkways from ticketing on land to the boat that were under water forcing us to construct temporary boarding passages. We also de-powered and removed electrical transformers as the water continued to rise. The day before the river crested we were forced to remove the trailers that housed our entire ticketing operation. We were able to stay open at considerable cost but would surely have been closed two years earlier in 1993.

We currently use diver assisted dredging two to three times a year due to the current spring and fall rises and winter fall offs. We recorded an all-time low river gauge reading at the Kansas City gauge of 4 feet five inches last winter. Our vessel and support barge have a draft of between 6 and 8 feet. We use river water as our cooling medium for our chillers that cool the boat and our generators that we use in emergencies due to loss of land power. Erosion and sedimentation from a Missouri River with a higher spring and fall water level would cause our property to do even more extensive dredging after each period of high water to keep us in compliance with Missouri Gaming laws relating to floating facilities. We also have concerns about damage to property and potential danger to employees in these times of higher than normal water conditions.

Potential problems with a new plan could be rendered moot by the proposed changes in the future concerning our site and the potential for a structural change in the levy. We are also aware of the many other factors involved in this monumental decision and hope that this letter will impart to you Argosy's concern with regards to our property.

Sincerely,


Sr. Chief Engineer Tom Paschall

777 N.W. Argosy Parkway, Riverside, MO 64150

Tel. 816 746 3100 Fax 816 741 5423

B0100009

ESd 11
FC 8

Terminal Grain Corp.

518 8th St
PO Box 3809
Sioux City, IA 51102
Ph: 712-258-6596
Fax: 712-258-6590

February 13, 2002

B0100010

US Army Corps of Engineers
Attn: Missouri River Master Manual RDEIS
12565 West Center Rd
Omaha, NE 68144-3869

RE: Comments on the RDEIS

Dear Sir,

I am writing this letter as a concerned citizen and the President of Terminal Grain Corporation, owner of the Big Soo Terminal located at mile 728 of the Missouri River.

I urge the Corps to maintain the CWCP or as an alternative adopt the MCP plan or the MRBA proposal.

In this letter, I will address my concerns about the effects of the various alternatives on Hydropower and Thermal Power plants. I feel that the effects of the GP plans or any plan that significantly reduces summer flows of the river has a very large impact on the economic well-being of the lower river basin and its citizens. The full effect of those impacts has not been clearly laid out and disseminated in the downstream states.

The effects of the alternative plans are being borne primarily by the downstream states.

In particular:

- According to information from NPPD, Nebraska Public Power District, the ambient river temperatures will be critical in the summer. With the possible low flows in the GP alternatives, it is very conceivable that NPPD will have to shut down part or all of its generating capacity during hot periods so as not to exceed discharge permit criteria. MoPower 1
- According to the NPPD, at the Cooper Nuclear Power Station, for every 1 degree increase in water temperature over 85 degrees F, they have a potential generation loss of 50 MW at a cost of \$4 million per degree per year indicating the enormous potential cost to the downstream basin region. MoPower 4
- The RDEIS does not appear to quantify the potential cost to the electrical customers of the downstream Thermal plants for the summer periods in which the plants are forced to curtail or completely shut down their generation operations. There is considerable information about Hydropower costs and benefits, but little or no MoPower 3

Big Soo Terminal - Sioux Rubber Applicators
Operating Since 1918

• Page 2

February 13, 2002

information about Thermal power costs and benefits. This makes it difficult to make an informed comment about the potential financial and social impact to the region due to river-flow induced electrical power constraints.

- In the RDEIS manuals, it is reported that potential hydropower average capacity will actually increase in July (Table 7.10-6), while at the same time, the thermal power plants are losing large amounts of capacity which is not being reported. HPower 1
- The total effect of the alternatives as shown in Table 7.10-8, shows enormous energy losses for all alternatives when compared to the CWCP. The table and calculations are only for the month of July, but in reality, the alternatives propose low releases for a much longer period, so the detrimental effects shown in the RDEIS are greatly understated. MoPower 1, 7
- The energy shortages in California last year show the tremendous cost to society and economic disruption when electrical energy is in short supply. The alternative plans proposed by the Corps endanger the well-being of the downstream basin by putting tremendous generating capacity at risk. MoPower 1
- Power plants can't live on averages. While on *average*, the GP plans will support the downstream power plants, there are times that the plants will have to cut back or shut down their operations due to water temperature problems. This will of course happen during periods of hot weather and will cause great disruption to the region as electricity will be in short supply just when people need it the most. HPower 27
- In the more extreme GP alternatives, the risk of power plant curtailment or complete shut down is the greatest. At the very time the thermal plants are cutting back, with less water being released from the upstream dams, there will be even less power available in the regional power grid further exacerbating energy shortages. Again, these curtailments will most likely happen during periods of hot weather when the need for electricity is the greatest. MoPower 3
- The RDEIS calculates and reports energy at risk during July under various scenarios. This does not recognize the actual proposed summer low flow period which is approximately June 21 to September 1, (10 weeks), (RDEIS, page 6-8) The RDEIS greatly understates the potential electricity replacement costs to the lower basin region by reporting only estimated costs for July, not the entire period. MoPower 7
- According to the RDEIS (page 6-10), a review of an analysis of Thermal power NED was not completed due to apparent minor impacts of Hydropower alternatives. This seems to be a significant oversight as Hydropower and Thermal power criteria and critical factors are not directly related. MoPower 8
- The RDEIS did not address to the degree necessary the regional power replacement strategies, problems and costs. In particular:
 - Is there adequate capacity in the regional power grid to import energy into this area?
 - Can the regional grid properly account for and distribute power imported into the region?HPower 17

• Page 3

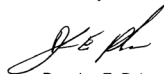
February 13, 2002

- In the heat of the summer when the thermal plants are curtailed, what will be the cost of electricity for the region, not the NED?
- If the tremendous amounts of electricity that the regional thermal plants and hydro plants in the region are generating is curtailed or cut-off, will there even be enough electricity to "buy-in" to the region?
- The RDEIS indicates potential energy at risk in the range of 34 MW to 245 MW (table 7.10-6). This appears to be understated, as the risk if only one plant, the Cooper Nuclear Station, is forced to shut down is over 750 MW, substantially more than the RDEIS numbers. The RDEIS reports that there is 6,038 MW of Thermal generating capacity in the stretch of the river between Sioux City and St Joseph – a reach that will see the greatest effect of the GP alternatives. The at-risk number of 245 MW (4% of the total capacity) appears to be greatly understated. MoPower 1, 7

In closing, I believe there is a huge risk to society and the economic well being of the river basin region for small and questionable improvements in the habitat to the endangered species. I believe greater impacts to the species can be made through habitat mitigation projects with a much smaller cost and social impact. Other - 31

I urge the Corps to maintain the CWCP or the MCP or MRBA alternatives for the Master Manual and to implement significant and meaningful habitat restoration projects in lieu of the other GP alternatives. I believe significant improvement in the status of the endangered species can occur through habitat restoration without the major socio-economic impacts that would result from the GP plans.

Sincerely,



Douglas E. Palmer
 President

cc: Governor Vilsack
 Congressman Tom Latham
 Senator Tom Harkin
 Senator Charles Grassley

B0100011

February 20, 2002

U.S. Army Corps of Engineers
Northwestern Division
Attention: Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, NE 68144-3869

As a concerned business owner that relies on Missouri River navigation for efficient transportation, I am urging you to continue to operate under the Current Water Control Plan (CWCP).

As I understand, changes in the Missouri River's flow are being proposed to create an unproven artificial spawning cue for the pallid sturgeon and suitable habitat for the least tern and piping plover. The U.S. Fish and Wildlife Service and the National Academy of Science agree that there is no certainty that changing the water releases from upstream Missouri River dams will increase the population of these three species. Yet, downstream river users are being asked to bear the burden of the high economic costs of river flow management changes.

EnSp 4, 17

The proposed changes eliminate navigation on the Missouri River during low flow summer months and would force many barge and towing companies out of business. In addition, it eliminates the \$200 million annual savings that result from competition between barges, trucks and railroads. In areas where water transportation is not available, truck and rail prices are higher. Without the option of barge traffic, industries (particularly the agriculture industry) will be forced to pay higher transportation costs.

Nav 12, 8, 7

Navigation is a congressionally authorized purpose of the Missouri River and I urge you not to adopt any plan that severely limits the ability to use the river for this purpose.

Sincerely,



 **State Steel**
STATE STEEL SUPPLY COMPANY
214 COURT STREET
P. O. BOX 3224
SIOUX CITY, IOWA 51102



BIG SOO TERMINAL
4101 HARBOR DRIVE
P. O. BOX 3809
SIOUX CITY, IOWA
5 1 1 0 2
TEL 712.258.0537
FAX 712.258.4649

B0100012

To: US Army Corps of Engineers, Northwest Division
Attention: Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, NE 68144-3869

January 27, 2002

Dear Sir,

I am writing as a concerned citizen, resident of the Missouri River Valley and stakeholder in the Missouri basin. I am the General Manager of Big Soo Terminal, a barge terminal in Sioux City, Iowa. I am very concerned about the proposed changes to the Master Manual for the operation of the Missouri River.

I am absolutely in favor of no change to the Master Manual. That is, maintain the current flow pattern for the operation of the river. The Missouri system was designed to protect the basin from flooding during the high summer flow periods and enable the system to withstand a drought similar to that of the 1930's. The Corps has accomplished these feats very well. The Missouri River has not flooded at Sioux City since the early 1950's. Drought management has been effective. The 57 million acre foot storage threshold for March served the Basin well during the low runoff period of the late 1980's. The Basin recovered in only a few years after the late 80's drought.

FC 4, 16

The process of addressing the master manual has gone on for far too long. We have been providing comment for over ten years. This issue must be resolved now. The science that has been submitted for the Revised Draft Environmental Impact Study is not conclusive and does not provide improved habitat for the endangered species in question.

EnSp 12

There is no sound science that supports the proposed changes to the flows on the Missouri. The summary of the RDEIS states that little is known about the spawning cue of the Pallid Sturgeon. The RDEIS also states that modified release schedules have increased the number of fledglings and that the Least Tern and the Piping Plover are recovering because of the mitigation efforts that the Corps has implemented during the past several summers.

EnSp 17

EnSp 9

I am alarmed that the Corps would entertain a stakeholder party, the North Dakota Biologists who submitted the definitive Biological Opinion, and base the entire RDEIS on unproven and biased science. The follow-up report submitted by the National Academy of Science (NAS) to verify the Biological Opinion is an insult to the integrity of the process. The NAS was to examine the science of the Biological Opinion. Their submittal sounded more like a politically motivated report on the economic viability of

EnSp 30

B0100013

February 18, 2002

Dear Ms Hargrave:

I'm writing to you because of a concern I have with the plans for the Missouri River. My occupation is a river-boat captain with A.E.P. MEMCO barge line . Our jobs are at risk daily with other world markets. Our river system has kept us a nation that is far ahead of the rest of the world in transportation navigation. The plans that I am hearing about for the Missouri River flow patterns will negatively affect all the towing companys in the region. Our farmers in the heartland of our country, who ship their products within our country and for export, Deserves the best form of transportation possible. I as a concerned mariner and citizen, urge the Corps to choose CWCP as its preferred alternative, in that it would be a good balance for environment and industry.

Sincerely,

Daniel J. Elder
Captain AEP MEMCO

Nav 49

Nav 17

the navigation industry in the basin. Please tell me how you perceived the statement that navigation could be eliminated in the certain reaches of the system and remain unchanged on others? You can not inject water somewhere downstream and bypass the Gavins Point releases. The NAS study is off base. There is no proven science that a Spring rise and Summer draw down will support the recovery of endangered species on the Missouri River.

The Pick Sloan Act created this system over fifty years ago to:

- prevent flooding
- enhance recreation
- support navigation, irrigation and hydropower production
- support bank stablization
- aid the thermal cooling capacities of the power plants along the river downstream from Gavins Point Dam

All of these authorized uses within the lower basin will suffer dramatically and only the recreation industry in the upper basin will flourish if the proposed changes are implemented.

Other - 14

The masses have spoken. Every public meeting in the lower basin was well attended and the crowds heavily supported the CWCP or MCP plans.

Sincerely,



Kevin Knepper
General Manager
Big Soo Terminal

B0100014

P.O. Box 263
Clifton, TN 38425
February 18, 2002

Rose Hargrave
U.S. Army Corps of Engineers
Northwestern Division
Attention: Missouri River
Master Manual RDEIS
12565 West Center Rd
Omaha, NE 68144-3869

Dear Ms. Hargrave:

I am employed with American Electric Power River Transportation Division as a pilot on Western Rivers.

A constant flow and depth from St. Louis to Cairo, Illinois on the upper Mississippi River is of the utmost concern to me, not only as a concerned mariner, but as an American citizen. If we don't have proper flow and depth, it will be detrimental to the river transportation in all areas. Also, transportation of agriculture and other goods and services will see a dramatic increase in prices. This would be extremely detrimental to the nation's economy.

Miss 4


I am an environmentalist at heart and assure you the impact would be less severe on the environment by using barge traffic rather than rail, truck or any other means of transportation. We have a proven track record of safety to the environment, more economical and a more efficient means of transportation than any other mode of transportation.

South America and other nations are spending monies to upgrade their river transportation systems and this means we will be competing with them for overseas markets.

I urge the Corps to choose CWCP as its preferred alternative and work to create habitat for threatened and endangered species in a way that does not endanger America's economic prosperity. I assure you the professional mariner will be a willing partner and will cooperate to the fullest.

Nav 49

Sincerely,


Grayford Franks
Pilot AEP/RTD



BIG SOO TERMINAL
4101 HARBOR DRIVE
P.O. BOX 3809
SIOUX CITY, IOWA
5 1 1 0 2
TEL 712.258.0537
FAX 712.258.4648

B0100015

US Army Corps of Engineers, Northwest Division
Attention: Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, NE 68144-3869

February 21, 2002

Dear Sir,

I am writing as a concerned citizen, resident of the Missouri River Valley and stakeholder in the Missouri basin. I am the General Manager of Big Soo Terminal, a barge terminal in Sioux City, Iowa. I am very concerned about the proposed changes to the Master Manual for the operation of the Missouri River.

This is my second letter to you addressing my concerns about the proposed flow changes. The scientific information that has been submitted is not complete. There are many questionable statements and assumptions made in the Biological Opinion that need clarification. I will refer to information that has been submitted to you by the Missouri River Keepers scientific team from Sioux City, Iowa.

- The RDEIS states that little is known about the spawning habits of the pallid sturgeon. The biological opinion says there needs to be a spring rise in order to cue the pallid to spawn. There is a spring rise every year on the Missouri beginning April 1st to support navigation but the fish is not spawning. The proposed spring rise could miss the spawn if we don't know when or what the cue is. Missouri River Keepers believe that the cue to spawn has more to do with water temperature and light than it does a rise in the water level. The spring rise is a waste of valuable water.
- The pallid sturgeon is not thriving in the slower current and lower depth tributaries that do experience a natural spring rise and low summer flow. Something other than a spring rise, low summer flow pattern is harming these fish.
- Tests on endocrine levels of pallid sturgeon taken from the Missouri River indicate that a hormonal imbalance may actually be what is preventing the pallid from thriving after it spawns.

EnSp 5,29

EnSp 5,29

EnSp 28

B0100016

DEAR GENERAL FASTABEND,

I am writing this note as a concerned landowner. We own river bottom land near Hermann, MO. We also own a sand dredging operation at mile 97. A spring rise would be disastrous, in fact this year of 2001 in June it topped our secondary levee's. We lost over 200 acres of crops and it had a dramatic effect of seep water on 1200 acres behind the major levee's. Also the sand dredging operation was out of operation for over 2 weeks. All of this was a result of heavy rains. If the proposed spring rise would have been in effect we would of had a repeat of 1993 or 1995 flooding. I am asking you to leave the Master Manual in operation as it has been in the past.

FC 8

Respectively,

Denis Engeman

Hermann Sand & Gravel, Inc.
ROUTE 3, P.O. BOX 261
HERMANN, MISSOURI 65041



- The pallid sturgeon typically spawns in areas with substrate of gravel, cobble and rock. This substrate is not common along the area of the Missouri River that will be affected by the artificial spring rise proposal.
- Sportsmen are fishing and snagging on the Missouri River for the shovelnose sturgeon. It is very difficult to distinguish between the pallid and the shovelnose. The predator fish that are stocked in the reservoirs could be eating the sturgeon fry. How many pallids have we lost due to upstream recreation?
- The U.S. Fish and Wildlife Service Draft Biological Opinion states that the least tern population has grown to the point that is above the endangered species threshold number. I believe the Corps has done an excellent job these past several years with flow modification at Gavin's Point to help the birds nest safely.
- The proposal to create 164 acres (which I understand has been reduced to 106 acres) of sand bar habitat for the tern and plover seems like a small task with today's heavy equipment. Flow modifications may not guarantee the forming of substantial sand bars. The Corps needs to look at creating large habitat areas that will withstand the seasonal flows versus changing the Gavin's Point releases and creating horrible negative impact on the lower river.

EnSp 58

EnSp 28

EnSp 25

EnSp 46

The proposed flow changes will not improve the habitat for the endangered species. Degradation has permanently dropped the river bottom to levels where releases will not spill over into shallow water chutes, oxbows and small lakes. Even if we could get water into these areas the proposed summer drawdown would cause the habitat to dry up again. A 21,000 cfs release will not slow the velocity of the river. The velocity is driven by the gradient of the land not the volume of water. The river channel can not provide shallow water habitat for the fish. The wing dikes keep the channel clean. Lowering the water level will force the fish into the deeper part of the channel.

EnSp 59

Mitigation is the only answer to these problems. The cost of the Fish and Wildlife proposal is one billion dollars per year for 20 years. We can create more substantial habitat areas that will solve problems with equipment and man power for 20 billion dollars.

EnSp 26,1

Sincerely,

Kevin Knepper

Kevin Knepper
General Manager
Big Soo Terminal



B0100017

February 25, 2002

U.S. Army Corps of Engineers
Northwestern Division
Attention: Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, NE 68144-3869

As Plant Manager, I am writing to urge you to continue to manage the Missouri River under the Current Water Control Plan (CWCP).

Changing releases from the Gavin's Point Dam that would completely eliminate summer navigation on the Missouri River and hinder navigation on the Mississippi River.

Nav 12

Water transportation is a very cost effective and efficient means of transportation and it is relied upon heavily by the agricultural industry.

Terra Nitrogen is an agricultural industry supplier by truck and by rail. Studies and experience has shown us that where water transportation is not available trucking and rates are higher. The availability of water transportation makes the costs of other transportation alternatives more competitive and saves consumers an estimated \$203 million annually (\$43.1 million annually for Iowans and \$36 million for Nebraskans).

Nav 8

The loss of navigation on the river will increase truck and rail traffic on our infrastructure. It takes 58 large semis to move the same amount of goods as one barge. It is important to take into account the negative economic, safety and environmental impacts associated with increased truck and rail traffic.

While the navigational losses resulting from proposed flow changes are immense, the resulting benefits are uncertain. The U.S. Fish and Wildlife Service and the National Academy of Science both say that no scientific evidence exists that the proposed changes will indeed increase the population of the least tern, piping plover, and pallid sturgeon.

EnSp 4,17

We do know that the existing plan works well for our business as a water user, water discharger, and a user of truck and rail transportation.

I ask you to continue to operate under the CWCP and not to sacrifice an entire industry for a risky experiment that lacks conclusive supporting scientific data.

Sincerely,

Dallas C. Robinson
Plant Manager



B0100018

My name is Terry Van Winkle. I work for Lafarge North America Inc in Sugar Creek, MO as a Shipping Coordinator. Lafarge is a worldwide leader in supplying construction materials, most notably Portland cement, concrete, aggregates, wallboard, and roofing tiles. Lafarge is strongly committed to producing high quality products safely and responsibly. In my position, I am responsible for the distribution of finished product from our newly constructed cement plant.

Our facility and property lie on the south bank of the Missouri River just east of Kansas City, Missouri.

In fact, cement manufacturing has existed at this location long before Lafarge acquired the facility in 1991. Our property has supported limestone mining and cement manufacturing since 1907. The river has been used for raw material, fuel, or product transportation since the beginning.

Due to increased demands for Portland cement in the Midwest, Lafarge just recently completed construction of a state-of-the-art cement plant in this location doubling its production capabilities. Lafarge's commitment to this project exceeded over \$250,000,000 to meet the growing needs for construction materials. Lafarge has also recently invested over \$300,000 in the barges used to safely and economically transport cement to Omaha, Nebraska.

Nav 49

The Sugar Creek Plant is part of Lafarge's River Region, which includes cement plants and numerous terminals located on the Missouri, Mississippi, and Ohio Rivers. River transportation is a vital link in between Lafarge's plants and suppliers, and is the most cost effective, safe, and, environmentally friendly form of transportation that we can employ in our region.

As a specific example, this year my plant anticipates shipping up to 79 barge loads of cement to our customers. This same amount of material would require over 4000 tractor-trailers, create additional safety and noise concerns for our cities and highways, and consume 3-4 times the amount of fuel resulting in increased air emissions. These are significant environmental and quality of life impacts. And yet, I haven't even included the impact of receiving raw materials or fuels by barge. River transit also serves to keep rail and truck transportation rates more competitive, and that is good for all industries.

In conclusion, Lafarge wants to maintain the ability to ship and receive materials via barge. We believe the Missouri River provides the most cost effective, safe, and environmentally sound way to do this. Lafarge supports any alternative that avoids a split navigation season or significant reduction in the length of the navigation season.

Lafarge North America Inc.
2200 Century Blvd, Sugar Creek, MO 64089

B0100019

Phone 816-231-8811
Fax 816-231-0020

MID-WEST TERMINAL

WAREHOUSE COMPANY
1700 N. UNIVERSAL AVENUE • KANSAS CITY, MO 64120

JOE LAMOTHE
EXECUTIVE VICE PRESIDENT

February 28, 2002

U.S. Army Corps of Engineers,
Northwestern Division
Attention: Missouri River
Master Manual RDEIS
12565 West Center Road
Omaha, NE 68144-3869

RE: Missouri River Master Manual RDEIS

To Whom It May Concern:

This letter is being written in support of the Corps of Engineers maintaining the Current Water Control Plan (CWCP) on the Missouri River. Our company, Mid-West Terminal Warehouse Company, operates one of the largest public river terminals serving the Missouri River Basin.

The Port of Kansas City, consisting of our terminal as well as other public and private terminals, provides the entire region with access to cost effective, efficient and environmentally friendly barge transportation. Bulk agricultural product, structural steel, coiled steel, industrial and road salt, cement related product, landscaping material among other commodities are just a few examples of the types of product we have handled at our terminal in the past year.

Mid-West Terminal is strongly in favor of maintaining the Current Water Control Plan for the Missouri River. As has been documented in previous comments on this issue the spring rise and split season components of the Modified Conversion Plan and the four Gavins Point Plans would end commercial navigation on the Missouri River. As a result, with the exception of the Current Water Control Plan, **all the proposed river operation alternatives would most likely put Mid-West Terminal's River Terminal and all other forms over river commerce out of business.**

Nav 12

OPERATORS OF RIVER-RAIL-TRUCK TERMINALS AND WAREHOUSES
INDUSTRIAL REAL ESTATE DEVELOPERS

Corps of Engineers
February 28, 2002
Page Two

The loss of navigation as a transportation alternative to our region would result in job loss, both direct and indirect, and result in higher overall transportation costs to businesses and individuals all throughout the basin.

Nav 49

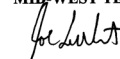
In addition, the increased chance for flooding, which we unfortunately saw the devastating affects of in 1993, that accompanies the spring rise scenario, will put what is left of our businesses and our economy at further risk.

FC 8

It is with these issues in mind that we urge the Corps of Engineers to maintain the CWCP, and in doing so maintain the transportation infrastructure and the economic opportunity of the great Midwest.

Sincerely,

MID-WEST TERMINAL WAREHOUSE CO., INC.



Joe LaMothe



BIG SOO TERMINAL
4101 HARBOR DRIVE
P.O. BOX 3809
SIOUX CITY, IOWA
51102
TEL 712.258.0537
FAX 712.258.4649

B0100020

US Army Corps of Engineers, Northwest Division
Attention: Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, NE 68144-3869

February 27, 2002

Dear Sir,

I am writing as a concerned citizen, resident of the Missouri River Valley and stakeholder in the Missouri basin. I am the General Manager of Big Soo Terminal, a barge terminal in Sioux City, Iowa. I am very concerned about the proposed changes to the Master Manual for the operation of the Missouri River.

This is the third and final letter I will write. I would like to address the economic impact that flow changes will have on all industry in Siouxland.

Big Soo receives over 300,000 tons of fertilizer, iron ore and steel products a year. 100,000 tons of that is by barge. We have handled over 200,000 tons by barge in the "heydays" of the early 70's. The freight differential between barge and rail is about \$10 per for fertilizer from the gulf to Sioux City, Iowa. So, the economic impact here is \$1.5 to \$2.0 million per year.

If we take into account the tonnage figures at other terminals and businesses in the area the impact is huge. Terra International at Port Neal in Sergeant Bluff, Iowa produces over 300,000 tons per year. About 150,000 tons are shipped out by rail. There is another \$1.5 million.

The Farmland barge facility and AGP plant at Port Neal have significant tonnage. State Steel receives many tons by rail. Mid American Energy receives over 600,000 tons of coal per year. The impact to these Siouxland companies is a very large number, at least two to three million dollars. The impact to direct transportation rates in Sioux City alone is well over five million dollars. Add this to direct freight benefits for all of the terminals along the river and the numbers are staggering. This direct impact in barge versus rail freight is substantially greater than the seven million dollar figure for navigation that American Rivers is shoving down our throats and probably gets close to the 77 million dollar number that recreation boast in the Dakotas and Montana.

Nav 6, 8, 49

Then we must consider the freight equalization benefit realized throughout the Missouri River corridor. The Tennessee Valley Authority report estimates that the water compelled freight benefit is anywhere from 77 to 203 million dollars.

Power production on the lower river could experience devastating impact if they are forced to shut down during the proposed low flow period. Municipalities will spend more to pump and treat water. Farmers and the lakes adjacent to the river will have to spend more to pull water from the Missouri.

MoPower 1
WS 11

All industries in the Midwest depend on river transportation. The economies can not withstand needless cost increases. We can not address the endangered species issue through drastic flow changes. Mechanical mitigation is the only answer. Flow changes will have horrible negative economic impact in the Missouri River basin.

Nav 49

Sincerely,

Kevin Knepper
General Manager
Big Soo Terminal

B0100021

Terminal Grain Corp.

518 8th St
PO Box 3809
Sioux City, IA 51102
Ph: 712-258-6596
Fax: 712-258-6590

February 28, 2002

US Army Corps of Engineers
Attn: Missouri River Master Manual RDEIS
12565 West Center Rd
Omaha, NE 68144-3869

RE: Comments on the RDEIS

Dear Sir,

I am writing this letter as a concerned citizen and the President of Terminal Grain Corporation, owner of the Big Soo Terminal located at mile 728 of the Missouri River.

I urge the Corps to maintain the CWCP or as an alternative adopt the MCP plan or the MRBA proposal. I am opposed to the GP plans with the spring rise and the adaptive management plan as it is currently outlined.

In this letter, I will address my concerns about the natural effects of the alternatives including the biological response and geological changes that may occur.

Least Tern and Piping Plover populations

It seems contrary to common sense that the Natural Hydrograph will be beneficial to the nesting bird populations. The mating and nesting season for the bird populations coincides exactly with the proposed spring rise period. The point of the spring rise is to flood and clean the sand bars of vegetation. If this occurs at the same time the birds are nesting, it is obvious that the nests, eggs and any young will be destroyed by the flooding. This does not seem to be in the best interest of the bird populations.

EnSp 53

Other means could certainly be employed to clean sand bars of vegetation to make suitable areas for nesting. During the low water winter season mechanical means could quickly and easily clean and prepare nesting areas.

EnSp 32

Least Tern populations have always been small. The National Association of Audubon Societies report of 1917 reports that the Least Tern were rare everywhere. Matching the 1917 information on distribution range and the information in the Biological Opinion of 2000 (BO) shows that the Least Tern most likely has been increasing its habitat northward along the Missouri River. The current operation of the river must be suitable to the Tern if it has been moving northward during the last several decades. Will the proposed changes be detrimental and reverse that process?

EnSp 28,47

The Least Tern population seems to be increasing. According to the USFWS BO (pg 137-142) shows that the nationwide population of Least Terns is increasing; from 7,806 in 1991 to

EnSp 28,47

Big Soo Terminal • Sioux Rubber Applicators
Operating Since 1918

• Page 2

10,133 in 1999. At the same time the population along the Missouri River has also increased. Clearly the current operation of the river is not detrimental to the Least Tern.

Little is known (or discussed in the BO) about the wintering habits of the Least Tern. It is extremely likely that conditions or habitat problems outside of the United States could be putting pressure on the Least Tern. These would be factors of which we have no control and no amount of change in the Master Manual will offset.

EnSp 28,47

Piping Plover populations in the Missouri River basin appear to be growing. According to a 2001 International survey presented by Susan Haig (USGS biologist and coordinator of the International Piping Plover Coordination Group), Piping Plover populations in Canada have declined 31% in 5 years and 25% in 10 years. However, in the US, Plover populations have increased 17% in 5 years. In the Northern Great Plains, Piping Plover numbers increased 25% in 5 years. Haig also reported that **plover numbers have grown by 470% in 5 years and 140% in 10 years along the Missouri River.** The current operation of the Missouri River clearly can not be detrimental to the Piping Plover if the population along the river has increased by 140% in the last 10 years. (ens-news.com/ens/jan2002/2002L-01-25-09.html) Again the question must be asked, rather than being beneficial, would the proposed changes actually be harmful to the species?

EnSp 27

More study of the wintering habits and habitats of both bird species must be included as part of any decision based on the bird populations. Little is known or has been presented on the wintering conditions of both populations. If their winter environment is causing stress or loss of population, then it is unreasonable to expect changes to the Missouri River to counter balance those problems.

EnSp 28,47

The USFWS in the BO reports on loss of habitat on the Missouri River due to channelization, but does not report or evaluate the increased shoreline available for nesting on the reservoirs shoreline created during the same time period. Some evaluation of the net effect of the original changes to the river and the current conditions – including the reservoir shoreline must be undertaken.

EnSp 28,47

The SRDEIS reports the total average annual acres of tern and plover habitat for the 5 new plans and the Current Water Control Plan (CWCP). Of the new plans GP2021 has the greatest increase in tern and plover habitat: 164.2 acres more than the CWCP. However, review of Table 7.6-1 (RDEIS page 7 -45) shows that this plan only increases habitat below Gavins Point by 37.4 acres.

EnSp 9,46

Another interesting aspect of the data is that the GP plans decrease the amount of habitat below Ft. Peck. GP2021 decreases habitat in this reach by 14.9 acres as compared to the CWCP. GP2021 decreases habitat by 45.9 acres below Ft Peck as compared to MCP. This is much greater loss than the gains below Gavins Point (as discussed above 37.4 acres) for the exact same plan.

EnSp 31

These increases and decreases in habitat are very small considering the length of the river, the area of the reservoirs, and the socio-economic disruption that is being contemplated as a result of these proposals. Certainly more habitat can be obtained, cleaned and prepared in with much less disruptive processes.

EnSp 32,46

Pallid Sturgeon

Page 22 of the SRDEIS clearly states "Corps and USFWS biologists agree that there are no data to support the definition of a spawning cue that would result in spawning on the Lower River" This statement alone defines the lack of adequate science and understanding of the pallid sturgeon. How can the USFWS later claim that the proposed changes to the river flow are necessary for the pallid sturgeon? There is no basis for their proposals.

EnSp 47

Spring rises regularly and naturally occur on the lower river stretches between Jefferson City and St. Louis. These rises are similar to the proposed rise under the GP plans. As a result, there should be significant pallid sturgeons in this reach of the river. The Draft BO does not report any above average sturgeon population in this reach. The conclusion of this should be that the spring rise is not the critical factor for the sturgeon populations.

EnSp 5,47

Several studies conducted on the Missouri River or tributaries concerning either the pallid sturgeon or the shovelnose sturgeon show that spawning occurs when water temperatures are approximately 65 degrees and are over rock or gravel substrates. No correlation is made to spring rise – and spring rise certainly won't affect the presence or absence of rock and gravel.

EnSp 5,58

Sturgeon require rock and gravel substrates for spawning. In the reach of the river from Gavins Point to south of Omaha (the area most affected by the GP plans) there is little or no gravel or rock substrate. Personal observations in the mile 728 area and the recent bridge construction in Vermillion show no indication that gravel or rock are present or will occur naturally under any of the proposed changes.

EnSp 58

Sport fishing or snagging for other species certainly has a detrimental effect on the pallid sturgeon. Every state on the river allows snagging for paddlefish. Since pallids and paddlefish occupy the same environment in the river, pallids most certainly are being taken by this indiscriminate method of fishing. Additionally, sport fishing for shovelnose sturgeons also is detrimental to the pallids due to the very close appearance between the two fish. Any illegal take of Pallids is significant to a limited population.

EnSp 28,47
Fish 14

Predator fish: Since the turn of the century, the risk of introducing nonnative fish into an environment was recognized. The USGS in 1999 stated that nonnative fish have been responsible for the extinction of numerous native species. The USFWS reported in 1993 on the negative impact on native species by sight feeding predators such as the northern pike, walleye and smallmouth bass. Analysis of studies conducted in the Moose River Basin of Ontario on the stomach contents of walleye report that young-of-the-year sturgeon are frequently found in the stomachs of walleyes.

EnSp 28,47
Fish 14

The USFWS BO report (pg 122) "...predation by sight-feeding predators such as northern pike, walleye, and smallmouth bass are expected to impact native species including the pallid sturgeon." None of these three predator fish are native to the Missouri River. The RDEIS does not discuss the problem of nonnative fish which is a significant shortcoming in the RDEIS. And no predator fish control measures are included in the USFWS's RPA – another significant short fall. In light of these omissions, it seems unreasonable to expect the pallid sturgeon population to increase without some sort of predator control and with the presence of predators makes it unreasonable to expect changes in flow to make a significant difference to the pallid population.

EnSp 28, 47

I believe that no comprehensive study of feeding habits of the predator fish has been conducted on the Missouri River specifically to investigate whether the introduced predator fish are feeding on young sturgeons. Several feeding studies have been done in the upstream reservoirs, but these were focused primarily on fish in the reservoir system (where the pallids don't live) and focused on maximizing the rates of growth for the sport fishing industry.

EnSp 28,47

The USFWS does not have a clear definition of what constitutes a suitable spring rise. At the MRBA meeting in Denver on January 31, 2002, there was clearly confusion among the USFWS representatives as what would define a spring rise. High water in Sioux City, but not Kansas City, or a brief high water event from the Platte, but no where else on the river. From the discussion at the meeting, it was clear that this aspect of the spring rise had not been thought out. Until some sort of clear definition of what exactly is an "adequate" spring rise, these proposals are questionable at best.

EnSp 29,47

The USFWS arguments on the Missouri River appear to contain many flaws and inconsistencies to the point that the underlying science and rationale must be called into question. The credibility of the USFWS has been called into question during the last couple of months with several significant events:

EnSp 47
Other 189

1. The NAS report on the Klamath River report. The NAS report unequivocally states that the USFWS had "no sound scientific basis" for cutting off irrigation water on the river.
2. Lynx hair planting in the Pacific Northwest. Two USFWS employees have been disciplined for planting hairs in three national forests
3. The permit process (and subsequent lawsuits) for the Woodrow Wilson Bridge in Washington DC in which the USFWS is accused of ignoring and endangering several endangered species.

Degradation

The spring rise under the GP plans will cause numerous negative impacts in the River basin. As mentioned before, the point of the spring rise is to clean sand bars. Certainly at the same time, this increased water flow will erode the river bottom.

ErSd 17

In the Sioux City stretch of the river, the river bottom has dropped by 10 or more feet over the last 20 years. This degradation occurs more rapidly during periods of high water flow such as 1996, 97, 98 when we saw a drop of over 2 feet during that period.

As a result of this degradation, many lakes and wetlands have either dried up or have lost their connectivity to the river. More degradation will only exacerbate that trend.

As the river bottom is eroded, the chances of a spring rise producing a meaningful result are greatly reduced. If the river is incised deeply in its channel, a spring rise will only put more water in a deep ditch; little or no environmental stimulus will be generated. There few large areas to flood and with ever more degradation, those remaining flood areas will become inaccessible to the river. It would take significant spring flows – probably more than proposed to flood a large area which would certainly be in conflict with the other river project uses.

It would seem that just as much biological disruption will arise from the low summer flow as benefit from the spring rise. The low summer flow will decrease the connectivity of the river

EnSp 59

B0100022

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 Decatur, IL 62525-1470
 T 217.424.5555 F 217.451.4122



Rose Hargrave
 U.S. Army Corps of Engineers
 Northwestern Division
 Attention: Missouri River
 Master Manual RDEIS
 12565 West Center Road
 Omaha, NE 68144-3869

Attn: Missouri River Master Manual RDEIS

Dear Ms. Hargrave:

This letter is to indicate my desire that the current water control plan (CWCP) be maintained as the guidance plan for Missouri River Master Manual operations. Of the alternatives currently under consideration by the Corps, I support the CWCP as the alternative of choice for the following reasons:

- * A man-made "spring rise" has the potential to adversely affect flood control and inland agricultural drainage. Any flood events or inland drainage problems resulting from the release of additional water from Gavins Point are "significant" to the individuals experiencing the event. The Corps does not have the ability to accurately forecast rain events or rain runoff and could, therefore, release water in advance of a major rainstorm creating flood devastation.
- * Higher reservoir levels reduce the water commitment to downstream states impacting future water supplies needed for irrigation, municipal drinking water, river commerce and water quality standard permitting.
- * Summer flows reduced to "minimum" navigation levels or below from June 21 to September 1 will devastate congressionally authorized river commerce on the Missouri River and adversely impact Mississippi River operations in the "bottleneck" reach between Cairo, IL and St. Louis, MO. Interruption or cessation of Missouri River commerce will negatively impact transportation of agricultural commodities and inputs and industrial goods.
- * Flow reductions may also jeopardize the ability of utilities that draw Missouri River cooling water to meet the electricity needs of their customers during both the hot summer months when demand is at its highest and winter months when flows are normally the lowest. Water supply users may also be affected by water quality issues as discharges are made into a lower flowing river.

FC 8

Other - 15

Nav 12, 7
Miss 4

MoPower 1
WS 11

WQ 2

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• Page 5

to wetlands, lakes and tributaries, exactly at the time that biological activity in these areas is at its highest.

Streambed degradation will cause damage to physical structures in or by the river such as water intakes, docks, marinas, bridge supports, etc. The continued erosion will mandate expensive repairs and modifications to these structures. Additionally, the main river channel degradation encourages degradation of tributaries also. This secondary degradation will cause additional damage to bridge structures, roadways, bank erosion, etc.

ErSd 17

Adaptive Management

I believe the adaptive management plan as I understand it currently is too undefined. There is no clear understanding of how the process will work, who will make the decisions and what criteria and targets are to be used in making those decisions. On the surface adaptive management sounds enticing, but until those issues are clearly defined, I can not support the concept. Additionally, the science about the three endangered species needs to be strengthened and enhanced with peer reviewed studies. As the NAS suggested in its report, there needs to be significant stakeholder participation in recovery efforts and a system wide perspective (NAS pg 113-116).

Other 10, 86

Closing

In closing, I believe there is a huge risk to society and the economic well-being of the river basin region for small and uncertain improvements in the habitat to the endangered species. I believe greater impacts to the species can be made through habitat mitigation projects with a much smaller cost and social impact. A well funded system wide mitigation project undertaking could easily offer more benefits to all stakeholders – including the endangered

Other 70

There seem to be serious questions with the much of the science and information underlying the three endangered species. This has been a very long process, but the endangered species aspect of the Master Manual review entered the process only in the last couple of years. Until such time as there is a reasonable expectation that these proposed changes will indeed make significant enhancements for the endangered species, it is unreasonable to make the significant changes as proposed. The socio-economic risk to the river basin is too great to simply give it a try to see what happens.

EnSp 12,17

I urge the Corps to maintain the CWCP or the MCP or MRBA alternatives for the Master Manual and to implement significant and meaningful habitat restoration projects in lieu of the other GP alternatives. I believe significant improvement in the status of the endangered species can occur through habitat restoration without the major socio-economic impacts that would result from the GP plans.

Sincerely,

Douglas E. Palmer
 President

B0100023

* Adaptive management creates too much freedom for the Corps to adjust river management, and specifically flow management, without any significant input from the public.

Other - 10

While I do support species habitat restoration, I support it in a manner that addresses species needs without adverse impact to humans. The Biological Opinion is based on theory and faulty science and too many questions remain unanswered about the species' critical habitat. I believe it is unfair for me to be subjected to possible economic devastation so theory can be tested. I urge you to continue using the CWCP as the guidance plan for Missouri River management.

Other - 75

Sincerely,

Royce C. Wilken
American River Transportation Company

February 28, 2002

Rose Hargrave
U.S. Army Corps of Engineers
Northwestern Division
Attention: Missouri River Master
Manual RDEIS
12565 West Center Road
Omaha, Ne. 68144-3869

Attn: Missouri River Master Manual RDEIS

Dear Ms. Hargrave:

I am submitting this letter as an additional comment for the continuance of the current water control plan (CWCP) as the guidance plan for the Missouri River Master Manual.

Specifically I wish to address my concern regarding summer flows reduced to minimum navigation levels or below from June 21 to September 1 and their economic impact on the State of Illinois and the Upper Mississippi River Region. It is also my understanding, as explained by Roy Mc Allister-USCOE on February 25, 2002, that plans could contain a flow reduction beginning on November 3rd of the plan year. I believe that these reduced flows will negatively impact river stages in St. Louis for approximately half the navigation season.

Miss 4

The USCOE has stated that the Missouri River provides approximately 40-60% of the water flowing in the Mississippi River between St. Louis, Missouri and Cairo, Illinois in low water years. The St. Louis to Cairo river corridor is commonly referred to as the "bottleneck" region on the Mississippi River. This water from the Missouri River, in my opinion, provides a significant amount of water source for the "bottleneck" region. Missouri Rivers' contribution provides much needed water for the transport of agricultural commodities and inputs and industrial goods both up and down the Mississippi River past St. Louis and Cairo.

There has been no depletion analysis conducted on the MCP alternative. It is my belief if a 3.2 MAF depletion occurs on the Missouri River under the MCP plan the number of years when No Navigation and a Shortened season occur on the Missouri River will coincide with a Mississippi River low water period (Stage < 2feet) of 25 years.

Other - 9

As an operator on the Mississippi River practical experience directs our operations personnel to conduct draft and tow size restrictions at/or before 2' on the St. Louis gauge. The draft reduction would be approximately 6" and a tow size reduction would be one string of five barges. This situation is considered the beginning of a restricted navigation condition. State projections are that the St. Louis water level would fall below the unrestricted navigation line approximately 50% of the time.

Miss 26

The economic impact of a draft restriction yields the following situation. The total tons shipped downbound via LaGrange Lock, the southern most lock located on the Illinois River, has been reported to be 21,333,000 tons per year of which approximately half would be affected by the restricted flows under MCP. This tonnage represents shipments off the Illinois River only. On average an equal amount of tonnage is shipped from the Upper Mississippi River above St. Louis. All of these shipments would pass by St. Louis, Missouri and Cairo, Illinois.

The following conditions would result:

- 21,333,000 tons per year x 50% (approximately six months) = 10,666,500 tons per year
- Barge capacity is used at 1600 tons per barge during unrestricted navigation conditions.

- 10,666,500 tons per year / 1600 tons per barge = 6666 barge loads.
- Each one-inch of barge draft restriction equals approximately 18 tons of commodity capacity or a 6-inch reduction equates to 108 tons per barge.
- 6666 barge loads x 108 tons/barge restriction = 719,989 displaced tons.
- The draft loading restrictions would require barges to be loaded with approximately 100 less tons per barge or 1500 tons (probably less-108 tons).
- 719,989 displaced tons / 1500 tons per barge = 480 barges per restricted water flow period.
- This situation would occur approximately one half the time (50% below the unrestricted navigation line).
- 480 barges / 2 = 240 barges needed to transport the displaced grain. This equates to 16 additional tows (15 barges/tow or 240/15=16 tows).

Miss 26 (cont.)

Calculations of barge freight per ton, additional barges needed and tons per barge produce an increased transportation cost of \$2,000,000 dollars. The calculation only illustrates tons shipped on the Illinois River. The Upper Mississippi River above St. Louis sources an amount respectively equal to the Illinois River.

The above calculation does not address the supply/demand balance for freight to transport grain. Historically grain is not sold in equal uniform shipments. Therefore a shortage of freight tonnage capacity per barge, caused by riverflow restrictions, can and will exacerbate freight costs higher. This freight effect has been as much as double the norm depending on demand for freight needed to transport grain shipments. The flow restrictions are projected just before harvest as producers are selling remaining inventories and cleaning out grain storage while preparing for the upcoming harvest and selling grain to capture previous years price premiums during the beginning of the harvest period.

Tow size restrictions would have similar impacts as draft reductions.

The number of additional towboats needed to push all barges displaced in a tow due to the restricted flow season, 3.2 MAF, from St. Louis, Missouri to New Orleans, Louisiana equals \$1,000,000 dollars per year. Totalling the impact of draft and tow size impacts, just for the 2-foot level, equals approximately \$5,000,000 (including the Upper Mississippi River tonnage). This equates to 25 cents per ton or 3/4 of a cent per bushel. If you add the northbound traffic of transporting commodities transportation costs an additional \$2,500,000 per year (taking into account tow size reduction and, to a more limited extent, draft restrictions). The total impact for north and southbound transportation costs would now total \$7,500,000 per year.

The river can drop an additional foot or two feet below the 3.2 MAF projection due to weather or other related causes, such as Native American water claims which could be as high as 100 MAF according to the USCOE. The transportation cost increases will then grow to \$15,000,000 and \$30,000,000 respectively. This equates to approximately 50 and 75 cents per ton or 1.5 cents per bushel and 2.25 cents per bushel of additional costs for the transportation of grain.

WS 16
Other - 33
Miss 26

Grain is purchased by export customers, Cuba for example, and priced delivered to the New Orleans gulf. Any factors raising the transportation cost to deliver Midwestern grain, oilseeds and products to New Orleans directly relate back to the producer in the form of a lower price received on the farm.

Most domestic buyers of grain know at all times what the price of grain is in the gulf. This knowledge ensures that the domestic buyer is not purchasing grain to supply the export pipeline inventory and/or meeting domestic needs at too costly of a price in relation to the export value in the gulf. An increase in the

cost to transport grain to the gulf will result in a lower price received on all bushels of grain grown in the Midwest. This negative impact equates to more than \$40,000,000 on the Illinois crop alone!

Therefore the total economic impact of restricting riverflows of \$10,000,000 per one-MAF as reported in Chapter 7 of the Corps report is questionable. The economic impact on Illinois grain production alone is significantly more.

Miss 26

I support the current water control plan (CWCP) and respectfully request it is maintained as the guidance plan for the Missouri River Master Manual operations. All other plans are, to date, inaccurate and questionable in predicting how environmental gains on the Missouri River, using MCP, impact the economic viability and quality of life losses in the Mississippi River Basin.

Respectfully submitted,

Royce Wilken
President
American River Transportation Company

B0100024



February 28, 2002

U.S. Army Corps of Engineers
Northwest Division
Attn: Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, NE 68144-3869

Gentlemen:

I truly appreciate the opportunity to submit my thoughts as we reach the end of the public comment period regarding the Corps of Engineers Revised Draft Environmental Impact Statement (RDEIS).

I am President of Riverway Co., a full service barge transportation company headquartered in Minneapolis, MN. Riverway Co. transports approximately five million tons of grain and other bulk products on the entire inland waterway system, primarily on the Mississippi and Illinois Rivers. The management of the Missouri River of course directly impacts the future and livelihood of every Riverway employee even though our company doesn't operate on the Missouri. Summer flows reduced to minimum navigation levels or below will devastate congressionally authorized river commerce on the Missouri River and will no doubt severely impact Mississippi River commerce. The industry simply cannot afford to operate under a split-season scenario on the Missouri River. Navigators cannot withstand an annual reduction of 72 days or 30 percent of their operating season and remain economically viable. On the other hand, depriving farms in the Missouri River Basin of the competitive transportation structure that includes river, railroads and highways will directly impact the price paid for every bushel of grain. According to the Food and Agricultural Policy Research Institute at the University of Missouri, prices paid for corn could be reduced 19 cents per bushel or ten percent of the current market value if river transportation is not an option. Water compelled rates result when railroad routes that run parallel to the rivers are forced to compete with lower priced barge rates. Savings result from water compelled rates. The MCP alternative decreases flow support to the Mississippi 40 out of 100 years. Missouri Department of Natural Resources analysis indicates that 75 percent of the time or 30 out of 40 years these cutbacks in flow coincide with low water on the Mississippi. The current water control plan decreases flow support only 9 percent of the time. Flow reliability contributed to the Mississippi by the Missouri is unquestionably greater with the current water control plan than any of the alternatives.

In addition, lower flows may jeopardize the ability to reliably provide an energy source to customers for cooling and heating requirements. Any options recommended for Missouri River management should not curtail or reduce the ability of energy suppliers to meet these energy needs in an economically viable way. Water supply users may also be affected by water quality issues as discharges are made into a lower flowing river.

As far as a spring rise is concerned, I simply don't get it. The idea of a "man-made" spring rise has the very real potential to cause flooding and agricultural land damage. Flood plain farms till some of the most productive land in the world. They face natural risks of flooding and inland drainage problems,

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(952) 833-1300 • FAX (952) 833-1358

Miss 4
Nav 12, 7, 8, 6

MoPower 1

WQ 2

FC 6



and in today's difficult agricultural economy, farms can't withstand man made events that compound the risks already inherent in their business. Missouri River dams, initially built to reduce flooding, have prevented \$18 billion in flood damages. Flood control makes sound national economic and emerging management policy. No logical justification exists for the increased exposure for flooding and inland drainage problems that may occur on 1.4 million acres of public farmland. How can federal agencies rationalize potentially affecting approximately 30,400 residential and non-residential building worth approximately \$17.6 billion in rural and urban communities to supposedly create 37.4 acres of bird habitat below Gavins Point and a fish spawning cue that may or may not help the pallid sturgeon?

Which leads me to my last point. On December 2000, the U.S. Fish and Wildlife Service released a Biological Opinion stating that three species (least tern, piping plover and pallid sturgeon) were threatened or endangered and thereby demanded changes to the Missouri River Master Manual to address their needs. However, many problems exist with the biological opinion. One of its failings is that many of its rigorous mandates have not undergone scientific review and examination. The Biological opinion relies on unsupported assertions or simply ignores information. For instance, the first assertion that the "spring rise and summer draw down" will closely approximate the natural hydrology of the Missouri River was not based on any empirical research and is flat wrong according to studies performed by the Missouri Department of Natural Resources. From late May through early August, the FWS alternative would decrease flows through Gavins Point in almost direct contradiction with historic natural flow. Another shortcoming is that while noting that habitat restoration is a key factor in its plan to protect the endangered species, the FWS fails to account for the negative consequences that will result from the implementation of the plan. In short, if reservoirs are raised as envisioned by FWS alternative plans significant prime habitat of the piping plover will be destroyed.

In summary, the inadequate and unproven benefits to species improvements do not justify the far reaching risks of these proposals. It is apparent that a cost-benefit analysis of these proposals show the threat of financial catastrophe far outweigh any species' benefits. I therefore urge the Corps to maintain the current water control plan as the guidance plan for the Missouri River Management.

Sincerely,

RIVERWAY CO.

Terry R. Becker
Terry R. Becker
President

TRB:dib

Riverway Co. • 6889 Rowland Road, Suite 200 • Eden Prairie, Minnesota 55344-3375
(952) 833-1300 • FAX (952) 833-1358

FC 6 (cont.)

EnSp 47

EnSp 18,47

EnSp 20

Other - 31

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P. 001

B0100025

Riverway Co.

Riverway Co.
P. O. Box 137
East Carondelet
IL 62240

Phone: 618-286-3200
Fax: 618-286-5577

Fax

To: US Army COE/Northwestern Division
Attention: Missouri Master Manual RDEIS
Fax: 402-697-2504
From: Raymond S. Hackett III
Date: November 12, 2001
Re: RDEIS

Gentlemen:

The only acceptable alternative is the CWCP based upon the following:

A. Economic Uses

1. Flood control - Any other alternative would increase potential damage done by high water conditions that usually occur in the spring. How much more damage would have occurred in 1993 or 1995 if any other alternative would have been in place?

FC 8

2. Missouri River Navigation - A shortened or split season would drastically affect the farming community by taking away the most cost effective means of transporting agricultural cargoes. Shippers on the Missouri River pay much less per ton by using the river versus truck/rail transportation.

Nav 7, 12

B. Mississippi River

1. Mississippi River Navigation - The reduction of flows from the Missouri River into the Mississippi River created by any alternative other than CWCP would change the navigability of the Mississippi in a most negative way. For example, if a reduced flow during navigation alternative would have been in place in 1988, how much longer would that drought have lasted?

Miss 4, 30

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P. 002

C. Environmental Resources

1. Endangered Species - Supposedly the Lest Tern and Piping Plover need high water conditions in the spring to be able to multiply. After 1993 and 1995 there should be billions of them. Once again we see "pseudo science" at work.

EnSp 17

2. Wetland and Riparian Habitat - None of the alternatives to the CWCP create any new habitat supposedly essential for the return of the Tern, Plover, or Pallid Sturgeon. They only increase the length of good fishing in South Dakota, as well as destroy habitat on and around the reservoirs. Could this be why Senator Daschle is in favor of changing the Missouri River Master Manual?

EnSp 17, 20

D. Social Impacts

1. Effects on my job - With a shortened or non existent season on the Missouri River, flows on the Mississippi River System will decrease, making the transportation of goods more difficult. I work for a barge line that annually moves approximately 6 million tons of agriculturally related cargoes to the Gulf for export.

2. Effects on my community - As water born commerce decreases, the costs of goods and services will increase. Everyone is affected by the increase in costs of energy (coal and petroleum products) and food (fertilizer and grains).

Nav 8

E. Cost Benefit Analysis

None of the proposed alternatives give any explanation of the costs versus benefits (if any) to the consumer, the shipper, or most importantly, the taxpayer. This is the most important category of all, and it's omission would be a tremendous error.

Other - 11

Sincerely,



RS.H. III

NOV 09 '01 04:30PM IBCO HUMAN RESOURCES

P.1/2

B0100026

John Crivello
1100 South Friendship Road
Paducah, KY 42003
November 8, 2001

U. S. Army Corps of Engineers
Northwest Division
Attn: Missouri River Master Manuel RDEIS
Fax: (402) 697-2504

Dear Corps Staff,

This writer is a Vietnam Veteran and a veteran of thirty plus years as a crew dispatcher on the nation's inland river system. I have experienced high water, low water, ice conditions, and all the smooth sailing in between. Having flown commercial air four times since September 11th, proves my faith in God and Country. Fear of terrorism does not haunt me.

So why would adjusting the flows on the Missouri River concocted by a new Master Control Plan cause me fear? I'm not a hydrologist. My office at Ingram Barge Company over looks the confluence of the Tennessee and Ohio River. This is where I, along with four other crew dispatchers, coordinate the movement and pay for over nine hundred and fifty of the nation's finest Inland Merchant Mariners. It is apparent from this beautiful vantage point the nation's rivers are keenly integrated in a magnificent system encompassing some 22,000 navigable miles, including the mighty Missouri River. Therefore, the plan for the flow of one river must reflect the impact on all the rivers. If holding water back on the Missouri is going to choke off the Mississippi from St. Louis to Cairo in times of low water, navigation could cease. Yes, this causes me fear. I become the crew dispatcher sending crews home to the unemployment lines. I tell farmers and manufacturers to put the added tonnage in rail cars or trucks. I tell moms and dads on vacation all the added waits at rail crossings and added trucks on the highways is the result of loss of the nine feet channel for navigation between St. Louis and Cairo because the U.A.C.E. has cut off the water by design. We certainly don't want this tremendous amount of added tonnage off the water and on to the already over burdened rail and highway system. This causes me fear.

We seek a balanced approach: including navigation for commerce and pleasure craft, flood control, a thriving natural habitat, water quality, and national security. We need to maintain and improve what we have and not let one segment or region choke off another. Consider the impact on all the rivers by keeping the current Water Control Plan.

Sincerely,

John Crivello
John Crivello
Senior Crew Dispatcher
Ingram Barge Company
email: CRIVELLOJ@INGRAMBARGE.COM

Miss 4

Other - 7

NOV 09 '01 04:31PM IBCO HUMAN RESOURCES

P.2/2

INGRAM BARGE COMPANY



1 WASHINGTON STREET • P.O. BOX 2756
PADUCAH, KENTUCKY 42002

FAX - TRANSMITTAL

DATE: 11/09/01 TIME: 15:30

TEL 270-441-1600

ADDRESSEE: MISSOURI RIVER MASTER MANUAL ROAD

COMPANY: USACE NORTHWEST DIVISION

FAX NUMBER: 402 697 2504

FROM: JOHN CRIVELLO, SENIOR CREW DISPATCHER

INGRAM BARGE COMPANY

PHONE NUMBER: 270-441-1636 PHONE NUMBER: 888-441-1639, EXT 603.

NUMBER OF PAGES, INCLUDING COVER PAGE: 2

COMMENTS:

PLEASE ENTER THIS LETTER INTO THE
RECORD FOR THE MISSOURI RIVER
HEARINGS.

THANK YOU.

John Crivello

If the indicated number of pages are not received, or are not legible, please contact John Crivello at 888-441-1639, extension 603.

HOME OFFICE: 4400 HARDING ROAD • P.O. BOX 23049 • ONE BELLE MEADE PLACE • NASHVILLE, TN 37202 • TEL. 800-876-2047

MAGNOLIA MARINE TRANSP ID:601-638-8475

NOV 28 '01 16:18 No.005 P.02

B0100027

P.O. Box 308
Vicksburg, MS
39181 9901
901-638-5921
Fax 601-638-8476

Magnolia Marine Transport



11-26-01

U.S. Army Corps of Engineers, Northwestern Division,
Attention: Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, NE 68144-3869

Sir,
Please accept the following as written comments on behalf of Magnolia Marine Transport Co. and regarding to the Missouri River Master Water Control Manual and Update RDEIS.

Magnolia Marine Transport Company is a member of AWO (American Waterway Operators) and is based in Vicksburg, Mississippi. We currently operate 16 towboats and approximately 65 petroleum tank barges. We are the nations largest mover of liquid, hot asphalt. Our company employs approximately 230 people who mainly reside in the mid- section of this country.

We currently have two towboats and four barges that operate primarily on the Missouri River. These two boats together employ 26 full time employees. The other 14 boats work through out the inland rivers including the lower end of the Upper Mississippi River from St. Louis to Cairo.

Each year on the Missouri River alone we transport and average of 220,000 tons of asphalt between St. Louis and Kansas City, Missouri. Breaking these tonnage figures down, and if navigation is hindered by the proposed changes in Missouri River Operations, this would equate to approximately 2,300 additional rail cars per year moving through Missouri neighborhoods. Continuing with the breakdown this yearly tonnage figure would also equal 9000 additional semi-trucks on Missouri highways, and, we are but one small operator on the Missouri River.

We feel that the proposed plans to change the operation of the Missouri River would drastically affect our ability to continue to do business on this river. We have operated on this river for many years and have developed business interest in the Kansas City area that would also suffer and possibly close their doors because of loss of competitiveness.

Nav 49

Destroying navigation on this great river would present a detrimental economic effect on the citizens who not only hold these jobs but also the jobs of the people who produce, handle, and use the cargoes we transport on the Missouri.

Nav 49

Navigation on this river is already treacherous because of minimal water flow for a large portion if the navigation season. The proposed plans that alter or decrease in any way the flow of water to the lower end of the Missouri are unacceptable to Magnolia Marine as well as our customers whose product we are transporting.

Magnolia Marine Transport Company
An ERCON Company

MAGNOLIA MARINE TRANSP ID:601-638-8475

NOV 28 '01 16:19 No.005 P.03



Continued.....

Another point of concern for our company is the effect that reduced flows from the Missouri River would have on the lower end of the Upper Mississippi River. Currently, 45% of our customer base is in the St. Louis, Missouri area. Since the Missouri River contributes as much as 60% of the water that flows from St. Louis to Cairo, IL, the proposed changes in the Operations Manual could also have a detrimental affect on navigation of that area. With the reduced drafts, traffic delays, increased aids to navigation and increased dredging this stretch of river would require, we feel this would present another detrimental economic effect on the entire Mississippi River Basin.

Miss 4

While we appreciate the Corps dedication to develop plans that are sensitive to all causes and users of Missouri River water, we at Magnolia Marine Transport are opposed to any change in the operation of the Missouri River and urge you to continue with the CWCP.

Sincerely;

Roger K. Harris
Director of Marine Operations
Magnolia Marine Transport Co.

DEC-7-2001 10:08 FROM:NAVIOS SHIP AGENCIES 5044675290

TO:14026972504

P:1/2

B0100028

PHONE (504) 489-0731
CABLE NAVAGENT
NEW ORLEANS



**NAVIOS
SHIP
AGENCIES INC.**

110 JAMES DRIVE WEST SUITE 120
ST ROSE LOUISIANA 70087

TELEX 161898
FAX (504) 467-2877

VIA TELEFAX

December 7, 2001

U.S. Army Corps of Engineers
Northwestern Division
Attention: Missouri River
Master Manual RDEIS

Dear Sir:

Our company represents over 200 vessel owners and operators, worldwide, as well as three (3) of the major U.S. steel companies, numerous cement companies, grain companies, and various other companies that use raw materials that move from the deep draft ports on the Mississippi River to multiple destinations along our inland river system. Our Principals rely on the deepest drafts available for their vessels and barge movements. Loss of draft equates to considerable loss of dollars, and those losses are not recoverable. Therefore, their transportation costs could be increased by as much as 40 to 60 percent depending on the product and its destination with changes in river flow or drafts. Our company handles both imports and exports, and in the past, we have expressed serious concerns regarding the impact on navigation, and have opposed the Missouri River Navigation Master Plan.

Miss 4

We have testified in a number of public meetings and submitted written oppositions to the previous Master Plan for the Missouri River. In reviewing, we still find that the U.S. Army Corps of Engineers has underestimated the flow levels, and have not taken into consideration water depletion in the upper basin and that the economical impact studies regarding the split navigation seasons are flawed. There is considerable technical data that is still not available for the stakeholders and the lack of documentation for the economic impacts along the Mississippi River that would effect commerce.

Other - 9

DEC-7-2001 10:08 FROM:NAVIOS SHIP AGENCIES 5044675290

TO:14026972504

P:2/2

U.S. Army Corps of Engineers
Page - 2 -
December 7, 2001

With the development of numerous dam systems, locks, water systems, and many other Corps projects (soft dykes, etc), we have seen a serious drop in the flow of sediment down the Mississippi River down to the Mouth of the Mississippi Delta below Venice, Louisiana. Louisiana has lost considerable marshland, and one of the main causes is the reduction of the natural sediment flow from the upper Mississippi River, the Missouri, Illinois, and Ohio Rivers, Red and White, and the other tributaries that feed the lower Mississippi River basin and delta.

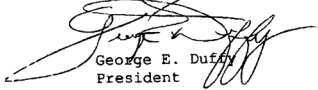
Miss 31

The impacts on the Master Plan on the Missouri River are far researching. It is our opinion that the flawed information, lack of proper economic impact studies, and in correct navigation and river flow studies are such that they would have a serious negative impact on foreign and domestic commerce along our river systems. This Nation relies heavily on this flow of commerce. The low cost of water transportation continues to allow us to compete in worldwide markets where cargo can be effected by a one or two cent per ton increase or decrease. Cargo or product shifts to other countries cause loss of business, which, in turn, effects our national economy. Therefore, we are in opposition to the implementation of the Missouri River Master Plan.

Nav 6, 49

Yours very truly,

NAVIOS SHIP AGENCIES INC.


George E. Duffy
President

MASTERMANUAL NWD02

B0100029

From: Denis Battrum [denisb@acskc.com]
Sent: Wednesday, December 19, 2001 12:37
To: Mastermanual
Subject: Missouri River Master Manual RDEIS
AMERICAN COMPRESSED STEEL, INC.,
1420 Woodswether Rd.
Kansas City, MO 64105

12/19/01

US Army Corps of Engineers
Northwest Division
Attention: Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, NE 68144-3869

Sirs:

We urge the Corps to continue the Current Water Control Plan for the Upper Missouri River Basin.

We manufacture steel scrap at Kansas City and two other locations in western Missouri and have been adversely impacted by the permanent closure of the steel mill in Kansas City. It has become necessary to ship scrap much greater distances and now rail freight costs have become an inordinately high percentage of the total delivered price of the commodity. Barge shipment makes better sense.

Moreover, the steel industry in the United States continues to shrink and, it appears, export of steel scrap will eventually become the only alternative for scrap producers who can no longer find a domestic home. The Missouri River represents our only realistic conduit to the Gulf.

Loss of ability to ship on the Missouri River will have an adverse effect on our revenues and, possibly, our long-term viability and the jobs of the 90-odd people who work for us.

Thank-you for your consideration.

AMERICAN COMPRESSED STEEL, INC.,

Denis Battrum

3/9/2002

Nov 49



B0100030

February 25, 2002

Project Manager
Master Manual Review and Update
12565 West Center Rd.
Omaha, NE 68144

To Whom It May Concern:

I am submitting comments concerning the Missouri River Master Water Control Manual. It appears that there are three interest groups vying to be heard on this complex issue. First, there are the downstream interests (below Gavins Point Dam) that do not want a spring rise and low summer flows. Second, are the upstream interests, the Dakotas and Montana, that are interested in the recreational boating and hunting and fishing industries. Lastly, are the Environmentalists, who through the Endangered Species Act, want the river to mimic the flow as it was in the Lewis and Clark days. I do not mean to discount the tribal interests, but their concerns tend to deal with issues around the reservations, which are primarily located in the upstream states. However, they do have claims to river water and have made some efforts to transfer water out of the upper basin.

You certainly are faced with a daunting task in deciding which route to pursue.

I am against any altering of the existing flow patterns (Current Water Control Plan) now in effect on the Missouri River. Our company, RiverBarge Excursion Lines, Inc. operates the River Barge (R/B) River Explorer. Since 1999 we have operated on the Missouri River and during the three years we have brought approximately 2000 passengers to the Missouri River valley. The vessel is the first overnight passenger vessel to sail on the Missouri River in over 120 years. The towns visited along the way have been; St. Charles, Washington, Hartsburg, Miami, Napoleon, Parkville, St. Joseph, MO, White Cloud, KS, Brownville, and Bellevue, NE. This year the River Explorer will travel all the way to Sioux City, IA, adding stops at Nebraska City, Decatur and Blair, NE. In 2003 we plan to repeat the 2002 itineraries. When visiting these towns, we hire local bus companies to provide transportation for our passengers to see the sights in the local area and to do some shopping at near-by stores. We have chosen to sail on the Missouri River for four weeks each year during the month of August because this month has the least probability of having a significant rainstorm that could raise river levels to the point where the River Explorer would get trapped by a bridge. At normal stages the vessel

201 Opelousas Ave. New Orleans, LA 70114
504-365-7311; Fax:504-365-0063

1

clears some of the bridges by only 8-10 feet. Any kind of low summer flow would eliminate the River Explorer from sailing on the Missouri River, as the Coast Guard, in all likelihood, could not buoy the river and sound the channel in a timely enough manner. Besides, who knows whether or not the low flows could possibly degrade the channel, necessitating some dredging. Thus, we would be forced to operate the River Explorer on some other river segment during this time and have to abandon the Missouri River entirely.

Nav 48, 3, 49

Additionally, low summer flows would virtually shut down the barge industry that presently exists from Sioux City to the Mouth of the river, or 734 miles. Although the barge industry may not be large in terms of dollars, it offers the huge advantage of keeping freight rates competitive between the different modes of transportation, railroads and trucks. Barging is the most environmentally friendly of all transportation modes, as commodities can move more miles on water for each gallon of fuel burned than by either truck or rail. In the 1970's I worked for Sioux City & New Orleans Barge Lines, which at the time was the largest Missouri River barge carrier. Since then, barge tonnage has declined because of competition from the railroads. Although much of the grain from the Missouri River valley is railed to the West Coast or Gulf Coast in unit trains, if barging were eliminated, then the barged commodities would have to get to market by either truck or rail, at a considerable increase in cost. For example, each two barge, 60,000 barrel tow of asphalt (6200 net tons) that is eliminated from the river, would require 78 rail cars (at 80 net tons per car) or 310 trucks (at 20 net tons per truck). Presently, there are 46 trains per day that go through Washington, MO, virtually one every 30 minutes! Suffice it to say, I don't think we need additional trucks on Interstate Highway 70 in Missouri or Interstate Highway 80 in Iowa.

Nav 12, 23

Concerns about additional flooding from a spring rise are well documented by those on the agriculture side that are potentially directly affected. Even without a spring rise flooding happens naturally, every few years. The Corps should not do anything that will increase this risk of flooding.

FC 8

There are even more problems associated with the low summer flows that are to follow the spring rise. In a St. Louis Post-Dispatch article by Bill Lambrecht on 2/26/01, Ms. Susan Gallagher, a spokeswoman for Ameren, said her company was concerned that disruptions of water flow could threaten operations at its nuclear plant near Fulton, MO and its Labadie coal-fired plant in Franklin County. I am sure other power plant operators share her concerns.

MoPower 1, 7

The Missouri River supplies drinking water to over 2,000,000 people in the state of Missouri, about 40% of its 5.6 million population. Almost as many Missourians get their drinking water from the Missouri River as the entire population of the Dakotas and Montana. There does not appear to be much information concerning potential impact on the downstream entities with regards to drinking water.

WS 11

Some people contend that the low flows will increase boating recreation on the lower river. Other than local residents of towns, such as Washington, MO, Glasgow, MO, or

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504-365-7311; Fax-504-365-0063

2

Bellevue, NE, that presently pleasure boat on the river, I do not see much expansion of this facet. The main reason is because of the close proximity of Lake of the Ozarks, Truman Reservoir, and Mark Twain Lake, which all offer far better recreational boating venues than the Missouri River ever will. The resorts and facilities on these big lakes provide more activities and sufficient water borne infrastructure to service the recreational vessels.

Rec 4, 6, 10

Lastly, is the adverse impact low flows would have on the Mississippi River system. The Missouri River provides between 60-65% of the water to the Upper Mississippi River after joining with it just north of St. Louis. Because of this ratio, any flows lower than normal has the potential to virtually bring Upper Mississippi River traffic to a standstill, cutting off the metropolitan areas of Chicago and Minneapolis/St. Paul, and all points in between. Since much of the barge tonnage going south to New Orleans is export in nature, the flow changes have the ability to disrupt international trade and contribute unfavorably to the country's trade deficit. It is not in the best interests of the United States to consider changing flow patterns of the Missouri River that could ultimately harm water traffic and the overall economy from New Orleans to the upper reaches of the inland river navigation system.

Miss 4

The upriver interests in the Dakotas and Montana are primarily concerned with recreational boating and hunting and fishing. The issues here are to keep more water in the reservoirs in periods of low water to ensure the boat docks and marinas can still function as designed. According to an article by Ron Wilson in the Bismarck Tribune on 4/8/01, since the drought years of 1987-93 many of the ramps in Lake Sakakawea have been extended, allowing access in low water. "Upstream stakeholders, who benefit from tourists lure to this huge watery jewel on the northern plains, are bent on getting out the word that, yeah, Sakakawea will be lower this year, but not to worry. 'That kind of communication is key,' said Dick Messerly, in order to override the negative images drawn by falling water levels. 'It's important for the visiting public to understand that we will have good access to the lake so they don't go elsewhere to fish, boat, and recreate,' said Messerly, manager of Fort Stevenson State Park, located on Lake Sakakawea south of Garrison. Messerly also went on to say 'We know that it (Lake Sakakawea) can fill in a drop of a hat like it did in 1993 when the lake came up about 20 feet. Back then experts thought it would take 10 years to get back up there.'" Once again the "experts" were proven wrong.

Rec 1, 6, 17

Also, there is an issue of increased silting in the lakes behind the dams. Perhaps some of the silt could be used to build islands, by installing sheet pilings and filling them in with the silt. This has been a solution in other port areas around the country, notably in Tampa Bay. These islands could also be used as habitat for the least tern and piping plover. The upstream interests tend to be on the environmental side to further their position and eliminate the barge traffic, in order to get more water in the lakes during times of drought.

EnSp 32

The last and certainly the most vociferous faction are the environmentalists, led by American Rivers, a Washington D.C. based river conservation group. The

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504-365-7311; Fax-504-365-0063

3

lives without catching one,' he said. 'It doesn't mean that these fish aren't in trouble. It does mean that we know more about where they live and the changes in their habitat.' This article points out how inexact the science is, in trying to measure numbers of fish.

According to Corps statistics, there are 156 species of fish in the Missouri River. The National Academy of Sciences report contends that 51 of the 67 native fish species have been or are in decline in relative numbers. This means that there are 89 non-native fish species in the Missouri River! No wonder there are decreasing numbers of native fish. Of course, the most prominent non-native species is the walleyed pike, one of the most voracious predators in the fish world, and one of the fish most sought-after by sport fishermen. The walleyes have been stocked in all the upriver lakes and provide a substantial fishing industry for the Dakotas and Montana. According to an article by the Associated Press in the Rapid City, SD Journal on 4/11/01 with a byline from Sioux Falls, "The increased daily limit on walleyes on Lake Oahe is expected to draw more anglers than usual to the lake this spring and summer. The state Game, Fish and Parks Commission last fall approved the increase from four to 14 only for Lake Oahe, the largest of the state's four Missouri River reservoirs...The commission hopes the higher limit will reduce the number of young, aggressive walleyes in Oahe, which should increase the baitfish population that the walleyes feed on. The new limit will also draw more anglers to the lake, said Mark Kayser of the South Dakota Tourism Department in Pierre." This gives credibility to the fact that the walleyes are a large part of the problem of the low numbers of pallid sturgeon. The walleyes can't tell one species of baitfish from another. According to Dallas Kropp, who owns K&S Bait Shop on the river at Hermann, MO, the biggest problem with the sturgeon species is poachers, who kill any of the varieties for the roe or eggs, selling it to caviar purveyors. Violations of fishing regulations should be vigorously enforced by the proper authorities. It's apparent that there are many reasons for the decline in pallid sturgeon numbers, none of which are due to the current CWCP.

The Missouri River has been mislabeled by its critics "a canalized ditch with little or no heartbeat". These same critics want to return it to the state it was in during Lewis & Clark era, 200 years ago. This is absurd and an insult to those in the Army Corps of Engineers who have devoted their careers to fulfilling the mandates of Congress. By use of the Endangered Species Act to further their views, they accommodate non-human needs with little or no regard for human needs. I have personally sailed from the mouth to Omaha and back since 1999, and I can say that the river is alive and far from being a ditch. Great Blue Herons and Bald Eagles are common sights along the shores. Fishermen are out in great numbers all along the river. Recreational boaters are common and out in numbers, especially on the upper end near Omaha.

Of the navigable section of the Missouri River, one half of it, 367 miles, is totally within the state of Missouri, which also shares an additional 186 miles bordering with Kansas and Nebraska. It is ironic that the state with the largest population in the Missouri River basin, 5.6 million, stands to be the biggest loser if the CWCP is altered. This doesn't even take into account the possible negative effects altering the flows could have on the

environmentalists have excellent public relations campaigns and are quite savvy at getting their position frequently into the media. At times they have been known to invent causes to foster their interests and keep donations coming in. In their press release of 4/11/01 the American Rivers group declared the Missouri River to be America's most endangered river. According to press release "Several species, the pallid sturgeon, least tern, and piping plover face extinction because of the operation of six federal dams prevents the natural rise and fall of water levels in order to assist with downstream barge traffic." Attachment #1 is 27 pages recorded on 5/8/01 from the Congressional Record most of which is testimony from Rep. Hanson of Utah. Attachment #2 is a series of articles written by Tom Knudson of the Sacramento Bee newspaper in Sacramento, California. These appeared in the paper from 4/22/01-4/26/01. These two attachments are pertinent under these circumstances insofar as they shed some light on the environmental movement industry, and how facts and figures can be misrepresented to further their cause with little concern for the truth.

The least tern is a threatened species and the piping plover is an endangered species. These two birds are found over a wide range that includes the Great Lakes and the Atlantic Coast. According to the biologists, more sandbars need to be exposed or created to provide the birds with additional habitat to nest. As previously stated, I feel islands or sandbars can be created by using sheet pile to create the border to ensure the fixtures will not wash away. They can be filled with dredged material, and placed at various height levels with regards to how often they may or may not be submerged due to fluctuating river levels. Other efforts to create wetlands, like the one at Boyer Chute, are excellent ways to provide more habitat, and are supported by those of us in the lower stretches of the river.

The pallid sturgeon has been the one fish labeled as endangered. Besides the Missouri River, the pallid sturgeon is found in the Mississippi and Yellowstone Rivers. Two other sturgeon species, the shovelnose and lake, also exist in the Missouri River. There is some difference of opinion as to whether the pallid should be listed as endangered, because of the inexact science in determining how many are in existence.

Recently, sturgeon chub and sicklefin chub, small minnow-like fish, were being considered for listing as endangered or threatened. According to an article in the St. Louis Post-Dispatch on 2/20/01 "Years would go by without researchers finding any chubs at all in their nets. By the mid-1990's, it was widely believed that river channelization, bank stabilization and changes related to dams had driven chubs to the brink of extinction along stretches of the river. That may still be true, but it could turn out that the chubs have been outwitting would-be captors all along. Last year, Missouri Department of Conservation biologists attempted more complicated, deep-water netting efforts. They were surprised at what they found: more than 400 chubs one day in the Missouri River. Bob Hrabik, leader of the Conservation Department's long-term resource monitoring team, described the scene the first day he and his colleagues made an unexpected discovery of chubs. 'I said, hang on, we're going swimming in deep water. And lo and behold, we started catching those critters. Some guys have gone their whole

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EnSp 25

EnSp32
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EnSp 33

EnSp 33,12

Fish 21
EnSp 28

Fish 14
EnSp 28

Nav 49

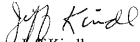
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Miss 4

350 miles of Mississippi River that the state of Missouri borders from the mouth of the Missouri River to the Arkansas border.

During years 2000 and 2001 the river stages were some of the lowest in history when the River Explorer was sailing on the river in August. The channel was clearly marked and though there were some narrow spots, the vessel encountered no problems. But we certainly cannot schedule any excursions on the Missouri River if the water could be even lower. In 2004 we are considering expanding our presence on the Missouri to six weeks, provided the CWCP is unchanged. I hope your final determination and decision results in no change to the CWCP.

Yours truly,


Jeff Kindl
Vice-President

Attachment #1

J. Kindl
2/25/02

Environmentalist organizations exposed

Congressional Record
 Tuesday, May 8, 2001

The SPEAKER pro tempore (Mr. Flake). Under the Speaker's announced policy of January 3, 2001, the gentleman from Utah (Mr. Hansen) is recognized for 60 minutes as the designee of the majority leader.

Mr. HANSEN. Mr. Speaker, many years ago when I was a student at the University of Utah, I recall working at different jobs after class at night and weekends in order to make ends meet and pay my tuition. Money was tight. I was newly married. I had a wife and child to support, but I still remember sending \$25 to the Sierra Club in response to their advertisements because I felt strongly about protecting our air and water and preserving our forests. But I was moved to donate to that particular organization by what they had to say, and during the 1960s and 1970s, I believed that our Nation urgently needed a wake-up call to action to stop the dumping of raw sewage and industrial waste into the Nation's waterways, and to find ways to try to save endangered species like the bald eagle and the grizzly bear.

I saw some of those problems firsthand, and I felt strongly about that, and contrary to what groups are saying, I still do. I believe some advocacy groups like the Sierra Club played a constructive and valuable part in helping to focus public attention on these problems.

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In those days I recall the Sierra Club actually funding some restoration projects which were laudable. They were doing more than just sounding

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the alarm. They were out on the ground, physically doing something constructive by themselves, cleaning up a lake or making a trail, for example, in partnership with local or State organizations.

I felt good about supporting that because I had always been taught that it was not sufficient to just point out faults or problems of others; what we need to do is put our money where our mouth is and pitch in and do something ourselves. It is ironic, given what some vocal environmentalist groups today have to say about me, that as a member of the Utah legislature and Speaker of the Utah House that I was labeled by some of my colleagues as being too green because I often sponsored or supported environmental legislation.

What is more ironic is that my personal philosophy for protecting the environment has not changed one iota. I still believe in the principles of conservation and environmental protection, like Teddy Roosevelt, our first conservation President. I believe man has been given the responsibility to be wise stewards of our natural resources, that we can find environmentally responsible ways to obtain the energy and raw materials that we need as a Nation and as families and as individuals to sustain life; and that as human beings we need to not apologize for having been born, and that we are part of the Earth's ecosystem.

Unfortunately, it has been the environmental movement which has changed. As too often the case, what begins as a good idea and needed catalyst has in many respects been corrupted by money and by power. I have witnessed over the years how environmental groups have changed from actually doing constructive work into self-interest business organizations whose main goals seems to be marketing, self-perpetuating power and growth, and to achieve those ends by any means. They become

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masters at slashing and burning the character and reputation of those elected officials or reporters who dare to challenge them or who dare to take different points of view on specific environmental issues.

Mr. Speaker, I have witnessed over the years how increasingly strident and nasty many of them become in our civil discourse, and how increasingly radical many of their proposals have become. Finally, what I have noticed as well is that these groups by and large are now all about big business, and that is their bottom line. When looking at the Sierra Club, the Southern Utah Wilderness Alliance, the Natural Resources Defense Council, the League of Conservation Voters, or several other environmental groups, what begins as a small, bare-bones organization with issues motivating people, soon blossoms into larger and larger organizations which must rent offices, hire workers and meet their payroll. These are not grassroots organizations operating out of some guy's basement we are talking about. They are slick, well-organized companies, employing rafts of accountants, marketers, and attorneys. There is none better. In order to feed that beast or make the payroll, they have to raise money. How do they do this? They do it very well. They are masters at it. If they were public corporations listed with the stock exchange, they would be listed by analysts in the "buy" category. They pour massive amounts of tax-exempt and tax-deductible contributions into emotion-based media and marketing. They are spending millions on direct marketing campaigns in order to generate more and more contributors and donor lists. They hire impressionable young college students, normally at a minimum wage, to go door to door to sign up new members, and hire still others to attend public hearings to applaud or to boo as directed, in a cynical, purchased attempt to influence public opinion.

What is truly shocking is the amount of money these groups are raising and spending, and they are beginning to hit the big-time contributions, millions of dollars at a time, disappointingly, from such previously venerable entities as the Pew Charitable Trust. This is how they can pay for millions of dollars in slick brochures, calendars,

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videos, radio and television advertisements, all designed to shock and stimulate individuals to reach into their pocketbooks.

Like any other pitchmen hawking their wares, they use sensational pictures and distortion of facts in order to grab attention, as some unscrupulous marketers are prone to do. They take advantage of many hard-working Americans who are too busy earning a living and paying taxes and raising their families, who do not have the time to investigate the claims themselves. These groups take advantage of people's natural goodwill and desire to protect green spaces and clean water by asserting that their tax-deductible \$10, \$20, \$50, or \$100 donated to them, for example, will keep those blankety-blank, nasty Republicans or other Congresspersons from raping and pillaging the environment.

{time} 2100

As it was for me as a young college student to be influenced by their solicitation, so it remains today with many of us. Only there is so much more media influence by those groups than in the 1960s. They have a very loud and a very strident voice.

When I hear the completely overblown rhetoric they put out about many of my colleagues who are working hard, honestly motivated by wanting to do the right thing by the environment and by finding a balanced approach, it can be very disheartening. Some days it is tempting to ask why do we keep trying? Despite years of trying to reach out to these groups, to enter into a constructive dialogue to come up with legislative solutions to vexing environmental problems, all I have received is the hammer to the head. At least to this point they have not shown an interest in doing what Isaiah counseled in the Old Testament, "Come now, let us reason together." I am still waiting for the phrase to be uttered, "Mr. Chairman, we would like to work with you on that proposal." I have been here 21 years and still have not heard it. Indeed, all we get is the fire hose approach of heated and hostile rhetoric.

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I still believe that a majority of Americans when presented with all the facts will support the right environmental policies. They will recognize the need to achieve balance between obtaining resources and preservation. The key becomes getting all the facts out on the table. At the present time those of us who are often cast by these groups as being on the wrong side of their issues are outgunned in terms of money and media access. With their vast sums of tax-exempt money pouring in, they buy huge media influence, which they do not call lobbying, but rather public education. This is an abuse of our tax laws and lobbying disclosure statutes.

These groups have also shown a propensity to try to intimidate Members of Congress mainly from urban, eastern districts into supporting radical proposals affecting many large western States like Utah, Idaho and Colorado. These groups advocate locking up huge areas into formal wilderness designations even though most people do not understand what those designations mean, or draining Lake Powell. After all, most of the Members from eastern States have not even been to those areas in the West that the legislation would affect, so maybe it is just a throwaway vote for them. However, if they do not sign as a cosponsor to their radical legislation such as H.R. 1613, locking up nearly 10 million acres of Utah lands, these groups will openly attack them in their States and districts by vocally and visibly labeling them an enemy to the environment. Nothing could be further from the truth. In my opinion, it is shameful that tactics such as these are sometimes employed by these organizations. Those tactics ought not to be rewarded by Members, and I urge Members who feel they are threatened politically to show these men and women to the door. Raising all this money would be okay if the money was being used mostly to go toward preservation and conservation projects. I would applaud it. However, what we are seeing is the abuse of the IRS guidelines by many of these groups who disguise their extensive lobbying activity and very often very partisan lobbying activities under the guise of public education. If the true costs of lobbying were to be ascertained, I believe that some of these groups would be in jeopardy of

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losing their 501(c)3 tax-exempt charitable status, as well they should if they are violating the law.

That is something, Mr. Speaker, that Congress ought not to be shy about looking into. While some on the Hill and elsewhere seem fixated on campaign finance reform aimed at cleaning up perceived corruption of the American political process by money, I wonder who is actually watching these self-appointed and self-ordained watchdogs and special interest groups who are shoveling in money by the truckload. Where is their accountability? Where are the news cameras following them as they drive to the bank to make these big deposits? While liberals and extreme environmentalists lambast their contrived bogeyman big oil and those nasty extractive industries, I can tell you that big oil such as it exists cannot hold a candlestick to the money and influence these environmental groups assert these days in this city of Washington, DC. How long will they get away with these distortions and character assassinations unchallenged and unchecked? Is their abuse of our Nation's tax laws and lobbying disclosure requirements not worthy of examination?

This abuse is the untold story that too many people are afraid to explore, and it is something that Congress ought to look into. This is the purpose for me and my colleagues coming to the floor tonight to raise awareness of how many of these groups are exploiting the public for their own selfish reasons.

I have often wondered where the national press has been on looking critically upon these groups. Are they too covered by political correctness or afraid of offending their liberal constituencies, or are they card-carrying members of these groups themselves? How long will the press releases and bald-faced assertions issued hourly by these groups remain unchallenged by the media?

While Members of Congress are scrutinized up one side and down the

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other for every word we utter and every vote we take, these groups are somehow coated with Teflon. It must always be accepted by the media as un rebuttable truth. Must they always be given the last word?

At least one reporter has recently had the nerve and the courage and professionalism to explore and investigate these groups, their fund-raising and their tactics. I commend the members to a five-part series of articles which appeared recently in the Sacramento Bee newspaper by Mr. Tom Knudson, and all these are posted on the Committee on Resources Web site. Mr. Knudson has come under fire in the last few days by the very groups he scrutinized by having published his series, which unfortunately is to be expected these days. I am afraid that the truth must hit a little close to home. Therefore, the natural self-preservation response has been to simply attack the reporter personally and professionally. Having been a chairman for a long time of a subcommittee and chairman of another committee, I am always amazed how when you cannot beat them with issues and fact, you always go to personal assassination. I found Mr. Knudsen's series to be balanced and confirms many of the concerns that I have had myself for some time. I wish that more reporters would follow his lead and look to what he has uncovered. Now, I would like to point out on this chart that I have here, executive salaries. According to the information compiled by Mr. Knudson, a good share of the money raised by these groups goes to pay salaries for their top officials. They are easily within the top 1 percent of all wage earners in the country. For example, this chart shows that the executive directors of the Nation's top environmental organizations are paid very well. The salary of the National Wildlife Federation top executive, Mr. Mark Van Putten, was nearly a quarter of a million dollars last year. This represents a 17 percent raise over his salary the year before. Think about that the next time you contemplate your 3 percent cost of living adjustment.

If you were among those who sent in a \$25 contribution to this group,

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do you realize it took over 10,000 of you contributing in order just to pay his salary?

The salary of the World Wildlife Fund president, Kathryn Fuller, was \$241,000. The salary of the National Audubon Society president, John Flicker, was \$240,000. The salary of the Natural Resources Defense Council director, John Adams, was \$239,000. The salary of the Wilderness Society president was \$204,000. The salary of the Defenders of Wildlife president and CEO was \$201,000. Earth Justice Legal Defense Fund president, Buck Parker, was \$157,000. And the Sierra Club's Carl Pope's salary was \$138,000 in 1998 and listed as \$199,577 in 1999, nearly a 50 percent raise. The list goes on. Now, folks, think about it. How many of those \$25 contributions does it take you as you did like I did as a young college student, send a few bucks there because you believe in what they are doing just to pay these salaries? Where are these missionary zealots who had a great idea back in the 1960s and thought we were going too far? Where are these people that were in there doing the thing because it had the burning in their heart to do it, not because it was a big business? Unfortunately, you can see new environmentalism has grown into a big growth industry. Mr. Speaker, I yield to the gentleman from Idaho. Mr. SIMPSON. I thank the chairman of the committee for yielding the time and for setting aside this hour to talk a little bit about what is happening in the environmental community. As the gentleman from Utah has suggested, I think all of us are environmentalists. In fact as he once said that in college he gave his money and dues to the Sierra Club, I believe it was, I gave money to the Idaho Conservation League because I believed in what they were doing and in fact in many things that they are still doing, I think they are doing a good job but like most environmental groups or groups that call themselves environmental groups, they have stepped over the edge. They have gone beyond simple environmental issues and trying to save our environment. Before I get into that for just a minute, I want to talk for a second about another environmental issue that was just talked about previously by the minority party here in their hour that they reserved and that was the energy policy which deals with the environment as much as these

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issues that we will be talking about here today. I was glad to hear that the Members suggested that we need a bipartisan effort in energy, a solution to the energy problem that we have in this country.

They were, it seemed, very critical of the Bush administration and some of the stances that he takes, but I will tell you that when the report comes out and in our conversations with Vice President Cheney, conservation will be a part of the report, renewable, sun and wind power will be a part of the report, new sources of energy, discovering new sources of oil and coal and natural gas will be a part of the report, nuclear energy will be a part of the report. New technologies such as fuel cells will be a part of the report. They suggested geothermal power. Geothermal is a power that is used in some areas. But if we look at some of the things that the Democratic Party has done just recently on TV, I saw the chairman of the Democratic National Committee on TV slamming Bush for his energy policy and holding up a picture of Yellowstone National Park with an oil well over it and said, this is Bush's policy. Then next was one of the Grand Canyon with an oil derrick over the top of it saying this is what Bush wanted, drilling in our national parks. Nobody has suggested drilling in Yellowstone. Nobody has suggested drilling in any of our national parks. They have said that we ought to look in our national monuments which we do drilling in now and look at the reserves we have there such as the ANWR and other places. And then the DNC put on a commercial which suggested a young lady holding up a glass of water and saying, "Mommy, could I have more arsenic in my water?" And then there was a child with a hamburger saying, "Could I have more salmonella in my hamburger?" It seems to me that the DNC has taken on the same characteristic that the extreme environmental movement has taken on where raising money has become more important than the truth. They will say anything to try to discredit this President and the policies that he sets forward.

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That is exactly what the extreme environmental movement has done.

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They have stolen the true grass-roots environmental movement. This series of articles that was written in the Sacramento Bee newspaper, and I would commend them to anyone who wants to look at how these groups are funded and some of the things that they are doing, I would like to go through some of the provisions of these articles and some of the things that they are doing because I think it is important for the American people to know where that \$15 that they are contributing or that \$25 or \$100 or \$10,000 that they are contributing to some of these groups is going and what they are going for. One of the concerns is that, as I said earlier, the extreme environmental movement has taken over the grass-roots environmental movement. It is no longer about saving the environment; it is about raising money. They spend an awful lot of their funds raising money.

One of the letters written by the Defenders of Wildlife says:

"Dear Friend, I need your help to stop an impending slaughter. Otherwise, Yellowstone National Park, an American wildlife treasure, could soon become a bloody killing field. And the victims will be hundreds of wolves and defenseless wolf pups."

So begins a fund-raising letter from one of America's fastest-growing wildlife groups, Defenders of Wildlife.

Using the popular North American gray wolf as the hub of an ambitious campaign, Defenders has assembled a financial track record that would impress Wall Street.

In 1999, donations jumped 28 percent to a record \$17.5 million. The group's net assets, a measure of financial stability, grew to \$14.5 million, another record. And according to its 1999 annual report, Defenders spent donors' money wisely, keeping fund-raising and management costs to a lean 19 percent of expenses.

But there is another side to Defenders' dramatic growth.

Pick up copies of its Federal tax returns and you will find that its five highest paid business partners are not firms that specialize in wildlife conservation. They are national direct mail and telemarketing companies.

You will also find that in calculating its fund-raising expenses, Defenders borrows a trick from the business world. It dances with digits, finds opportunity in obfuscation. Using an accounting loophole,

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it classifies millions of dollars spent on direct mail and telemarketing not as fund-raising but as public education and environmental activism.

Take away that loophole and Defenders' 19 percent fund-raising and management tab leaps above 50 percent, meaning more than half of every dollar donated to save wolf pups helped nourish the organization instead.

{time} 2115

That was high enough to earn Defenders a D rating from the American Institute of Philanthropy, an independent, nonprofit watchdog that scrutinizes nearly 400 charitable groups.

It is interesting when one looks down the list of some of the groups, some of the environmental groups did very well. The Nature Conservancy was an A minus; Environmental Defense was a B; Greenpeace was a D; Defenders of Wildlife was a D. That is based on the amount of money they actually give to the cause for which they are raising the funds; how much of it goes into their organization to support fund-raising.

So many of the dollars that people are giving, because they read these articles in the newspaper that support protecting wolves and other types of things, people send in their \$15 or so. Much of that money, over half of it in many cases, does not go to saving wolves; it goes to raising more money or to the organization or, as the chairman suggested, to the salaries of some of these individuals in these organizations.

One of the other things that sort of concerns me, well it concerns me a lot, is the massive waste in this fund-raising. The Wilderness Society mailed 6.2 million membership solicitations; an average of 16,986 pieces of mail a day. This is mail fatigue.

The letters that come with the mailers are seldom dull. They are steeped in outrage. They tell of a planet in perpetual environmental shock, a world victimized by profit-hungry corporations, and they do so not with precise scientific prose but with boastful and often

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inaccurate sentences that scream and shout. Some of the examples were given in the Sacramento Bee. From the New York-based Rain Forest Alliance, "By this time tomorrow, nearly 100 species of wildlife will tumble into extinction." The fact is, no one knows how rapidly species are going extinct. The Alliance figures an extreme estimate that counts tropical beetles and other insects, including ones not yet known to science, in its definition of wildlife.

Another example from the Wilderness Society: We will fight to stop reckless clear-cutting on national forests in California and the Pacific Northwest that threatens to destroy the last of America's unprotected ancient forests in as little as 20 years.

Fact: The national forest logging has dropped dramatically in recent years. In California, clear-cutting on national forests dipped to 1,395 acres in 1998, down 89 percent from 1990.

From the Defenders of Wildlife again, "Will you not please adopt a furry little pup like Hope?" Hope is a cuddly brown wolf. Hope was triumphantly born in Yellowstone.

Fact: There never was a pup named Hope. Says John Valerie, Chief of Research at Yellowstone National Park, "We do not name wolves. We number them."

Since wolves were reintroduced into Yellowstone in 1995, their numbers have increased from 14 to about 160. The program has been so successful that Yellowstone officials now favor removing animals from the Federal endangered species list.

One of my favorites that I want to talk for just a minute about again comes from the Defenders of Wildlife, and I wish I had some blow-ups of it, but it is a poison alert. "Wolves in Danger," one of the sections that runs in the newspaper or letter that goes out to individuals, a fund-raising letter. Another one that says, "a special gift when you join our pack," and it has pictures of these cuddly wolves. More than 160 million environmental fund-raising pitches swirled through the U.S. mail last year. Some used the power of cute animals to

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attract donors. The problem is that in many cases those campaigns were less than honest. And this was the pitch, and this is the one that caught my attention, in Salmon, Idaho, which is in my district. In Salmon, Idaho, antiwolf extremists committed a horrible crime; they killed two Yellowstone wolves with lethal poison, compound 1080.

"Please do not allow antiwolf extremists to kill our wild wolves. These wolf families do not deserve to die. Please, we need your help now." And then, of course, they solicit a contribution.

The fact is, the two wolves were not Yellowstone wolves but wolves reintroduced by the U.S. Fish and Wildlife Service into central Idaho, against the objections of the State of Idaho to reintroduction of those wolves. Some wolves were killed illegally, but the population of wolves continues to increase at a pace faster than Federal wolf recovery officials had anticipated. The government expects to remove wolves from the Federal endangered species list in 3 to 4 years. In fact, in Idaho we have already met our commitment of 10 mating pairs. The problem is that they take Montana and Wyoming together and say we have to have 30 breeding pairs within the entire region.

Wolves are overpopulating Idaho better than anyone had anticipated, and they are using these instances, this group, Defenders of Wildlife, to raise money to try to save wolves. Unfortunately, much of the pleading that they do with the American public at best can be called dishonest.

I, like the chairman, want to save the environment. We want to make sure that what we do is compatible with the species and protecting species. But we also think that human beings play a role in this environment and in our world, and that human beings ought to be considered in this whole equation.

Look at what the gentleman from Oregon (Mr. Walden) is going through right now, where they have taken 170,000 acres of 200,000 acres of irrigated land that will not have water this year because a judge has ruled that the sucker fish that they are trying to protect is more

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important than those people.

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Mr. HANSEN. Mr. Speaker, I appreciate the gentleman from Idaho (Mr. Simpson) for his very interesting comments.

Mr. Speaker, let me point out, we both got into the idea of how much money these folks bring in. I have a chart here that points out some of the money that is brought in. Look at the amount of money that came in in one year to these organizations. And then the question comes up, well, what do they spend it for?

When we first got into this thing, we were arguing the idea, are these the people that have the fire in their bosom to go out and take care of the public land? Well, no, as we both discussed in the last while, it is not that. It is more of an idea of raising more money and more money and more money. And where is it spent?

I would like to give a little example, if I could, about an environmental group in the State of Utah, and I would hasten to say that if that is what the public wants, fine. If the public wants this money to just go into paying lawyers, paying marketers, paying advertising, K Street-type of thing, Madison Avenue, fine. But I thought that most of us who got involved in this thing did not want that. I thought we wanted to restore the forests and the clean water and the wildlife, and do it in a way that is environmentally sound and at the same time to take good care of the energy.

Let me just refer to this one group. They are called the Southern Utah Wilderness Society. Nice people are there, and some of them, I think, are a little misled, but they probably think the same thing about me. This group raises more than \$2 million each year in donations from hard-working people who care about protecting our environment. The money is raised under the idea of protecting Utah wilderness lands. Send this group some money and you will help wilderness in the Colorado plateau, you are told.

So they send out these beautiful calendars saying, this is what you will protect. However, some of it is in national parks. Only one was in

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that area, but it was a pretty calendar anyway. However, when you look at their tax reports, you find that not one dime of this money is actually spent on the environment. Not a penny goes to plant a tree, restore a streambed, or protect an acre of ground in Utah or anywhere else; not a dollar to create a habitat to take care of an animal.

What this group does is, they lobby for the passage of a wilderness legislation. In fact, they lobby to pass virtually the same old, tired, worn-out legislation every year, but they keep raising the ante. I find it interesting that that group went with me and we have said, now, look, no one from Utah really wants this. They said, oh, go back to the time that Congressman Owens was here; he wanted it and he introduced it.

In those days, what they do not realize is Congressman Owens was then a member of the majority party, which was then the Democratic Party. The President was a Democrat. The House and the Senate were Democrat, and I was the ranking member of the committee and they never, ever asked for a hearing. So I wonder how serious they were about it in those days.

As a recent Associated Press story noted, the only impact this bill has in the last decade are the trees that were killed to provide for the paper on which the bill is printed year after year. They are fierce lobbyists. They have a staff of 20 attorneys, lobbyists, and strategists who operate offices in four cities, including Washington, D.C.

They spent only \$11,000 in 1999 in grassroot efforts to reach out to the public, though they claim their primary reason for existence is to educate the public about the environment; but they spent nearly \$1 million in the last 4 years to lobby to get their wilderness legislation passed.

I privately believe that the last thing in the world this group wants is to pass that bill. That is why they keep moving the goal posts. That is why the numbers keep going up. Above all, this organization is a self-perpetuating consumer of resource and energy. They deal in volumes

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of paper and plastic. They issue their own credit cards, the Affinity credit card. That is what our environment needs, more credit cards.

They do a rich business in the sale of videos, T-shirts, hats, books, posters. Most of these products are made from nondegradable materials like plastic, or require the cutting down of trees and the use of paper. They send out more than 100,000 newsletters, fliers and bulletins each year. That is a lot of trees, and that does not even include their reports, press releases, and lawsuits. They are aggressive users of electricity. Four offices. All these things they talk about.

Now I would like to just say something about the lawsuits. If I could move this one chart here, look at the number of lawsuits that the environmental community has done between 1992 and 2000; 435 environmental lawsuits. Now I thought we were out here taking care of the environment. I did not know we were just in this thing of litigating. It is the most litigious society we have ever had, but let us litigate again.

This is how much they have made, \$36.1 million in legal fees paid by the U.S. Government, whether they won or lost. That is your taxpayer money, \$31 million right there. If they win or lose, they get that money. One case netted \$3.5 million for the Sierra Club, and it was questionable whether it was even endangered.

The average award is in excess of \$70,000 and they risk nothing. So why go out and get you to give them money to plant a tree, to pick up the garbage, to be aware of these things, to take good care of the environment, when you can get in court and make that kind of money?

Let us be smart about this thing. This thing is not in there to protect the environment.

That reminds me of when I was back here as a freshman in 1981. The Secretary of Interior was Jim Watt. He was supposed to come in and see me with Senator Garn over in Indian School. That morning I received in

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the mail something from a group who was going to save the Chesapeake Bay that was all ruined. It said, "Mr. Hansen, if you will send us \$10, \$20, \$30, \$40, \$50, we will do our best to meet with the Interior Committee and Secretary Watt who is ruining the Chesapeake Bay." So that afternoon, the Secretary walked in. I said, "Jim, I want to show you this." He laughed, and he said, "What do you mean? I put \$285 million into protecting the Chesapeake Bay." And he said, "That is just poppycock."

So I sent them \$10 because I was curious what was going to happen. Six months later, I got a letter back. It said, "Mr. Hansen, due to your generous contribution, we have met with the Interior Committee of the House," which I sit on or was sitting on in those days also, and they never walked in. "And we have influenced the Interior Department to do their very best to take care of this terrible problem, and we have that. And if you will send us some more money, another generous contribution, we will be there to help do these other things." And I thought, what poppycock. It is just like these people who prey upon the elderly regarding Social Security when half of those allegations are not true.

{time} 2130

Well, I can just tell you, you just rest assured. Members here on the Committee on Resources, we are not going to drill in parks as the gentleman from Idaho was mentioning some people say. That is not going to happen. We are not going to hurt or rape or pillage the ground. If anything, in a moderate and reasonable way, we are standing ready to take care of the ground.

So I guess we can ask ourselves the question, do you want to pay attorneys? Do we not do enough with the attorneys retirement bills around here anyway? I do not know why we have to make it easy for other people to do that. Those folks seem to do pretty well. American trial attorneys do extremely well. I do not think we want to do that.

I think your money should go to take care of the public grounds of America and take good care of it. I would hope that every American is a good conservationist and a good environmentalist in the true sense of

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the word, and that is what I am hoping would happen.

So if you want to spend your money, put it somewhere where it does some good. Put it somewhere where we can have access to the public ground, and while we have access to the public

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ground, let us each one of us take good care of it.

I took my children, we went to the very top of the Uenda mountains, King's Peak, highest peak in the Uendas. I have taught my children when we go in an area, and we find all kinds of things, we found 5 beer cans right on the top of this beautiful pristine area. Of course, we crushed them and took them out. Our theory is, is clean up ours and somebody else's, and take it out when we are backpacking. I wish we would all do that.

I am happy to yield to the gentleman from California (Mr. Radanovich) the chairman of the Western Caucus and an extremely important member of the Committee on Resources.

Mr. RADANOVICH. I want to thank the gentleman for putting together this special order regarding this topic, which I think is very important to the American people. As we are speaking here with an audience of probably over 1 million people tonight, I really want to kind of pose a question to the American people.

We were dealing with an issue that is important to you and important to me with regard to local influence over Federal Government lands and the management plans of our National Forests and our Federal lands, and it was said by some critic about local influences that those people that are closest to the resources really do not speak in the interests of the American people on public lands, which are lands for the American people, and that somehow the national organizations that send out contribution forms like which the gentleman just mentioned are somehow speaking for them.

In some ways I wanted to agree that the local perspective on some of these resources, and keep in mind the Quincy Library Group, which is a group in California of local people that work together with Federal forest lands to develop forest policies that are not only good for the

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forests, but also good for the local communities, and it was a better plan than by far any Washington bureaucrat could put together.

My concern was that while people might understand that a local person's influence may not represent the best interests in the American public for public lands, there is another side to that too, and that is when you have extreme sellouts like the list that you just mentioned of people that solicit, for any reason or another, money to keep their influence, it does not necessarily mean that those groups have the environment as the best interest in their minds and in their hearts, and that they pursue public policy that is good for the American people and good for America's public lands and environment, because it is not. What it really boils down to is power and influence and keeping that. I think you have done that in an excellent way in demonstrating tonight it is not necessarily about good environmental policy for Federal lands; it is about power, keeping power, keeping power and influence. I think that the Federal policies become secondary to that. It is proven by some of the foolish notions that have come up in these last years, like roads moratoriums and the Sierra Nevada framework, a nightmare for the people in our Sierra Forest in California, and some issues where people with good intentions and maybe fears that on the Earth we are becoming too populated and that we have to reserve and guard these public lands at all costs, but are basically operating out of fear and not good common sense when it comes to management of public lands.

So I just am grateful that the gentleman has pinpointed even the Sacramento Bee in California did a series of articles on the environmental community and how they are such a money-raising operation, whose sole interest I think these days has become to remain an influence, and secondarily was the environmental policy that they promoted, that it has really has become out of control.

I think the American public needs to take a second guess, because groups like the Sierra Club and NRDC do not corner the market on good environmental policy in this country. I think the American people need to realize that. It needs to be balanced by somebody who is there.

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It is like an on-site landlord, rather than somebody who is never on-site on a piece of rental property. The one who is on site knows what is going on, knows the detail, knows the property better than anybody else. It is no different in our Federal lands with the Sierra Club and the NRDC and groups like that depend on people that are miles and miles away and never see the resource. So how do they know one way or the other if they are being improperly influenced by these groups or not?

They do not know. They tend to react on the pictures of Bambi on the TV or mailers that they get, and they give money. But these people need to know those groups are not necessarily promoting the best environmental policy for public lands. That is why I wanted to come down and kind of reinforce it as to what you were saying, is that people need to really be aware of these groups, and they need to learn to second guess them and do not take for granted that what they are doing is good environmental policy.

I thank the gentleman for holding this special order in order to bring up points like that, as well as many of the other points that you brought up.

Mr. HANSEN. I thank the gentleman from California.

I yield to the gentleman from Idaho.
Mr. SIMPSON. I thank the chairman, and I thank the gentleman from California for his comments. I agree with him fully.

The chairman made a good point that, unfortunately, this money that is spent on litigation is money that could go, it is taxpayers' money to start with, and could go to protecting the environment. When I met with Chief Dombeck a couple of years ago and talked with him about some of the problems we were having in Idaho in our natural forest, he said to me one of the problems they have in the Forest Service is making a decision, because they know that no matter what decision they make, they are going to be sued.

Last year in this article from the Sacramento Bee, during the 1990's, the government paid out \$31.6 million in attorney's fees for 434

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environmental cases brought against Federal agencies. The average award per case was more than \$70,000. One long-running lawsuit in Texas that involved an endangered salamander netted lawyers for the Sierra Club and other plaintiffs more than \$3.5 in taxpayers' funds, as the chairman has already pointed out.

That is money that could be used for other environmental purposes and actually cleaning up the environment and taking care of the backlog in maintenance we have in our National Forests and in our National Parks. Again, it is taxpayer money. One of the main arguments for the roadless issue was that the Forest Service did not have the money to maintain the roads that they currently had, and so if they couldn't maintain those, how could they justify building more roads, so we might as well make them roadless. If we are spending all that money on lawsuits, then certainly we do not have the money to take care of the roads.

One of the things that was interesting in this series of articles is that the effect of these things are actually damaging to the environment oftentimes. Let me read a portion of these articles.

Wildfire today is inflicting nightmarish wounds, injuries made worse by a failure to heed scientific warnings. For example, and there are three of them here that they list. In 1994, Wallace Covington, a Professor of Forest Ecology at Northern Arizona University and a nationally recognized fire scientist and a colleague warned that the Kendrick Mountain wilderness area in northern Arizona was so crowded with vegetation that it was ready to explode. "Delay will only perpetuate fuel build-up and increase the potential for uncontrolled and destructive wildfires," they wrote in a scientific analysis for the Kaibab National Forest. Some thinning was done, but not enough. Last year, a large fire swept through the region carving an apocalyptic trail of destruction.

What happened is much worse ecologically than a clear cut, much worse, Covington said, and that fire is in the future. It is happening again and again. We are going to have skeletal landscapes.

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The other example, listening to fire and forest scientists, Martha Kettle pleaded in 1996 for permission to log and thin an incendiary mass of storm-

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killed timber in California's Trinity Alps. "This is a true emergency of vast magnitude," Kettle, then supervisor of the Six Rivers National Forest, wrote to her boss in San Francisco. "It is not a matter of if a fire will occur, but how extensive the damage will be when the fire does occur."

Because of an environmental appeal, the project bogged down. Then, in 1999, a fire found its way into the area. It spewed smoke for hundreds of miles, incinerated Spotted Owl habitat and triggered soil erosion and key damage in a key salmon spawning watershed.

These stories are something I hear about daily as I go back to Idaho from my resource advisory group and my ag advisory groups and I talk to them. We did more damage last year in Idaho with the Nation's largest wildfires. We did more damage to the environment, to salmon habitat, to spawning habitat, than was done by any logging practices that ever have been done. And today as the snow melts and the rains come, hopefully the rains come, that erosion is going to filter down into those streams and it is going to cover the beds, and consequently you are going to have a difficult time with managing salmon habitat.

So, oftentimes these efforts to address these environmental concerns, the potential for catastrophic wildfire, today the Forest Service says something like 35 million acres of our National Forests are at risk of catastrophic wildfires. These are not just fires, but these are cataclysmic fires that burn everything, they burn so hot. They burn the micro-organisms, they sterilize the soil down to as much as 18 inches, and for years and years those forests never recover, if they ever do recover.

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We still have spots in Idaho from the 1910 fire that nothing will grow on. We do more damage to the environment by not proactively managing it. Of course, every time you try to do that, there is an environmental lawsuit from someone.

Now, they say, well, maybe we can do thinning if it is not for commercial purposes, as if commercial or business or profit adds some damage to the environment that thinning just to thin does not do. Of course, there are the Sierra Club groups that want no cut.

The fact is we have to proactively manage these forces, and we can do that. It was managed by fire before. Now we have to get in and do some management so that we do not have these catastrophic fires.

Unfortunately, at every step of the way, we are fought by groups who think that man should not touch the forest, that they should be left as natural as they ever were before we came.

Mr. HANSEN. I thank the gentleman.

Mr. Speaker, let me just say a word about what the gentleman from Idaho just talked about. We were having a hearing not too long ago and, lo and behold, one of the big clubs was there, and I asked this vice president the question, why is it that you resist managing the public ground? Why is it that you resist the idea that we can go in and do some cleaning, thinning, prescribe fires and take care of it and keep a wholesome forest, like many of the private organizations have?

We now have, as the gentleman from Idaho said, fuel load. What is that? It is dead trees, it is dead fall, it is brush. So now you have the potential of this summer, as last summer, is a careless smoker, a fire caused by a campfire that is left unattended, or a lightning strike, which is one of the bigger ones, and here we go again, we are going to burn the forest.

This person from this organization answered me and said, because it is not nature's way. Nature's way is just let it do its thing.

I do not know if I bought into that. You get down to the idea of 1905 we started the Forest Service, and if you read the charter of the Forest Service, it is to maintain and take care of the forests of

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America. And that means cleaning it, thinning it, fighting fires, instead of getting ourselves in what we had in the year 2000, the heaviest fire year in record. And I dare say, and I am no prophet, but I think the fuel load is still there after these 8 years of mismanagement we have had, and we now have 2001 waiting for another one, because talk to your local forester and the people, Mr. Speaker, those who are watching this should talk to their district rangers, talk to them and ask the question have we still got that fuel load? The answer is a resounding yes.

Here we go again. We are going to spend taxpayers' money all over the place, because we have not done what they said in 1905 we should have done, and that is manage the forest.

This new administration luckily has a man of the stature of Dale Bosworth, now the chief; and I am sure we will see some management.

I have to ask the question. Does it mean to be a good environmentalist if we let the forest burn to the ground? Does that mean being a good environmentalist? If that is so, I hope there are not too many of them out there. Does it mean the idea that we drain some of our water resources, like Lake Powell that services the whole southwest part of America, and that is the way we live because we have got water, does that mean being a good one? Yet one of the biggest organizations around in their book, the Sierra Club, had a whole four or five pages on let a river run through it and drain Lake Powell. Does the gentleman want to comment on that?

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Mr. RADANOVICH. Mr. Speaker, I do, and I want to comment on one specific thing, because I think I have an unusual perspective on being from California, I say to the gentleman, and that is because we are going through the California energy crisis.

Mr. HANSEN. Mr. Speaker, I have to be careful there to the gentleman.

Mr. RADANOVICH. I know, and I love my State and it is the best State in the world, and do not mess with California.

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So it comes down to this: can Americans, who are great and wonderful and good-thinking people, can we come to some common sense on this, or have we become way too extreme in this issue? I think tonight we have tried to make that case that we feel we have.

I yield the gentleman from Idaho.

Mr. SIMPSON. Mr. Speaker, I think the point has been made that unfortunately, the environmental movement has become far too extreme. That does not mean that there are not good environmentalists out there. There are many housewives and husbands across the Nation that want to take care of

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our land and our country, I being one of those, and I am sure the gentleman from Utah and the gentleman from California also. But as I was saying earlier, many of these things do not really address the environment, they hurt it more than they address it. They are trying to use environmental issues for other means, and I will tell my colleagues an example in Idaho.

We have a sage grouse problem, declining sage grouse populations, and we are trying to find out why and what we can do to control it. The Fish and Wildlife Service and the Idaho Fish and Game have been studying this for 20 years, and they decided that predators are a main problem with sage grouse populations. They eat the young chicks. So they proposed a study to take 2 areas, one where they do some predator control this year and the other one where they did not do any predator control and examined the 2 of them and watch the sage grouse populations. But 2 environmental groups have sued them to stop the study because they want to protect the sage grouse, they say, but their real goal is, their argument is to get cattle off of this land. And if it is shown that sage grouse can be protected by removing some of the predators, the argument for removing cattle goes away. So they do not want this study done.

So is it truly their aim to try to save the sage grouse, or is it their true aim to try to get cattle off of public land, regardless of what cattle does to the sage grouse?

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But what I am saying is that we have really seen the overinfluence of environmental zealotism in California and we are viewing that in our energy policy. We have had the worst problem with the nimby attitude on the development of energy generation resources in California, but it has all been backed by our top environmental groups who have really wanted not the population of California to grow, so they basically forced officials to stick their heads in the sand and pretend it was not happening until we have an energy crisis like now and an upcoming water shortage.

Unfortunately, California is going to get to the point where they turn the faucet, they get no water; they flip the switch, they get no electricity because of the environmental influence on public policy in the State of California, and it is not just in California, it is happening all over the world.

This summer, we are going to have to face the fact of we either force a temporary relaxation of air quality standards or we are going to have rolling blackouts and people are going to be dead, and those are the choices that we are facing in California. People are going to face that choice all over the country because of the undue influence of the environmental community in this country right now.

Mr. HANSEN. Mr. Speaker, we are going to see it this summer, if I may say to the gentleman from California. This summer is going to be the biggest wakeup call that America has had for a long time. We have had 8 years of neglect on these things which is now going to catch up with us.

We are asking, what does it mean to be a good environmentalist? Does it mean to deny access to the public grounds of America for Americans? I think not. Does it mean that we protect the Housefly over children? I do not think so. In southern Utah we have a desert tortoise and we have spent \$33,000 per turtle and we cannot really say that it is endangered. Do you want to know what our per pupil unit is to pay for our kids every year down there? Mr. Speaker, \$3,600. So I guess the turtle is more important in some people's mind.

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When I want to look at a true conservationist, an original conservationist, I look at the farmers and ranchers of this country, because it is the land that produces the crop that produces the grass that the cows eat, that is what they do for living and they take care of it; overwhelming majorities of them take care of it. So when I want some true conservation issues, I generally talk to my farmers and ranchers.

I yield back to the gentleman.

Mr. HANSEN. Mr. Speaker, I thank my colleagues for joining me this evening.

■ Corps Clippings - 15 May 2001

Attachment #2

J. KINDL
2/25/02

ENVIRONMENT, INC.

Introduction
About this series

Day one
April 22, 2001

Main story: Movement's prosperity comes at a high price

Graphic: Rare rodent likely extinct

Sidebar: A century of environmentalism

Graphic: Giving to the environment

Graphic: Executive salaries (Requires Acrobat Reader)

Graphic: The national headquarters of the environmental movement (Requires Acrobat Reader)

(Download free Acrobat Reader)

Photo gallery

Day two
April 23, 2001

Main story: Mission adrift in a frenzy of fund raising

Graphic: Philanthropic report card

Graphic: Fund raising fact and fancy -- Otters

Graphic: Fund raising fact and fancy -- Whales

Graphic: Fund raising fact and fancy -- Wolves

Graphic: Fund-raising effectiveness

Photo gallery

Editorial: How to be green

Day three
April 24, 2001

Main story: A flood of costly lawsuits raises questions about motive

Graphic: The cost of environmental litigation

Photo gallery

Day four
April 25, 2001

Main story: Spin on science puts national treasure at risk

Graphic: Growing Southwest

A SACRAMENTO BEE SPECIAL REPORT

sacbee

Fat of the land

Movement's prosperity comes at a high price

(First of five parts)

By Tom Knudson
Bee Staff Writer
(Published April 22, 2001)



Photo gallery

Although environmental organizations have achieved important victories, such as the Trust for Public Land's purchase of this property above San Jose, today groups are prospering while the land is not -- and much more of their money is used for bureaucratic overhead and fund raising. (Click photo for larger view in gallery)

Bee/José M. Osorio

As a grass-roots conservationist from Oregon, Jack Shipley looked forward to his visit to Washington, D.C., to promote a community-based forest management plan. But when he stepped into the national headquarters of The Wilderness Society, his excitement turned to unease.

"It was like a giant corporation," Shipley said. "Floor after floor after floor, just like Exxon or AT&T."

In San Francisco, Sierra Club board member Chad Hanson experienced a similar letdown when he showed up for a soiree at one of the city's finest hotels in 1997.

"Here I had just been elected to the largest grass-roots environmental group in the world and I am having martinis in the penthouse of the Westin St. Francis," said Hanson, an environmental activist from Pasadena. "What's wrong with this picture? It was surreal."

Soon, Hanson was calling the Sierra Club by a new name: Club Sierra.

Extravagance is not a trait normally linked with environmental groups. The movement's tradition leans toward simplicity, economy and living light on the land. But today, as record sums of money flow to environmental causes, prosperity is pushing tradition aside, and the millions of Americans who support environmental groups are footing the bill.

High-rise offices, ritzy hotels and martinis are but one sign of wider change. Rising executive salaries and fat Wall Street portfolios are another. So, too, is a costly reliance on fund-raising consultants for financial success.

Put the pieces together and you find a movement estranged from its past, one that has come to resemble the corporate world it often seeks to reform.

forest fires

Graphic: Fire country
Photo gallery

Day five
April 26, 2001

Main story: Solutions sprouting from grass-roots efforts

Graphic: Endangered nation
Photo gallery

Follow-ups:
May 3, 2001

Environmentalists' tactics face review

May 5, 2001

Letters: Environment, Inc.'s look at conservationists

Feedback

Other

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Although environmental organizations have accomplished many stirring and important victories over the years, today groups prosper while the land does not. Competition for money and members is keen. Litigation is a blood sport. Crisis, real or not, is a commodity. And slogans and sound bites masquerade as scientific fact.

"National environmental organizations, I fear, have grown away from the grass roots to mirror the foxes they had been chasing," said environmental author Michael Frome, at a wilderness conference in Seattle last year. "They seem to me to have turned tame, corporate and compromising."

This series of articles -- based on more than 200 interviews, travel across 12 states and northern Mexico, and thousands of state and federal records -- will explore the poverty of plenty that has come to characterize much of the environmental movement. Some of the highlights:

- Salaries for environmental leaders have never been higher. In 1999 -- the most recent year for which comparable figures are available -- chief executives at nine of the nation's 10 largest environmental groups earned \$200,000 and up, and one topped \$300,000. In 1997, one group fired its president and awarded him a severance payment of \$760,335.

- Money is flowing to conservation in unprecedented amounts, reaching \$3.5 billion in 1999, up 94 percent from 1992. But much of it is not actually used to protect the environment. Instead, it is siphoned off to pay for bureaucratic overhead and fund raising, including expensive direct-mail and telemarketing consultants.

- Subsidized by federal tax dollars, environmental groups are filing a blizzard of lawsuits that no longer yield significant gain for the environment and sometimes infuriate federal judges and the Justice Department. During the 1990s, the U.S. Treasury paid \$31.6 million in legal fees for environmental cases filed against the government.

- Those who know the environment best -- the scientists who devote their careers to it -- say environmental groups often twist fact into fantasy to serve their agendas. That is especially true in the debate over one of America's most majestic landscapes: its Western evergreen forests. A 1999 report by the U.S. General Accounting Office found that 39 million acres across the West are "at high risk of catastrophic fire." Yet many groups use science selectively to oppose thinning efforts that could reduce fire risk.

"A lot of environmental messages are simply not accurate," said Jerry Franklin, a professor of forest ecology and ecosystem science at the University of Washington. "But that's the way we sell messages in this society. We use hype. And we use those pieces of information that sustain our position. I guess all large organizations do that."

And sometimes when nature needs help the most, environmental groups are busy with other things.

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As the tiny Fresno kangaroo rat struggled for survival in the industrialized farmland of California's San Joaquin Valley in the 1990s, for example, the environmental movement did not seem to notice.

As a fisheries conservationist tried to save rare trout species across remote parts of Oregon and Nevada, he found no safety net in major environmental groups.

As sea turtles washed up dead and dying on Texas beaches in 1993, no groups made the turtles their mascot.

"I contacted everybody and nobody listened," said Carole Allen, who rehabilitates turtles injured in fishing nets. "Everybody wants to save dolphins. Turtles aren't popular. It really gets frustrating."

Yet look closely at environmentalism today and you also see promise and prosperity coming together to form a new style of environmentalism -- one that is sprouting quietly, community by community, across the United States and is rooted in results, not rhetoric.

"I'm so frustrated with the opportunism and impulsiveness of how groups are going about things," said Steve McCormick, president of The Nature Conservancy, which uses science to target and solve environmental problems. "What's the plan? What are the milestones by which we can measure our success?"

Today's challenges are more subtle and serious than those of the past. Stopping a dam is child's play compared to halting the spread of destructive, non-native species. Protecting old-growth forests from logging is simple; saving them from fire and disease is more difficult.

But as the Bush administration takes control in Washington, many groups are again tuning up sound bites -- not drawing up solutions. "President Bush is forging full steam ahead ... to open up the Arctic!" says John Flicker, president of the National Audubon Society, in one of the first mass-market fund-raising letters focusing on Bush's environmental policies. "I need you to make a Special Emergency Gift."

There is no clearinghouse for information about environmental groups, no oversight body watching for abuse and assessing job performance. What information exists is scattered among many sources, including the Internal Revenue Service, philanthropic watchdogs, the U.S. Department of Justice and nonprofit trade associations.

Sift through their material and here is what you find:

Donations are at flood stage. In 1999, individuals, companies and foundations gave an average of \$9.6 million a day to environmental groups, according to the National Center for Charitable Statistics, which monitors nonprofit fund raising.

"Our business is booming," said Patrick Noonan, chairman of the

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Conservation Fund, an Arlington, Va., group that provides financial and educational assistance to environmental organizations.

The dollars do not enrich equally. The nation's 20 largest groups -- a tiny slice of the more than 8,000 environmental organizations -- took in 29 percent of contributions in 1999, according to IRS Form 990 tax records. The top 10 earned spots on the Chronicle of Philanthropy's list of America's wealthiest charities.

The richest is The Nature Conservancy, an Arlington, Va., group that focuses on purchasing land to protect the diversity of species. In 1999, The Nature Conservancy received \$403 million, as much as its six nearest rivals combined: Trust for Public Land, Ducks Unlimited, World Wildlife Fund, Conservation International, National Wildlife Federation and Natural Resources Defense Council.

Forty years ago, the environmental movement was a national policy sideshow. Today, it is a strong, vocal lobby that weighs in on everything from highway transportation to global trade. Some groups, such as the National Audubon Society and Environmental Defense, are generalists, dabbling in many things. Others, such as Ducks Unlimited and Conservation International, have found success in specialization.

Public support runs deep, too. "Many, many people feel almost religious about the environment," said Patricia Schifferle, former regional director for The Wilderness Society in California. "It really does touch their inner souls."

One recent public opinion poll commissioned by The Nature Conservancy found that 54 percent of the nation's 104 million households were "extremely concerned" or "very concerned" about the environment. An additional 31 percent were "somewhat concerned."

About three-fourths of all contributions in 1999 came from an estimated 8 million to 17 million Americans. Most personal contributions were modest, but some were not.

Vice President Dick Cheney, then-CEO of Halliburton Co., gave \$10,000 to the Conservation Fund. Harrison Ford gave \$5 million to Conservation International. Julian Robertson Jr., a leading money manager, gave more than \$100,000 to Environmental Defense and more than \$50,000 to The Nature Conservancy.

"This is a growth industry -- a huge growth industry," said Daniel Beard, chief operating officer at the National Audubon Society. "There is a lot of wealth that has accumulated in this country over the last 20 years. And people are wanting to do good things with it."

Conservation has not always been so comfortable. Much of its history is rooted in simplicity. Henry David Thoreau, perhaps America's earliest conservationist, set the tone with his 19th-century classic -- "Walden" -- about living in harmony with nature.

"Simplicity. Simplicity. Simplicity!" Thoreau wrote. "I say, let your

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affairs be as two or three, and not a hundred or a thousand; instead of a million, count half a dozen and keep your accounts on your thumbnail."

John Muir, the California naturalist whose spirited defense of the Sierra Nevada brought conservation to the forefront of the nation's attention a century ago, expanded on Thoreau's theme.

Living on bread, oatmeal and water, Muir would disappear into the Sierra for weeks, then return and pour his passion into print. "Climb the mountains and get their good tidings," he wrote. "Nature's peace will flow into you as sunshine flows into trees."

David Brower, the legendary former Sierra Club leader who led successful battles to keep dams out of Dinosaur National Monument and the Grand Canyon in the 1950s and '60s, said success springs from deeds, not dollars.

"We were getting members because we were doing things," Brower said before he died last year. "Our (strength) came from outings and trips -- getting people out. It came from full-page ads and books."

Today, there is a new approach -- junk mail and scare tactics.

Dear Friend,

If you've visited a national park recently, then some of the things you're about to read may not surprise you!

America's National Park System -- the first and finest in the world -- is in real trouble right now.

Yellowstone ... Great Smoky Mountains ... Grand Canyon ... Everglades. Wilderness, wildlife, air and water in all these magnificent parks are being compromised by adjacent mining activities, noise pollution, commercial development and other dangerous threats ...

So begins a recent fund-raising letter from the National Parks Conservation Association, a 400,000-plus-member organization. The letter goes on to tell of the group's accomplishments, warn of continued threats, ask for money -- "\$15 or more" -- and offer something special for signing up. "Free as our welcome-aboard gift ... The NPCA bean bag bear!"

Let's say you did send in \$15. What would become of it?

According to the group's 1998-99 federal tax form, much of your money would have been routed not to parks but to more fund raising and overhead. Just \$7.62 (51 percent) would have been spent on parks, less than the minimum 60 percent recommended by the American Institute of Philanthropy, a nonprofit charity watchdog group.

And the parks association is not alone.

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Five other major groups -- including household names such as Greenpeace and the Sierra Club -- spend so much on fund raising, membership and overhead they don't meet standards set by philanthropic watchdog groups.

It's not just the cost of raising money that catches attention these days. It is the nature of the fund-raising pitches themselves.

"What works with direct mail? The answer is crisis. Threats and crisis," said Beard, the Audubon Society chief operating officer.

"So what you get in your mailbox is a never-ending stream of crisis-related shrill material designed to evoke emotions so you will sit down and write a check. I think it's a slow walk down a dead-end road. You reach the point where people get turned off." Then he hesitated, adding:

"But I don't want to say direct mail is bad because, frankly, it works."

Even some of those who sign the appeals are uncomfortable with them.

"Candidly, I am tired of The Wilderness Society and other organizations -- and we are a culprit here -- constantly preaching gloom and doom," said William Meadows, the society's president, whose signature appears on millions of crisis-related solicitations. "We do have positive things to say."

Many environmental groups, The Wilderness Society included, also use a legal accounting loophole to call much of what they spend on fund raising, "public education."

In 1999, for instance, The Wilderness Society spent \$1.46 million on a major membership campaign consisting of 6.2 million letters. But when it came time to disclose that bill in its annual report, the society shifted 87 percent -- \$1.27 million -- to public education. The group also shrank a \$94,411 telemarketing bill by deciding that 71 percent was public education.

The Wilderness Society's spokesman, Ben Beach, said that kind of accounting is appropriate because fund-raising solicitations are educational.

"No one is trying to do anything that isn't right by the rule book here," he said. "A lot of us don't particularly like getting (telemarketing) calls. But that's not to say you don't learn something."

Still, the accounting practice is controversial. Nine of the nation's 20 largest groups don't use it. "Playing games with numbers is not worth the effort or questions that would come from it," said Stephen Howell, chief operating officer at The Nature Conservancy.

"It should be called what it is," said Noonan, the Conservation Fund leader. "As we become larger and more successful, I worry about the

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ethics of our movement. We need to think about self-regulation and standards. If not, the ones who make mistakes are going to hurt it for all of us."

Dollars can disappear in other ways, of course.

Some groups lose money on Wall Street. In 1997, Environmental Defense watched with dismay as a \$500,000 "short-selling investment partnership" tumbled to \$18,000. Acknowledging it was "a lot of money to lose," the group's deputy director of operations, Edward Bailey, pointed out that Environmental Defense has done well with other investments. "No one is going to be right 100 percent of the time," he said.

Comfortable office digs and sumptuous fund-raising banquets are another drain on donor dollars. The Sierra Club spends \$59,473 a month for its office lease in San Francisco. In Washington, Greenpeace pays around \$45,000 a month.

In June 1998, The Nature Conservancy spent more than \$1 million on a single fund-raising bash in New York City's Central Park. Carly Simon and Jimmy Buffett played. Masters of ceremonies included Dan Rather, Peter Jennings, Mike Wallace and Leslie Stahl. Variety magazine reported that the 1,100 guests were treated to a martini bar and a rolling cigar station.

"The goal was to raise (our) profile among high-dollar donors," Conservancy spokesman Mike Horak said in a statement. And it paid off: \$1.8 million was raised.

Fund-raising banquets never sat well with Alfred Runte, an environmental historian who served as a board member of the National Parks Conservation Association from 1993 to 1997.

"We would always go to a sumptuous hotel or the most expensive lodge -- places most Americans couldn't afford," said Runte, author of "Yosemite, The Embattled Wilderness."

"If we have to get big donors by spending money that average, dedicated members think is going to the parks, we've lost," he said. "We're no longer environmentalists. We're party-givers."

Salaries gobble up money raised, too. In 1999, top salaries at the 10 largest environmental groups averaged \$235,918, according to IRS tax forms. By contrast, the president of Habitat for Humanity, International -- which builds homes for the poor -- earned \$62,843. At Mothers Against Drunk Driving, the president made \$69,570.

Among environmental groups, Ducks Unlimited paid its leader the most: \$346,882.

"Those salaries are obscene," said Martin Litton, a former Sierra Club board member, who worked tirelessly over a half-century to help bring about the creation of Redwoods National Park in 1968 and Sequoia

National Monument last year. Litton did it for free.

"There should be sacrifice in serving the environment," he said.

One large payment occurred in 1997 when the National Parks Conservation Association (NPCA) fired its president, Paul Pritchard, in a dispute over management style and direction. It awarded him \$760,335 to settle his contract -- the equivalent of more than 50,000 individual \$15 donations.

Thomas Kiernan, the group's current president, dismissed the incident as "3-year-old history" and called it "profoundly irrelevant."

"NPCA made an offer. We countered. It was just like every other negotiation," said Pritchard, now president of the National Park Trust, another parks-based group in Washington. "I'm proud of what I did at NPCA."

Others have a different view. "I told Paul that I thought his salary and benefits had become egregious," said former board member Runte.

Speaking of the environmental movement as a whole, Runte said: "The larger problem is the disease of money. In truth, what the environmental community has become is a money machine ... We have come to the point where we keep score by the almighty dollar. And we need to start keeping score by the health of the planet."

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A century of environmentalism

(Published April 22, 2001)

1892: Sierra Club founded by John Muir and others.

1905: National Audubon Society founded.

1914: Passenger pigeon goes extinct.

1946: Nature Conservancy established.

1962: "Silent Spring," by Rachel Carson, published.

1969: Cuyahoga River in Ohio catches fire.

April 22, 1970: The first Earth Day.

1971: Sierra Club Legal Defense Fund and Greenpeace formed.

1973: Endangered Species Act passed by Congress. Citizen suit provision gives environmental groups the right to sue to enforce the law.

1976: Greenpeace's harp seal campaign touches heartstrings, opens pocketbooks.

1977: Love Canal toxic dumping incident leads to rising concern about dioxin and other chemicals.

1979: Three Mile Island nuclear accident.

1981-83: Sierra Club uses Interior Secretary James Watt as focus of a highly successful membership and fund-raising campaign.

1985: British scientists in Antarctica discover ozone hole.

1986: Chernobyl nuclear disaster in Ukraine.

March, 1989: Exxon Valdez oil spill. Eleven million gallons of oil blacken 1,500 miles of Alaska shoreline.

1991: Suit filed against U.S. government involving a rare salamander that brings lawyers for the Sierra Club and other plaintiffs \$3.55 million.

1991: Conservation International drops its direct mail fundraising campaign because of financial and environmental concerns.

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1992: Earth Summit held in Rio de Janeiro.

1993: Federal Judges sharply criticize a Sierra Club Legal Defense Fund attorney for "flagrant overbilling" in a Clean Air Act case against the government.

1994: Charitable giving to environmental causes tops \$2 billion.

1994: National Commission on Wildfire Disasters warns of escalating catastrophic fire danger in western states.

1995: Piece of ice the size of Rhode Island breaks off the Larsen ice shelf in Antarctica, indicating global warming could be a threat to the planet.

1996: Federal judge in Los Angeles reduces fee award of two environmental lawyers by 63 percent in a case involving the red-legged frog, calling the lawyers' hourly time sheets "overstated."

1996: Arizona rancher Matt Maggofin single-handedly saves rare leopard frog, at a personal cost of more than \$8,000.

February 1997: A \$500,000 Environmental Defense Fund investment plunges to \$18,000.

March, 1997: National Parks Conservation Association fires its president and awards him \$760,335 -- without telling members.

May, 1997: Sierra Club hosts cocktail party at Westin St. Francis hotel in San Francisco.

1997: Kyoto protocol signed. Industrial nations agree to cut emissions of greenhouse gases by 5 percent to limit global warming.

1997: Julia "Butterfly" Hill begins two-year "tree sit" in a California redwood to protest logging.

1997-98: A coalition of environmental groups distort facts in an effort to derail the Quincy Library Group's logging and thinning project aimed at reducing fire danger and restoring forest health.

1998-99: The Wilderness Society sends 6.2 million fundraising letters at a cost of \$1.46 million but uses a loophole to report \$1.27 million of the bill as "public education."

1999: Average top executive salary at nation's 10 largest environmental groups climbs to an all-time high: \$235,918 -- Giving to environmental causes reaches a record high: \$3.5 billion. -- U.S. General Accounting Office warns of escalating fire danger across 39 million acres of the West; recommends widespread thinning of small trees and removal of dead wood.

1999: Feed store owner Buddy Thomas forms all-volunteer environmental group to protect rare mussels and fish in the Appalachian Mountains.

1999: An estimated 35,000 protesters take to the streets in Seattle, objecting to the World Trade Organization's stance on health, labor and environmental standards.

2000: National Forest Protection Alliance and other groups take scientific findings out of context in promoting a "no-commercial logging" campaign in Congress.

2000: Most destructive fire season in half a century scars Western states.

2000: The Nature Conservancy mails 35 million fundraising letters: an average of 95,890 letters a day.

2000: Defenders of Wildlife receives a "D" rating from American Institute of Philanthropy for spending too little on conservation and too much on fund raising and management.

2001: National Audubon Society launches fund-raising campaign attacking President Bush's environmental policies.

-- Research by Tom Knudson

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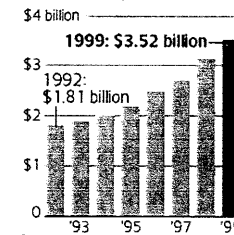
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Giving to environment

Giving to environmental organizations hit \$3.5 billion in 1999, nearly double the 1992 total of \$1.8 billion.



Source: National Center for Charitable Statistics

Sacramento Bee/Scott Flodin

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A SACRAMENTO BEE SPECIAL REPORT

sacbee

Green machine

Mission adrift in a frenzy of fund raising

(Second of five parts)

By Tom Knudson

Bee Staff Writer

(Published April 23, 2001)

Dear Friend,
*I need your help to stop an
impending slaughter.*

*Otherwise, Yellowstone National Park
-- an American wildlife treasure --
could soon become a bloody killing field. And the victims will be
hundreds of wolves and defenseless wolf pups!*



Photo gallery

Professor Peter Brussard from the
University of Nevada, Reno holds up
some of the stickers he has received
from national conservation and wildlife
groups. (Click photo for larger view in
gallery)

Bee/José M. Osorio

So begins a fund-raising letter from one of America's fastest-growing
environmental groups -- Defenders of Wildlife.

Using the popular North American gray wolf as the hub of an ambitious
campaign, Defenders has assembled a financial track record that would
impress Wall Street.

In 1999, donations jumped 28 percent to a record \$17.5 million. The
group's net assets, a measure of financial stability, grew to \$14.5
million, another record. And according to its 1999 annual report,
Defenders spent donors' money wisely, keeping fund-raising and
management costs to a lean 19 percent of expenses.

But there is another side to Defenders' dramatic growth.

Pick up copies of its federal tax returns and you'll find that its five
highest-paid business partners are not firms that specialize in wildlife
conservation. They are national direct mail and telemarketing
companies -- the same ones that raise money through the mail and
over the telephone for nonprofit groups, from Mothers Against Drunk
Driving to the U.S. Olympic Committee.

You'll also find that in calculating its fund-raising expenses, Defenders
borrows a trick from the business world. It dances with digits, finds
opportunity in obfuscation. Using an accounting loophole, it classifies
millions of dollars spent on direct mail and telemarketing not as fund
raising but as public education and environmental activism.

Take away that loophole and Defenders' 19 percent fund-raising and
management tab leans above 50 percent, meaning more than half of

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management too helps about 60 percent, meaning more than half of every dollar donated to save wolf pups helped nourish the organization instead. That was high enough to earn Defenders a "D" rating from the American Institute of Philanthropy, an independent, nonprofit watchdog that scrutinizes nearly 400 charitable groups.

Pick up copies of IRS returns for major environmental organizations and you'll see that what is happening at Defenders of Wildlife is not unusual. Eighteen of America's 20 most prosperous environmental organizations, and many smaller ones as well, raise money the same way: by soliciting donations from millions of Americans.

But in turning to mass-market fund-raising techniques for financial sustenance, environmental groups have crossed a kind of conservation divide.

No allies of industry, they have become industries themselves, dependent on a style of salesmanship that fills mailboxes across America with a never-ending stream of environmentally unfriendly junk mail, reduces the complex world of nature to simplistic slogans, emotional appeals and counterfeit crises, and employs arcane accounting rules to camouflage fund raising as conservation.

Just as industries run afoul of regulations, so are environmental groups stumbling over standards. Their problem is not government standards, because fund raising by nonprofits is largely protected by the free speech clause of the First Amendment. Their challenge is meeting the generally accepted voluntary standards of independent charity watchdogs.

And there, many fall short.

Six national environmental groups spend so much on fund raising and overhead they don't have enough left to meet the minimum benchmark for environmental spending -- 60 percent of annual expenses -- recommended by charity watchdog organizations. Eleven of the nation's 20 largest include fund-raising bills in their tally of money spent protecting the environment, but don't make that clear to members.

The flow of environmental fund-raising mail is remarkable. Last year, more than 160 million pitches swirled through the U.S. Postal Service, according to figures provided by major organizations. That's enough envelopes, stationery, decals, bumper stickers, calendars and personal address labels to circle the Earth more than two times.

Often, just one or two people in 100 respond.

The proliferation of environmental appeals is beginning to boomerang with the public, as well. "The market is over-saturated. There is mail fatigue," said Ellen McPeake, director of finance and development at Greenpeace, known worldwide for its defense of marine mammals. "Some people are so angry they send back the business reply envelope with the direct mail piece in it."

Even a single fund-raising drive generates massive waste. In 1999, The Wilderness Society mailed 6.2 million membership solicitations -- an average of 16,986 pieces of mail a day. At just under 0.9 ounce each, the weight for the year came to about 348,000 pounds.

Most of the fund-raising letters and envelopes are made from recycled paper. But once delivered, millions are simply thrown away, environmental groups acknowledge. Even when the solicitations make it to a recycling bin, there's a glitch: Personal address labels, bumper stickers and window decals that often accompany them cannot be recycled into paper -- and are carted off to landfills instead.

"For an environmental organization, it's so wrong," said McPeake, who is developing alternatives to junk mail at Greenpeace. "It's not exactly environmentally correct."

The stuff is hard to ignore.

Environmental solicitations -- swept along in colorful envelopes emblazoned with bears, whales and other charismatic creatures -- jump out at you like salmon leaping from a stream.

Open that mail and more unsolicited surprises grab your attention. The Center for Marine Conservation lures new members with a dolphin coloring book and a filer for a "free" dolphin umbrella. The National Wildlife Federation takes a more seasonal approach: a "Free Spring Card Collection & Wildflower Seed Mix!" delivered in February, and 10 square feet of wrapping paper with "matching gift tags" delivered just before Christmas.

The Sierra Club reaches out at holiday time, too, with a bundle of Christmas cards that you can't actually mail to friends and family, because inside they are marred by sales graffiti: "To order, simply call toll-free ... " Defenders of Wildlife tugs at your heart with "wolf adoption papers." American Rivers dangles something shiny in front of your checkbook: a "free deluxe 35 mm camera" for a modest \$12 tax-deductible donation.

The letters that come with the mailers are seldom dull. Steeped in outrage, they tell of a planet in perpetual environmental shock, a world victimized by profit-hungry corporations. And they do so not with precise scientific prose but with boastful and often inaccurate sentences that scream and shout:

■ From New York-based Rainforest Alliance: *"By this time tomorrow, nearly 100 species of wildlife will tumble into extinction."*

Fact: No one knows how rapidly species are going extinct. The Alliance's figure is an extreme estimate that counts tropical beetles and other insects -- including ones not yet known to science -- in its definition of wildlife.

■ From The Wilderness Society: *"We will fight to stop reckless clear-*

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cutting on national forests in California and the Pacific Northwest that threatens to destroy the last of America's unprotected ancient forests in as little as 20 years."

Fact: National forest logging has dropped dramatically in recent years. In California, clear-cutting on national forests dipped to 1,395 acres in 1998, down 89 percent from 1990.

■ From Defenders of Wildlife: *"Won't you please adopt a furry little pup like 'Hope'? Hope is a cuddly brown wolf ... Hope was triumphantly born in Yellowstone."*

Facts: "There was never any pup named Hope," says John Varley, chief of research at Yellowstone National Park. "We don't name wolves. We number them." Since wolves were reintroduced into Yellowstone in 1995, their numbers have increased from 14 to about 160; the program has been so successful that Yellowstone officials now favor removing the animals from the federal endangered species list.

Longtime conservationist Peter Brussard has seen enough.

"I've stopped contributing to virtually all major environmental groups," said Brussard, former Society for Conservation Biology president and a University of Nevada, Reno, professor.

"My frustration is the mailbox," he said. "Virtually every day you come home, there are six more things from environmental groups saying that if you don't send them fifty bucks, the gray whales will disappear or the wolf reintroductions in Yellowstone will fail ... You just get super-saturated.

"To me, as a professional biologist, it's not conspicuous what most of these organizations are doing for conservation. I know that some do good, but most leave you with the impression that the only thing they are interested in is raising money for the sake of raising money."

Step off the elevator at Defenders of Wildlife's office in Washington, D.C., and you enter a world of wolves: large photographs of wolves on the walls, a wolf logo on glass conference room doors, and inside the office of Charles Orasin, senior vice president for operations, a wolf logo cup and a toy wolf pup.

Ask Orasin about the secret of Defenders' success, and he points to a message prominently displayed behind his desk: "It's the Wolf, Stupid."

Since Defenders began using the North American timber wolf as the focal point of its fund-raising efforts in the mid-1990s, the organization has not stopped growing. Every year has produced record revenue, more members -- and more emotional, heart-wrenching letters.

Dear Friend of Wildlife:
It probably took them twelve hours to die.

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No one found the wolves in the remote, rugged lands of Idaho -- until it was too late. For hours, they writhed in agony. They suffered convulsions, seizures and hallucinations. And then -- they succumbed to cardiac and respiratory failure.

"People feel very strongly about these animals," said Orasin, architect of Defenders' growth. "In fact, our supporters view them as they would their children. A huge percentage own pets, and they transfer that emotional concern about their own animals to wild animals.

"We're very pleased," he said. "We think we have one of the most successful programs going right now in the country."

Defenders, though, is only the most recent environmental group to find fund-raising fortune in the mail. Greenpeace did it two decades ago with a harp seal campaign now regarded as an environmental fund-raising classic.

The solicitation featured a photo of a baby seal with a white furry face and dark eyes accompanied by a slogan: "Kiss This Baby Good-bye." Inside, the fund-raising letter included a photo of Norwegian sealers clubbing baby seals to death.

People opened their hearts -- and their checkbooks.

"You have very little time to grab people's attention," said Jeffrey Gillenkirk, a veteran free-lance direct mail copywriter in San Francisco who has written for several national environmental groups, including Greenpeace. "It's like television: You front-load things into your first three paragraphs, the things that you're going to hook people with. You can call it dramatic. You can call it hyperbolic. But it works."

The Sierra Club put another advertising gimmick to work in the early 1980s. It found a high-profile enemy: U.S. Secretary of the Interior James Watt, whose pro-development agenda for public lands enraged many.

"When you direct-mailed into that environment, it was like highway robbery," said Bruce Hamilton, the club's conservation director. "You couldn't process the memberships fast enough. We basically added 100,000 members."

But environmental fund raising has its downsides.

It tends to be addictive. The reason is simple: Many people who join environmental groups through the mail lose interest and don't renew -- and must be replaced, year after year.

"Constant membership recruitment is essential just to stay even, never mind get bigger," wrote Christopher Bosso, a political scientist at Northeastern University in Boston, in his paper: "The Color of Money:

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Environmental Groups and the Pathologies of Fund Raising."

"Dropout rates are high because most members are but passive check writers, with the low cost of participating translating into an equally low sense of commitment," Bosso states. "Holding on to such members almost requires that groups maintain a constant sense of crisis. It does not take a cynic to suggest ... that direct mailers shop for the next eco-crisis to keep the money coming in."

That is precisely how Gillenkirk, the copywriter, said the system works. As environmental direct mail took hold in the 1980s, "We discovered you could create programs by creating them in the mail," he said.

"Somebody would put up \$25,000 or \$30,000, and you would see whether sea otters would sell. You would see whether rain forests would sell. You would try marshlands, wetlands, all kinds of stuff. And if you got a response that would allow you to continue -- a 1 or 2 percent response -- you could create a new program."

Today, the trial-and-error process continues.

The Sierra Club, which scrambles to replace about 150,000 nonrenewing members a year out of 600,000, produces new fund-raising packages more frequently than General Motors produces new car models.

"We are constantly turning around and trying new themes," said Hamilton. "We say, 'OK, well, people like cuddly little animals, they like sequoias.' We try different premiums, where people can get the backpack versus the tote bag versus the calendar. We tried to raise money around the California desert -- and found direct mail deserts don't work."

And though many are critical of such a crisis-of-the-month approach, Hamilton defended it -- sort of.

"I'm somewhat offended by it myself, both intellectually and from an environmental standpoint," he said. "And yet ... it is what works. It is what builds the Sierra Club. Unfortunately the fate of the Earth depends on whether people open that envelope and send in that check."

The vast majority of people don't. Internal Sierra Club documents show that as few as one out of every 100 membership solicitations results in a new member. The average contribution is \$18.

"The problem is there is a part of the giving public -- about a third we think -- who as a matter of personal choice gives to a new organization every year," said Sierra Club Executive Director Carl Pope. "We don't do this because we want to. We do it because the public behaves this way."

Fund-raising consultants "have us all hooked, and none of us can kick the habit," said Dave Foreman, a former Sierra Club board member.

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"Any group that gives up the direct mail treadmill is going to lose. I'm concerned about how it's done. It's a little shabby."

Another problem is more basic: accuracy. Much of what environmental groups say in fund-raising letters is exaggerated. And sometimes it is wrong.

Consider a recent mailer from the Natural Resources Defense Council, which calls itself "America's hardest-hitting environmental group." The letter, decrying a proposed solar salt evaporation plant at a remote Baja California lagoon where gray whales give birth, makes this statement:

"Giant diesel engines will pump six thousand gallons of water out of the lagoon EVERY SECOND, risking changes to the precious salinity that is so vital to newborn whales."

Clinton Winant, a professor at Scripps Institution of Oceanography who helped prepare an environmental assessment of the project, said the statement is false. "There is not a single iota of scientific evidence that suggests pumping would have any effect on gray whales or their babies," he said.

The mailer also says:

"A mile-long concrete pier will cut directly across the path of migrating whales -- potentially impeding their progress."

Scripps professor Paul Dayton, one of the nation's most prominent marine ecologists, said that statement is wrong, too.

"I've dedicated my career to understanding nature, which is becoming more threatened," he said. "And I've been confronted with the dreadful dishonesty of the Rush Limbaugh crowd. It really hurts to have my side -- the environmental side -- become just as dishonest."

Former Mexican President Ernesto Zedillo halted the project last year. But as he did, he also criticized environmental groups. "With false arguments and distorted information, they have damaged the legitimate cause of genuine ecologists," Zedillo said at a Mexico City news conference.

A senior Defense Council attorney in Los Angeles, Joel Reynolds, said his organization does not distort the truth.

"We're effective because people believe in us," Reynolds said. "We're not about to sacrifice the credibility we've gained through direct mail which is intentionally inaccurate."

Reynolds said NRDC's position on the salt plant was influenced by a 1995 memo by Bruce Mate, a world-renowned whale specialist. Mate said, though, that his memo was a first draft, not grounded in scientific fact.

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"This is a bit of an embarrassment," he said. "This was really one of the first bits of information about the project. It was not meant for public consumption. I was just kind of throwing stuff out there. It's out-of-date, terribly out-of-date."

There is plenty of chest-thumping pride in direct mail, too -- some of it false pride. Consider this from a National Wildlife Federation letter: "We are constantly working in every part of the country to save those species and special places that are in all of our minds."

Yet in many places, the federation is seldom, if ever, seen.

"In 15-plus years in conservation, in Northern California, Nevada, Idaho, Oregon and Washington, I have never met a (federation) person," said David Nolte, who recently resigned as a grass-roots organizer with the Theodore Roosevelt Conservation Alliance -- a coalition of hunters and fishermen.

"This is not about conservation," he said. "It's marketing."

Overstating achievements is chronic, according to Alfred Runte, an environmental historian and a board member of the National Parks Conservation Association from 1993 to 1997.

"Environmental groups all do this," he said. "They take credit for things that are generated by many, many people. What is a community accomplishment becomes an individual accomplishment -- for the purposes of raising money."

As a board member, Runte finds something else distasteful about fund raising: its cost.

"Oftentimes, we said very cynically that for every dollar you put into fund raising, you only got back a dollar," he recalled. "Unless you hit a big donor, the bureaucracy was spending as much to generate money as it was getting back."

Some groups are far more efficient than others. The Nature Conservancy, for example, spends just 10 percent of donor contributions on fund raising, while the Sierra Club spends 42 percent, according to the American Institute of Philanthropy.

Pope, the Sierra Club director, said it's not a fair comparison. The reason? Donations to the Conservancy and most other environmental groups are tax-deductible -- an important incentive for charitable giving. Contributions to the Sierra Club are not, because it is a political organization, too.

"We're not all charities in the same sense," Pope said. "Our average contribution is much, much smaller."

Determining how much environmental groups spend on fund raising is only slightly less complex than counting votes in Florida. The difficulty

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is a bookkeeping quagmire called "joint cost accounting."

At its simplest, joint cost accounting allows nonprofit groups to splinter fund-raising expenditures into categories that sound more pleasant to a donor's ear -- public education and environmental action -- shaving millions off what they report as fund raising.

Some groups use joint cost accounting. Others don't. Some groups put it to work liberally, others cautiously. Those who do apply it don't explain it. What one group labels education, another calls fund raising.

"You use the term joint allocation and most people's eyes glaze over," said Greenpeace's McPeake. The most sophisticated donor in the world "would not be able to penetrate this," she said.

Joint cost accounting need not be boring, however.

Look closely and you'll find sweepstakes solicitations, personal return address labels, free tote bag offers and other fund-raising novelties cross-dressing as conservation. You also find that those who monitor such activity are uneasy with it.

David Ormsteadt, an assistant attorney general in Connecticut, states in *Advancing Philanthropy*, a journal of the National Society of Fundraising Executives: "Instead of reporting fees and expenses as fund-raising costs, which could ... discourage donations, charities may report these costs as having provided a public benefit. The more mailings made -- and the more expense incurred -- the more the 'benefit' to society."

The Wilderness Society, for example, determined in 1999 that 87 percent of the \$1.5 million it spent mailing 6.2 million membership solicitation letters wasn't fund raising but "public education." That shaved \$1.3 million off its fund-raising tab.

One of America's oldest and most venerable environmental groups, the Wilderness Society didn't just grab its 87 percent figure out of the air. It literally counted the number of lines in its letter and determined that 87 of every 100 were educational.

When you read in the society's letter that "Our staff is a tireless watchdog," that is education. So is the obvious fact that national forests "contain some of the most striking natural beauty on Earth." Even a legal boast -- "If necessary, we will sue to enforce the law" -- is education.

"We're just living within the rules. We're not trying to pull one over on anybody," said Wilderness Society spokesman Ben Beach.

Daniel Borochoff, president of the American Institute of Philanthropy, the charity watchdog, said it is acceptable to call 30 percent or less of fund-raising expenses "education." But he deemed that the percentages claimed by the Wilderness Society, Defenders of Wildlife and others were unacceptable.

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"These groups should not be allowed to get away with this," Borochoff said. "They are trying to make themselves look as good as they can without out-and-out lying ... This doesn't help donors. It helps the organization."

At Defenders of Wildlife, Orasin flatly disagreed. The American Institute of Philanthropy "is a peripheral group and we don't agree with their standards," he said. "We don't think they understand how a nonprofit can operate, much less grow."

Even the more mainstream National Charities Information Bureau, which recently merged with the Better Business Bureau's Philanthropic Advisory Service, rates Defenders' fund raising excessive.

"We strongly disagree with (the National Charities Information Bureau)," said Orasin. "They take a very subjective view of what fund raising is. We are educating the public. If you look at the letters that go out from us, they are chock-full of factual information."

But much of what Defenders labels education in its fund raising is not all that educational. Here are a few examples -- provided to The Bee by Defenders from its recent "Tragedy in Yellowstone" membership solicitation letter:

- Unless you and I help today, all of the wolf families in Yellowstone and central Idaho will likely be captured and killed.
- It's up to you and me to stand up to the wealthy American Farm Bureau ...
- For the sake of the wolves ... please take one minute right now to sign and return the enclosed petition.
- The American Farm Bureau's reckless statements are nothing but pure bunk.

"That is basically pure fund raising," said Richard Larkin, a certified public accountant with the Lang Group in Bethesda, Md., who helped draft the standards for joint cost accounting. "That group is playing a little loose with the rules."

Defenders also shifts the cost of printing and mailing millions of personalized return address labels into a special "environmental activation" budget category.

Larkin takes a dim view.

"I've heard people try to make the case that by putting out these labels you are somehow educating the public about the importance of the environment," he said. "I would consider it virtually abusive."

Not all environmental groups use joint cost accounting. At the Nature

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Conservancy, every dollar spent on direct mail and telemarketing is counted as fund raising.

The same is true at the Sierra Club. "We want to be transparent with our members," said Pope, the club's director.

Groups that do use it, though, often do so differently.

The National Parks Conservation Association, for example, counts this line as fund raising: "We helped establish Everglades National Park in the 1940s." Defenders counts this one as education: "Since 1947, Defenders of Wildlife has worked to protect wolves, bears ... and pristine habitat."

"It's a very subjective world," said Monique Valentine, vice president for finance and administration at the national parks association. "It would be much better if we would all work off the same sheet of music."

At the Washington, D.C.-based National Park Trust, which focuses on expanding the park system, even a sweepstakes solicitation passes for education, helping shrink fund-raising costs to 21 percent of expenses, according to its 1999 annual report.

Actual fund-raising costs range as high as 74 percent, according to the American Institute of Philanthropy, which gave the Trust an "F" in its "Charity Rating Guide & Watchdog Report." Borochoff, the Institute's president, called the Trust's reporting "outrageous."

"Dear Friend," says one sweepstakes solicitation, "The \$1,000,000 SUPER PRIZE winning number has already been pre-selected by computer and will absolutely be awarded. It would be a very, very BIG MISTAKE to forfeit ONE MILLION DOLLARS to someone else."

Paul Pritchard, the Trust's president, said the group's financial reporting meets non-profit standards. He defended sweepstakes fund raising.

"I personally find it a way of expressing freedom of speech," Pritchard said. "I can ethically justify it. How else are you going to get your message out?"

The Bee's Tom Knudson can be reached at tknudson@sacbee.com.

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Litigation central

A flood of costly lawsuits raises questions about motive

(Third of five parts)

By Tom Knudson
Bee Staff Writer

(Published April 24, 2001)

No one knows the Sacramento splittail better than Peter Moyle.



Photo gallery

Dr. Peter Moyle, a University of California, Davis professor, helps with electro shocking in a flood plain near the Cosumnes River south of Sacramento. A professor of fisheries biology, he has struggled to protect the splittail fish that are native to this area. (Click photo for larger view in gallery)
Bee/Jose M. Osorio

For 20 years, Moyle, a professor of fisheries biology at the University of California, Davis, has struggled to protect the silvery fish that lives in the Sacramento-San Joaquin River Delta. He even helped prepare a petition requesting that the U.S. Fish and Wildlife Service list the fish under the Endangered Species Act in 1992.

But when the Southwest Center for Biological Diversity sued the wildlife service in 1998 to force a ruling on the petition, Moyle wasn't pleased.

The reason? By then, three wet winters had touched off a splittail population explosion. What's more, a multibillion-dollar habitat restoration plan for the Delta, called Cal-Fed, was brightening the fish's future.

"I was sorry to see it," Moyle said of the suit. "Things were getting better."

When Moyle later learned that the center's law firm had been awarded \$13,714 in public money for a court victory that led to the fish being listed as "threatened," he was shocked.

Suing the government has long been a favorite tactic of the environmental movement -- used to score key victories for clean air, water and endangered species. But today, many court cases are yielding an uncertain bounty for the land and sowing doubt even among the faithful.

"We've filed our share of lawsuits and I'm proud of a lot of them," said Dan Taylor, executive director of the California chapter of the National Audubon Society. "But I do think litigation is overused. In many cases, it's hard to identify what the strategic goal is, unless it is to significantly reshape society."

The suits are having a powerful impact on federal agencies. They are forcing some government biologists to spend more time on legal chores

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than on conservation work. As a result, species in need of critical care are being ignored. And frustration and anger are on the rise.

"It's all about power and the trophy," said Kay Goode, assistant field supervisor for endangered species at the U.S. Fish and Wildlife Service in Sacramento, which has been sued so often that employees call it "litigation central."

"We can't continue at this pace," Goode said.

The crush of cases is prompting some lawyers and government officials to speculate that the suits could be motivated, at least in part, by money. Under federal law, an attorney who wins an environmental "citizen suit" against the government is entitled to an award of taxpayer-funded attorney fees.

"I worry that the propensity to sue the (fish and wildlife) service every time it misses a deadline sets our community up for an easy assault on the availability of fees," said Michael Bean, a senior attorney for Environmental Defense, one of the nation's largest conservation groups.

The Southwest Center's lawyers say money is not a factor for them.

"We file a lot of cases, but the point is not to generate income; it is to win and spur change," said James Tutchton, lead lawyer on the splittail case, which was filed in conjunction with the Sierra Club. "People don't like the fact that we represent unpopular groups and species and win."

There is no central repository for environmental lawsuits. But information obtained by The Bee from the Department of Justice using the U.S. Freedom of Information Act and from federal courthouses around the nation shows that:

* During the 1990s, the government paid out \$31.6 million in attorney fees for 434 environmental cases brought against federal agencies. The average award per case was more than \$70,000. One long-running lawsuit in Texas involving an endangered salamander netted lawyers for the Sierra Club and other plaintiffs more than \$3.5 million in taxpayer funds.

* Attorneys for environmental groups are not shy about asking for money. They earn \$150 to \$350 an hour, and sometimes they get accused of trying to gouge the government. In 1993, three judges on the U.S. Circuit Court of Appeals in Washington were so appalled by one Sierra Club Legal Defense Fund lawyer's "flagrant over-billing" that they reduced her award to zero. "Even a perfunctory examination of (the lawyer's) time entries would show that she billed on a Broddingnabian scale," wrote the judges, referring to the giants in "Gulliver's Travels" to drive their point home.

* Lawyers for industry and natural resource users get paid for winning environmental cases, too. When California water districts won a follow-up suit over the splittail last year, their law firms submitted a bill for

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\$546,403.70 to the government. The Justice Department was stunned.

"Plaintiffs have failed to exercise any billing discretion," wrote U.S. Attorney Matthew Love in a January brief. "They seek compensation for excessive, duplicative and redundant tasks ... charge their normal hourly rates for (routine) activities such as telephone calls, letter writing (and) review of files."

* Since 1995, most cases brought have not been about dams, nuclear power or pesticides, but about rare and endangered species. That flood of suits has turned judges into modern day Noahs who decide which species are saved -- and which aren't. But the judges -- guided by law, not science -- aren't always the best-equipped to make biologically correct decisions.

* Suing on behalf of species is a specialty niche. Four law firms filed more than half of all such suits from 1995 to 2000. A whopping 75 percent of those cases were lodged in six states: California, Arizona, Oregon, New Mexico, Texas and Colorado. One kind of case -- over "critical habitat" -- has so swamped the Fish and Wildlife Service that it has halted the biological evaluations necessary to add new species to the federal endangered species list.

* Lawyers don't just bill for legal work. They also submit claims for lobbying, talking to the news media and flying and driving to and from meetings and courthouses.

"This has become a cottage industry," said Elizabeth Megginson, former chief counsel for the U.S. House Committee on Resources. "And it is being paid for by you and me, by taxpayers.

"Lawsuits are filed not so much to benefit species but for other reasons," said Megginson, who investigated dozens of cases for the committee. "It certainly is a way of supporting lawsuits that might not be filed if (environmental groups) had to pay their own way."

Citizen suits came into prominence three decades ago when Congress passed sweeping environmental laws, including the Endangered Species Act and the Clean Water Act. Realizing that political pressure could deter federal agencies from enforcing the law, Congress granted environmental groups and ordinary citizens the right to hold the government accountable in court.

Since then, citizen suits have played an essential role in cleaning up and restoring the American landscape. A 1988 endangered-species suit by the Natural Resources Defense Council forced the U.S. Bureau of Reclamation to restore water to the San Joaquin River, bringing a ghost stream back to life. Another citizen suit led to the listing of the northern spotted owl as a federally "threatened" species, dramatically curtailing logging in the Pacific Northwest.

But like strong medicine, the power of the law works both ways. Used strategically, it can work miracles. Used otherwise, it can generate powerful side effects, even hurt what it is meant to help.

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"Lawyers can be like engineers," said Gregory Thomas, chief executive officer of the Natural Heritage Institute, an environmental law and mediation group in Berkeley. "The engineering mentality says that if something can be built, it should be built. The legal mentality tends to be that if a case can be brought, it should be brought.

"But we know, from both engineering and lawyering, that that leads to socially undesirable results. It leads to dams that ought not be built. And it leads to lawsuits that ought not be brought."

On April 15, 1998, when millions of Americans were filing their taxes, the Southwest Center for Biological Diversity was filing a lawsuit to protect Alaska's Queen Charlotte goshawk. Six weeks later, the center's legal team was in California to sue over the Sacramento splittail. Then came another California case concerning 39 species, from the Pacific pocket mouse to the California gnatcatcher.

No environmental group in America files more endangered species cases at a more frenetic pace than the Southwest Center, which has since dropped the "Southwest" from its name to reflect its expansion into California and Oregon. Public records show that from 1994 to 1999 alone, the Center for Biological Diversity and its lawyers filed 58 lawsuits, an average of one every 32 days.

"We're panicked," said Kieran Suckling, the center's executive director. "There are species going down before our eyes."

But most of the suits don't hinge on the science of endangered species -- they're based on statutory deadlines. When Congress passed the Endangered Species Act in 1973, lawmakers filled it with deadlines to force bureaucrats to make timely decisions. When the Fish and Wildlife Service fails to meet those deadlines, which is often, it can be sued.

Missed deadline suits can be sweeping in scope. When the service failed to make timely decisions on 44 rare California plants proposed for the endangered list, the center sued on all 44 -- and won.

To date, the center has succeeded in adding 87 species in California to the federal endangered list.

"What we have accomplished is huge and real," Suckling said. "If citizens were not able to file these suits, the law would be meaningless. Politics would rule. And politics is always against endangered species."

Other environmentalists question the wisdom of such an approach.

"A missed-deadline case is like shooting fish in a barrel," said Thomas at the Natural Heritage Institute. "Anybody can bring such a case. Anybody can win such a case. The question is, having won it, have you advanced a broader strategic solution?"

Frequently, the answer is no, said Bean, of Environmental Defense, one

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of the country's most experienced endangered species attorneys.

"The reality is listing often doesn't do a whole lot to improve the status of these species," Bean said. "Nine percent of listed species are improving. Thirty to 35 percent are declining. It won't do a lot of good to list species if they continue to decline -- and we ultimately lose them."

But it's not missed-deadline cases that are stirring up the most conflict. It's another category of lawsuit that seeks to secure "critical habitat" for species listed as federally threatened or endangered. Critical habitat is defined as habitat essential to the survival and recovery of a species.

Such suits generate playful headlines. Consider one recent case involving the California red-legged frog, a federally threatened species.

"Threatened Frogs May Get Leg Up," the Hartford Courant wrote after federal biologists last year -- in response to a center suit -- proposed to designate one-twentieth of California, 5.4 million acres, as critical habitat for the frog. The Engineering News-Record -- a trade journal -- hopped on the story. "Builders Jumpy Over Frog Limits," it reported.

Federal officials say the case was actually a leap backward for conservation.

"Critical habitat does not add a lot of value and -- in many cases -- almost no value to the conservation of species," said Michael Spear, head of the California-Nevada office of the Fish and Wildlife Service. "We will cover a significant part of California, one way or the other, with critical habitat this year."

But to Suckling, critical habitat has a near-magical power: to halt development, logging and other activity on land not occupied by endangered species but "critical" to their recovery. The idea is that species could eventually re-colonize such areas, or at least pass through them during migration.

Work stoppages are already happening in Arizona, where the designation of 790,000 acres of critical habitat for the cactus ferruginous pygmy owl, spurred by a center suit, has brought sprawl to a crawl around Tucson.

And what the owl has done for Tucson, the red-legged frog will do for California, only more so, Suckling said.

"Ten years from now, when tens of millions of acres of critical habitat will have been in existence across the West, there will be an enormous increase in species recovery and habitat restoration," he said in an e-mail. "The money spent on its designation will be seen as a bargain. It is a heck of a lot cheaper than keeping species in the emergency room for the rest of eternity."

The most massive critical habitat allotment of all came earlier this year when the Fish and Wildlife Service, again prodded by a center suit,

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designated 39,000 square miles of Alaska as critical for the spectacled eider, a sea duck.

"You know what is so important about the spectacled eider?" Suckling said. "That designation will be the only thing standing between George Bush and the oil rigs."

But such cases may be backfiring. In January, then-wildlife service director Jamie Rappaport Clark placed a moratorium on additions to the endangered list, saying the agency's resources are being gobbled up by critical habitat litigation.

"Critical habitat has turned our priorities upside-down," Clark said. "Species that are in need of protection are having to be ignored. This is a biological disaster."

Clark also voiced concern about the tax dollars that flow to environmental lawyers who win critical habitat, missed deadline and other cases. "I guess it's pretty good employment," she said.

Like other Fish and Wildlife officials, Clark has no direct role in negotiating attorney fees. That is handled by the Justice Department and, when talks break down, federal judges. The money comes not out of the Fish and Wildlife budget, but from a special "Judgment Fund" that pays claims of all kinds against the government.

So the size of the awards was news to Clark. Informed that some climb to \$100,000 or more, she reacted angrily. "I guess they (lawyers) dress pretty well," she said. "I believe citizens should have the opportunity to sue the government, but this has gone over the edge."

William Curtiss, a vice president with the Earthjustice Legal Defense Fund -- the nation's largest nonprofit environmental law firm -- said public anger should be directed at government officials for breaking the law and for prolonging cases in court.

"It's hypocritical for the government to drag these things out for years, make the plaintiff jump through every hoop and hurdle, then turn around and whine about how much it costs," Curtiss said. "I don't buy it."

Few firms win larger fee awards than San Francisco-based Earthjustice, formerly the Sierra Club Legal Defense Fund. When Earthjustice won a coho salmon suit recently, for example, it submitted a bill for \$439,053 to the Justice Department, and settled for \$383,840. Most of the invoice was for 931 hours of legal work by Earthjustice senior attorney Michael Sherwood -- at \$350 an hour.

Curtiss said \$350 is a reasonable hourly fee for an experienced San Francisco attorney and Sherwood is the firm's most experienced.

Other lawyers, though, say the rate is high. "Nobody I'm aware of charges \$350 an hour on our side," said Gregory Wilkinson, an attorney who represents irrigation and water districts. Wilkinson's rate is \$225

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to \$250 per hour.

Earthjustice President Vawter "Buck" Parker said that unlike trial lawyers, his firm's lawyers have no incentive to win big awards.

"When we win fees, they go into a common pot for the general support of the whole organization," Parker said. "No one sees a change in their salary. No one sees their office budget go up ... on account of it."

One big controversy unfolded outside of public view in 1994 when a Sierra Club lawyer and other attorneys asked for \$5 million, the largest fee request of the decade, as a partial settlement for winning an endangered species suit in Texas.

"The claim is excessive by any standard of fairness or reasonableness," U.S. attorneys wrote in protest to a federal judge.

The judge put the billing documents under seal. But, obtained by The Bee, they show that U.S. Attorney Charles Shockey was so irritated that he did not limit himself to dry legalese. He titled one legal motion:

"FEDERAL DEFENDANT\$ OPPOSITION TO PLAINTIFF\$ MOTION ... FOR AWARD OF THEIR COMBINED COST OF LITIGATION."

The Justice Department and plaintiffs' lawyers settled the partial claim for \$2 million. But the lawsuit eventually cost the government an additional \$1.5 million, federal records show, ranking it first among fee awards in the 1990s.

Fee disputes are fairly common. Lawyers for the Environmental Defense Center in Santa Barbara asked for \$123,462.53 in a 1996 Endangered Species Act case that led to the listing of the red-legged frog as "threatened." U.S. District Judge Manuel Real balked. He cut the award to \$44,511, calling the billable hours "overstated."

The original frog invoice included charges for time spent talking to the news media, traveling, even adding up the legal bill itself.

"Hours spent are grossly unreasonable ... given the straightforward, simple unchanging nature of the case," Justice Department lawyers argued in papers filed with Real.

The 1993 suit that infuriated the Washington, D.C. circuit judges involved a Clean Air Act case filed by the Environmental Defense Fund against the Environmental Protection Agency.

In the case, the judges wrote that the Defense Fund's attorney Kirsten Engel "claimed to have spent 73.45 hours -- nearly two work weeks -- preparing two letters to the EPA about EDF's request for attorney fees.

"We are compelled to conclude that Engel submitted outrageously excessive time entries ... Therefore, we award the petitioner none of the \$17,773.50 it asks for Engel's work," the judges said in their decision.

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"We regard over-billing the government as a serious transgression, damaging to the public and violative of the trust reposed in each member of the bar," the judges concluded.

Occasionally environmental lawsuits cause other damage -- to the very groups that file them.

One such case unraveled in Arizona recently when the Southwest Center sued the U.S. Forest Service, alleging that it failed to "consult" with the Fish and Wildlife Service about cattle grazing's effect on endangered species -- a violation of federal law.

The suit targeted large swaths of federal land leased to ranchers, including a lease held by Joe and Valer Austin, owners of the picturesque El Coronado Ranch in the Chiricahau mountains.

The Austins are no ordinary husband-and-wife ranch team.

Since buying El Coronado in 1984, they have invested more than \$1 million to return it to ecological health. They have constructed 20,000 erosion control structures, cut back herds dramatically and reduced the seasons they graze, and worked to restore threatened and endangered species. They have welcomed university and government scientists to the ranch to observe their efforts.

Their work has earned them numerous awards, including the Joseph Wood Krutch Award from The Nature Conservancy in 1996 and, two years later, the W.R. Chapline Land Stewardship Award from the Society for Range Management.

That didn't satisfy the Southwest Center, which alleged in its 1998 Forest Service suit that the Austins' ranching practices were harming endangered species.

"It was a real slap in the face," Joe Austin said.

Valer Austin added: "They just put us in the same bucket with everybody else. They didn't even come out here to see what we were doing."

The Austins didn't stand idly by. They jumped into the lawsuit with the federal government -- and emerged victorious. Senior U.S. District Judge Alfredo Marquez in Tucson ruled that the suit had been brought in bad faith and ordered the center to pay the Austins' \$56,909 legal bill.

Still, Joe Austin feels conservation has suffered a defeat.

"Everything we were trying to do to convince other ranchers and landowners that endangered species are not a liability has been lost," he said. "The Southwest Center proved me wrong. The Southwest Center proved to everybody that having an endangered species is a liability."

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"In fact, many people think you should just get rid of them," Austin said. "That is the exact thing I didn't want to happen."

What's the center's view? "It's a bummer," said Suckling. "I wish it had not come down this way. But would I sue again? Absolutely. (The Austins) are having an impact on public land. The fact that they are doing good things elsewhere doesn't excuse it."

The Bee's Tom Knudson can be reached at tknudson@sacbee.com.

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Playing with fire

Spin on science puts national treasure at risk

(Fourth of five parts)

By Tom Knudson
Bee Staff Writer
(Published April 25, 2001)

The scientific paper that landed on Tammy Randall-Parker's desk was thick with jargon and data. But to Randall-Parker, a biologist with the Coconino National Forest in Arizona, it was riveting.

Citing an enormous accumulation of vegetation and deadwood in Western forests -- the legacy of years of effective federal firefighting -- the report by a prestigious team of specialists warned that unless such stands were thinned, they were likely to erupt into flame, threatening a rare, falcon-like bird: the northern goshawk.

Randall-Parker felt compelled to act. But when she and others suggested thinning near a goshawk nest, environmentalists protested on the bird's behalf, stopping the proposal dead.

Then came the fire that Randall-Parker feared. "I watched it just explode," she said. The 1996 blaze devoured centuries-old trees as if they were kindling -- including the one that cradled the goshawk nest.

"There was not a green tree left," she said. "What the scientists said could happen -- did happen, right in front of my eyes."

Environmental advocacy has long struggled with scientific fact, despite its very basis in science. But in the battle over the majestic conifer forests that blanket much of the West, advocacy is often shoving science aside -- and forests, wildlife and human communities are suffering the consequences.

Tweaking science to make a point is nothing new for environmental groups. To protect rare species, for example, some groups trot out just those studies -- or snippets of studies -- that support their view. Some will pick and choose facts that serve their interests in campaigns to



Photo gallery

Barren trees stand high on a hill in Tahoe National Forest as the sun rises. This burned and barren area is 20 miles north of Truckee, near Cottonwood Creek. (Click photo for larger view in gallery)
Bee/Jose M. Osorio

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create wilderness areas.

Misusing forest science is different.

It is playing with fire. Not the natural fires that have nourished forests for centuries, but unusually savage ones that jeopardize homes and human lives and can inflict more serious environmental damage than logging.

"We're not sure if some of these burned areas will ever recover their native biological diversity," said Wallace Covington, a professor of forest ecology at Northern Arizona University and a nationally recognized fire scientist. "Certainly, over evolutionary time, new species will emerge. But these are major devastations."

Science will never settle all conflict over forest and fire management. But during the past two decades, university, government and industry scientists have written a series of papers published in academic journals and elsewhere that point again and again to the rapid and dangerous accumulation of woody debris in Western forests -- and the need for thinning.

"There is strong consensus among credible scientists that 100 years of fire suppression has led to a buildup of fuel in Western forests that makes them very susceptible to destructive, unnatural, ecosystem-destroying wildfire," said Neil Sampson, a visiting fellow at the Yale School of Forestry and Environmental Studies and former chairman of the 1994 National Commission on Wildfire Disasters.

"Time is not an ally," he said.

Environmental groups aren't convinced. Where science sees a tinderbox, they see timber sales in disguise. And despite a steep drop in the volume of timber sold from federal forests in recent years, they say the U.S. Forest Service cannot be trusted.

"We're dealing with an agency that -- at the district level -- is a rogue agency," said Carl Pope, executive director of the Sierra Club, which is backing a "no commercial logging" campaign in Congress.

"There are some very good people in the Forest Service," Pope said. "But there are some people who really still think their job is to keep the local mill running."

Sampson said it's just not so. "The idea that thinning the forest is a boondoggle for the timber industry is bizarre," he said. "Much of what needs to be removed isn't even economically valuable. They are going to spin the science and lose the forest."

Wildfire today is inflicting nightmarish wounds -- injuries made worse by a failure to heed scientific warnings. For example:

* In 1994, Covington and a colleague warned that the Kendrick Mountain Wilderness Area in northern Arizona was so cluttered with

vegetation, it was ready to explode. "Delay ... will only perpetuate fuel buildup and increase the potential for uncontrolled and destructive wildfire," they wrote in a scientific analysis for the Kaibab National Forest.

Some thinning was done -- but not enough. Last year, a large fire swept through the region, carving an apocalyptic trail of destruction.

"What happened is much worse, ecologically, than a clear-cut -- much worse," Covington said. "And that fire is the future. It's happening again and again. We're going to have skeletal landscapes."

* Listening to fire and forest scientists, Martha Kettle pleaded in 1996 for permission to log and thin an incendiary mass of storm-killed timber in California's Trinity Alps. "This is a true emergency of vast magnitude," Kettle, then supervisor of the Six Rivers National Forest, wrote to her boss in San Francisco. "It is not a matter of if a fire will occur, but how extensive the damage will be when the fire does occur."

Because of an environmental appeal, the project bogged down. Then, in 1999, a fire found its way into the area. It spewed smoke for hundreds of miles, incinerated spotted owl habitat and triggered soil erosion and stream damage in a key salmon-spawning watershed.

* Early last year, officials of Santa Fe National Forest in New Mexico urged that dense pine stands near Los Alamos be thinned. "The underlying need is to reduce the potential for large, high intensity crown fires that threaten people, property, wildlife (and) watersheds," they stated in a report.

The project was slowed by a lack of funds and by environmental concerns. Last May, the Cerro Grande fire, the largest and most destructive in New Mexico history, erupted in the very area recommended for thinning, damaging or destroying more than 220 structures, including several portable structures at Los Alamos National Laboratory.

"Witnessing the Cerro Grande fire is the closest I'll come to seeing a biblical event in my lifetime," said Bill Armstrong, a forester with the Santa Fe National Forest. "It was unstoppable. Awe-inspiring. Futile. It was not, however, an unpreventable act of God."

Step into the forest outside Flagstaff, Ariz., and you enter a world of living matchsticks. You see dozens, hundreds, thousands of spindly, stunted ponderosa pines, crowded close together in shadowy thickets -- each competing with the others for moisture, soil nutrients and sunlight.

It is a much different setting from the one described by E.F. Beale, an explorer who passed through the area in 1858. "We came to a glorious forest of lofty pines," Beale wrote in a journal. "The forest was perfectly open and unencumbered with brush wood, so that the traveling was excellent."

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What made that 19th century forest spacious was fire.

"Frequent surface fires were as important to ... forests as sunshine and rain," Thomas Swetham, director of the University of Arizona's Tree-Ring Laboratory, told Congress last year. "Indeed, in southwestern ponderosa pine forests, the only natural events more frequent and regular than fire were the changing seasons."

Smokey Bear changed all that. Preventing and putting out fires, though, turned forests into thickets. Covington, the fire scientist, has quantified the change. In the Kaibab National Forest in Arizona, he found an area that sprouted 36 to 81 trees per acre in 1876 had grown shaggy and dense with 692 to 1,801 trees per acre by 1994.

A 1999 report by the U.S. General Accounting Office concluded: "The most extensive and serious problem (for) national forests in the interior West is the overaccumulation of vegetation. According to the Forest Service, 39 million acres are at high risk" of fire.

Not content to lick lightly along the surface of the forest, snapping up grass, brush and small trees, modern-day blazes roar up a staircase of woody debris, leaping high into the forest canopy. Such contemporary "crown fires" burn so hot that they destroy everything from microscopic life in the soil to majestic, old-growth trees that have been nourished by centuries of cooler fires.

"The fires we are experiencing now -- and I've been in this business 27 years -- are unlike anything we have experienced in this country before," said Paul Summerfelt, a fuel management officer with the Flagstaff fire department. "And this is just the beginning."

The buildup of fuels in Western forests was a prominent topic in the 1996 Sierra Nevada Ecosystem Project report, a 3,187-page scientific assessment of the California mountain range.

Citing a remarkable accumulation of vegetation and deadwood, the \$6.5 million, congressionally funded report warned of a fiery future -- unless overcrowded stands were thinned soon.

"Current quantities of flammable biomass -- primarily small trees and surface fuels -- are unprecedented," the report stated. "Simple physics and common sense dictate that the area burned by high-severity fires will increase. Losses of life, property and resources will escalate accordingly."

One suggested remedy was small-tree logging, followed by prescribed fire. "Logging can serve as a tool to help reduce fire hazard," it stated.

Environmental groups overlooked that part of the report.

Instead, they plucked one sentence from thousands to argue that all logging is bad. Here's how the National Forest Protection Alliance, a

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consortium of activists, used the report last fall in an action alert, under the heading, "What the Government's Own Scientists Say about Logging and Wildfires":

"Timber harvest, through its effects on forest structure, local microclimate and fuels accumulation has increased fire severity more than any other recent human activity."

Fire scientist Phillip Weatherspoon knows the sentence well. He helped write the Sierra Nevada report. The excerpt, he said, refers to historic logging that left Western forests littered with woody debris -- not modern thinning designed to clean up such debris.

"By itself it is misleading," he said. "This has been really abused."

Informed of Weatherspoon's concern, Jeanette Russell, network coordinator for the forest alliance, said: "This is the most popular fact we have. It is a quote congresspeople have used."

Chad Hanson, executive director of the John Muir Project and prominent foe of commercial logging, maintained there is nothing wrong with using the passage in isolation.

"It's a true statement," Hanson said. "It does not require additional statements to make it true."

The controversy is white-hot, powered by decades of distrust of the Forest Service. As Timothy Ingalsbee, director of the Western Fire Ecology Center in Oregon, explained in a letter:

"The fact that thinning is an abstract concept makes it subject to discretionary abuse In every single case of an alleged 'fire hazard reduction/forest ecosystem restoration' project that the agency has proposed the use of commercial thinning, the first thing the agency seeks is removal of the logs."

Not all environmental groups oppose commercial thinning, though. In Flagstaff, the Grand Canyon Trust has joined with Northern Arizona University, the Forest Service and others in an effort to thin dense stands.

The group, though, has hit a snag with no-commercial cut advocates within other environmental groups. "They say we are a tool of the timber industry," said Brad Ack, the Trust's conservation director.

"They say that logging increases the risk of fire," he said. "But that is out-of-context science. A lot of these folks are simply against cutting trees. It's almost spiritual environmentalism."

Hanson remains skeptical.

"This is not about science," he said. "This is the drumbeat of thinning being driven by the (Forest Service) commercial timber program. Science is being victimized."

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No pro-thinning effort has drawn more heat than the Quincy Library Group, a coalition of conservationists, loggers and business people in the Sierra Nevada that is a national model for fuel-reduction efforts. What's fueling that heat is sometimes partial truth and hyperbole.

During congressional debate, for example, a coalition of environmental groups -- including the Sierra Club and the Sierra Nevada Forest Protection Campaign -- claimed a Quincy-sponsored bill would "double logging." What the coalition didn't say was that logging volume was already at a 50-year low and that doubling it -- which is not actually what the bill proposed -- would have kept it well below historic levels.

"I still support that statement," said Craig Thomas, conservation director of the forest protection campaign in an e-mail. "It doesn't matter what the logging level was in the clear cut days (of the) 1980s. Those levels had no ecological validity."

The bill, passed by Congress, was meant to end the jobs versus trees gridlock, reduce fire risk and restore forests to health; it calls for thinning 40,000 to 70,000 acres of dense stands a year, while protecting 650,000 environmentally sensitive acres.

"They claim that we're clear-cutting, that we're going to destroy the spotted owl and ruin ancient forests -- and we're not," said Michael Yost, a professor of forestry at Feather River College and a member of the Quincy group.

"My wife and I have belonged for many years to the Sierra Club, The Wilderness Society and other organizations. And we've stopped our memberships," Yost said. "It's not in retaliation. It's just that I can't believe what these people are saying anymore."

In another case, the forest protection campaign distributed a flier to the U.S. Senate featuring a photo of a gigantic stump. "Sierra Old Growth Still Being Logged," it said. "Vote No on the Quincy Logging Bill." But the tree stump had nothing to do with the Quincy effort, or with Quincy itself. The tree was logged in another area.

"There is truly a conviction on the part of environmental groups that they can distort reality to convey impressions they believe are the truth," said Linda Blum, another Quincy member. "The focus is on ideology and politics -- not the environment."

Thomas said Quincy supporters are blowing smoke.

"This is their tactic: to try to demonstrate that we're some evil beast," Thomas said.

And while Thomas said he was not involved with the flier, he defended its use. "Who cares where the tree was cut?" he said. "The important thing was to convey a truthful message that old-growth forests were at risk in the Quincy proposal."

Some environmentalists don't merely manipulate the science. They attack the credibility of the scientists, including Covington, a Regents professor at Northern Arizona University.

For more than two decades, Covington has labored to bring a science-based ecological restoration gospel to pine forests around the West. His work has been published in academic periodicals, including the prestigious British journal Nature. Yet environmentalists consider his research suspect.

"Wally Covington is a darling of timber-industry supporters in Congress," said Hanson. "A lot of his data is open to question. He is a competent guy, but he is guessing."

Covington replied: "The science is solid. This is not a guess. They are attempting to discredit me because my views are different than their views."

"Science is not just the selective citation of studies," Covington said. "Science is built upon an entire body of knowledge. It's not slanted toward proving a particular point of view."

Sorting fact from fiction can sometimes be difficult. Armstrong, the New Mexico forester, recalled attending a meeting last year at the invitation of the Forest Conservation Council, a local environmental group.

The subject: a thinning project proposed by Santa Fe National Forest officials aimed at protecting the forests and streams that make up Santa Fe's watershed. The forest council didn't like the idea.

"The director got up and presented to the audience a long list of scientific authors and citations, all of them refuting what we were proposing to do," Armstrong said.

The list sounded impressive. "But we didn't know what to make of it," Armstrong said. Later, the group forwarded its scientific objections to the national forest in a letter.

"The claim that 'thinning,' whether commercial or not, will decrease the risk of wildfire continues to be conjecture," the group's president, John Talberth, wrote on Feb. 18, 2000.

Then he cited some science. "According to Forest Service researcher Jack Cohen, thinning forests ... does little, if anything to protect nearby homes and towns from losses during wildfire and may, in fact, be inefficient and ineffective," Talberth wrote, footnoting a 1999 report by Cohen.

Cohen's report does say that. But it also says: "This (research) should not imply that wildland vegetation management is not without a purpose and should not occur."

The forest council left that part out.

Cohen said the group is misrepresenting his research, which focuses narrowly on risk to homes and does not assess the ecological impact of thinning. "They're certainly distorting the context," he said.

In an e-mail, Cohen said: "I think it very unfortunate that some environmental groups play the current spin games that have become very much a part of our culture. Intellectual dishonesty has become a norm."

Talberth responded with an e-mail, too: "We stand by all that we have said," he wrote. "The truth is that there are two sides to the story and if these researchers cannot stand to acknowledge that, then maybe they should consider careers as politicians and leave science to those with more objective thinking."

Talberth's original letter quoted another study, in the journal Forest Science. That article, too, was cited out of context, said Carl Skinner, a California fire scientist who co-authored it.

Armstrong said the scientific citations show up again and again in other environmental appeals and protests. "We get this pseudoscience and misquoted stuff all the time," he said.

The Bee's Tom Knudson can be reached at tknudson@sacbee.com.

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Seeds of Change

Solutions sprouting from grass-roots efforts

(Fifth of five parts)

By Tom Knudson
Bee Staff Writer
(Published April 26, 2001)

Change is knocking on the door of America's environmental movement. Change is remodeling it from within.

From the outside, the pressure is coming from ranchers, corporate executives, small-town merchants, educators, schoolkids and other ordinary people embracing a home-grown style of environmentalism that is quietly saving species, restoring forests and grasslands, and preserving open space.

From the inside, it is coming from a broad spectrum of environmentalists -- chief executive officers, fund-raising specialists, state directors, program officers, lawyers and others -- struggling to bring more science, entrepreneurial skill, accountability, teamwork and results to a movement they say has grown self-righteous, inefficient, chaotic and shrill.

"Haphazard conservation is worse than haphazard development. We've had haphazard conservation for 30 years," said Patrick Noonan, chairman of The Conservation Fund, a Virginia group that provides financial and technical support to small environmental organizations.

Yet this new brand of stewardship remains more seed than storm, lacking the clamor and conflict that often accompany environmental news. Its disciples do not view the world darkly. Their habitat is one of hope, not hype.

"We've effectively sold the idea that the world is screwed up," said Dan Taylor, executive director of the National Audubon Society's California chapter. "What people are looking for now are some durable solutions on how to make it better."

Just as consumer taste shapes the corporate landscape, so, too, is hunger for a new kind of environmentalism changing the conservation world. The number of environmental groups is booming -- up from a few hundred in 1970 to more than 8,000 today. And most are sprouting not in traditional power centers -- such as Washington, D.C., or San Francisco -- but in other cities, small towns and rural areas.



Photo gallery

The Nature Conservancy has enlisted schoolkids -- including Cub Scouts from Gaik -- to help maintain the Cosumnes River Preserve. Aharon Sweatt, 7, center, Steven Scally, 7, far left, and others spend a Saturday morning planting trees and working toward badges. (Click photo for larger view in gallery)
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of San Francisco -- but in other cities, small towns and rural areas.

The grass-roots nature of the change can be read in the names of the organizations themselves: the Malpai Borderlands Group in Douglas, Ariz.; the Henry's Fork Foundation in Ashton, Idaho; the Great Valley Center in Modesto; the Applegate Partnership in Oregon.

"People now realize they can organize themselves," said Noonan. "They can band together in their community to save that river, field, mountain or whatever. It's America at its best."

Behavioral patterns are shifting, too. No longer is influencing public policy so lofty a goal. Today, some groups focus on a more tangible prize: buying, protecting and restoring land. And no longer do all groups simply say no to economic development; today, a few are learning how to make commerce and conservation walk side by side.

Change is leafing out at the national level, as well, where five of the country's 10 largest groups focus not on advocacy but buying and protecting land -- up from just one 30 years ago. Those groups -- The Nature Conservancy, Conservation International, Ducks Unlimited, the Trust for Public Land and the Conservation Fund -- have another common denominator: They are among the fastest-growing environmental groups in America.

Two of the 10 biggest groups, and many smaller ones, prosper without junk mail or telemarketing. Five are wealthy enough to compete with corporations for land. Two have their own scientific research institutes. At least two take in significant sums of money -- \$4 million a year or more -- from corporations, including oil, timber and mining companies.

Like experimentation on the dot-com frontier, such activity is bringing a burst of creativity to the conservation community, spawning start-ups and spinoffs that bear little resemblance to conventional environmental groups.

Look closely at this landscape and you see organizations with no members, no lawyers, even no payrolls. You also see conservation efforts sprouting in unlikely places -- including an Appalachian farm supply store, a commercial fishing fleet in Mexico, a fast-growing Florida suburb and cattle ranches in California and Arizona.

"You have to manage with people in mind nowadays ... You can't turn the land back to what it was in 1840," said Warner Glenn, a southeast Arizona rancher. Glenn is working with The Nature Conservancy, university scientists and others to keep grasslands healthy for rural families and for wildlife.

Priorities are beginning to change, too. No longer is the designation of parks and wilderness areas as dominant a theme. Today, some are focusing on the restoration of worked-over land, public and private alike, an approach many scientists say can produce greater benefit for the natural world. Some are taking conservation to the inner city, creating parks and cleaning up toxic sites in neighborhoods overlooked by mainstream groups.

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And no longer is it enough simply to point out problems. Today, people inside the environmental movement and outside are picking up shovels, planting trees, healing wetlands, tearing out parking lots, working with government and industry -- and solving problems themselves.

This new environmental frontier has no road map, no catalog of places saved or species protected. But plenty of people know it well. One is Bill Kittrell, director of the Clinch Valley program for The Nature Conservancy in the Appalachian Mountains of southwest Virginia.

Closer to Nashville than Washington, southwest Virginia seems an odd place for a branch office of the nation's largest environmental group. The countryside -- thickly forested with hickory, walnut and other hardwoods -- is picturesque. But, speckled with small towns and abandoned coal mines, it is no pristine wilderness. Eighty-nine percent of the area is private land.

Yet for the Conservancy, which focuses on protecting rare and endangered species, this quiet corner of Appalachia is more important than a national park. One morning not long ago, Kittrell was waist-deep in the Clinch River, trying to illustrate why.

He sloshed this way and that, using a large viewing scope to peer into the water. Five minutes passed. Ten minutes. A few moments later, one of his colleagues -- biologist Braven Beaty -- reached into the river and scooped what looked like a small yellow-brown stone off the bottom.

"Here we go!" Beaty said. "This is a fine-rayed pigtoe mussel. This is a federally endangered species."

Held in the sun, the mussel gleamed. And Kittrell beamed. "This is what we call a G-1 species," he said. "That means there are fewer than five population groups worldwide. The loss of any one population is a threat to the entire species."

All told, southwest Virginia's rivers and creeks are home to 48 rare and endangered mussels and fish, the highest number of imperiled species in any ecosystem in the United States, outside Hawaii. That concentration of rarity -- and a determination to remedy it -- was what drew the Conservancy to southwest Virginia.

"Most environmentalists, they always want more," the Conservancy's former President John Sawhill told The Bee before his death last year. "We wanted to know, 'How much is enough? What do we really need to do to conserve biological diversity in the U.S.? How will we measure success?'"

"So we came up with the idea of creating what we call a conservation blueprint: a map showing all the sites nationwide that need to be protected in order to accomplish our mission," Sawhill said. On that map, a handful of areas glow red and orange -- color codes for extreme biological danger. They are southwest Virginia, Hawaii and parts of

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California, Nevada and Florida.

"Now we know where we're headed and what we're trying to accomplish," Sawhill said.

The Conservancy also works closely with local residents, including Buddy Thomas, owner of the Castlewood Farm Supply & Garden Center and president of the chamber of commerce in Russell County, Va.

"I've heard it so many times from these farmers: 'What importance are these little mussels?' " Thomas said. "When I tell them those mussels are God's little filters to clean the water, they look at it a whole different way."

"I got a 2-year-old girl," Thomas continued. "You know what my favorite thing in the world is to do? It is to get my fishing rod and my kid and play in that creek. Everybody loves the creek. I can't find many people who want to see it hurt."

Thomas even formed his own conservation start-up -- the all-volunteer Copper Creek Watershed Citizens' Awareness Group -- to bring farmers, environmentalists and others together to solve problems.

"We'll get a lot further doing things together than by butting heads, making threats and telling people they can't do things," he said. "You tell people around here they can't do something, they'll do it or die."

A similar approach is unfolding outside the United States, where Conservation International, the youngest of the nation's major environmental groups, concentrates on a handful of the planet's richest biological zones, from the Congo Basin in Africa to Mexico's Gulf of California.

On turquoise water under a sweltering sun, Conservation International scientist Juan Garcia is putting a new strategy to work to save a wide variety of marine life in the gulf. He is working with the very people who are exploiting the gulf, also known as the Sea of Cortez.

Garcia labors alongside fishermen, trying to make shrimp trawling, one of the world's most wasteful fishing technologies, less destructive. Dragged behind large boats, trawl nets snare everything in their path, including sea horses, marine turtles and silvery schools of fish too small to eat.

In the Sea of Cortez, trawl nets capture up to 9 pounds of unwanted species for every pound of shrimp, one of the highest ratios anywhere.

"We are working with six or seven vessels," Garcia said. "They are very enthusiastic about trying to find a solution."

Such community-driven conservation efforts are the brainchild of Conservation International's founder and chairman, Peter Seligmann, who believes the secret to environmental success in other countries is to "make sure everybody understands conservation is in their self-

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interest."

Seligmann is applying conservation to internal matters, too. A few years back, he abandoned junk-mail fund raising in favor of personal solicitations to major donors. The result: more accountability for donor dollars.

"If you have a million people giving you \$25, nobody has the leverage to say -- 'OK, how did you spend my money?' -- because they don't care. It's just 25 bucks," he said. "But when somebody gives you \$1,000, they have the right to know, and you have the obligation to inform them, how you spend their money."

"The other problem with direct mail is it requires exaggeration," Seligmann said. "You don't build effective long-term conservation programs based on exaggeration."

Even some groups that continue to raise money though the mail are doing it differently: They refuse to cry wolf.

"We very rarely say, 'The world is coming to an end, send \$25,' " said Taylor, the Audubon Society leader. "What we do say is, 'Send us money so we can buy this area, restore that area.' That approach has performed nicely."

In Tucson, the Sonoran Institute takes matters a step further -- it doesn't have a membership at all.

"A membership is very expensive," said Luther Propst, executive director of the organization, which protects open space across the western United States, Canada and Mexico. Instead, it raises money from foundations.

A membership "will also influence your decision-making, often in ways that take you away from science and what your field people tell you. You are tempted to oversimplify. We find that foundation officers appreciate it when you are honest."

Frustrated with junk mail, even Greenpeace is trying alternatives, including something called "direct dialogue" in which volunteers stand on street corners and ask for donations.

But instead of seeking a one-time contribution of cash, the Greenpeace volunteers are asking for a monthly credit-card or checking-account deposit, thus eliminating junk mail and cutting fund-raising costs. That approach is popular in Europe but relatively new in the United States.

"Our argument to donors is, 'This (direct deposit) is how you can really help us,'" said John Passacantando, Greenpeace's executive director. "We're spending too much money to get your money."

Some environmentalists are even taking a fresh look at the movement's most potent weapon: the law. "The law prohibits bad things; it doesn't encourage good things," said Michael Bean, a senior

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attorney with Environmental Defense, a major national group.

Bean, one of the nation's most seasoned endangered species lawyers, has sued to get the California desert tortoise on the endangered species list and compel American shrimp fishermen to reduce the accidental catch of sea turtles in their nets.

Now he's found a new niche: saving wildlife without litigation.

"The preconceived notion is that the best way to get results is always to tighten the screws," Bean said. "But there are some circumstances in which you get better results by creatively loosening the screws."

One such case unfolded in North Carolina where landowners, wary of land-use restrictions, were leveling pine forests to ward off an endangered woodpecker.

Bean helped broker a deal in which landowners not only agreed to stop such "panic cutting" but also to manage their forests in ways that would attract the birds -- all in exchange for a guarantee from the federal government that they would suffer no new restrictions on using their land.

Bean said the idea behind such "safe harbor agreements" is simple: People who do good deeds shouldn't be punished for doing them.

Incentives are coming to regulatory matters, too.

"We believe in regulation. But you can only go so far with a regulatory system. Free enterprise is the greatest motivator the world has ever known," said Noonan, the Conservation Fund chairman.

"Developers come to us all the time," Noonan continued. "They don't want to get tied up, fight it out for years. They want certainty. I can jam any developer I want. I may not win, but I can jam them. For two, three, four years. That's power. But it's also frightening power."

When a large investment group recently announced plans to build a new subdivision in fast-growing Palm Beach County, Fla., Noonan worked with the developer to create ribbons of open space that will provide habitat for endangered species, restore surface and groundwater flows, and link neighborhoods with bicycle and pedestrian trails.

"We're not going to stop population growth, at least not in our lifetime," Noonan said. "So I suggest the next big leap is: How do we support good development?"

Increasingly, environmental groups also are using the free market to accomplish something that has proved nearly impossible for local, county and state regulators: stopping sprawl.

They are doing it by buying land, even in some of the most booming real estate markets in America. "We're un-developers," said Will

Rogers, president of the Trust for Public Land, which recently saved a choice 534-acre parcel from subdivision in the hills above San Jose, for \$1.9 million.

Some of the trust's work takes place an ecosystem overlooked by many conservation groups: the inner city. In Oakland, it is turning urban blight into parks. In Los Angeles, it is converting a toxic Superfund site into a soccer field.

"There is an increased awareness that land can be recycled, that parks can be created often out of brownfields" -- abandoned industrial sites, Rogers said. "It's gnarly stuff, in terms of toxics and liability. But it's a big, exciting category. We've done probably 36 brownfields projects over our history."

Noonan's Conservation Fund recently pulled off one of the biggest transactions of all -- buying from a logging company 300,000 acres in New York, Vermont and New Hampshire for \$76.7 million.

"We outbid Wall Street on that one," Noonan said. "That's happening more and more."

Like a brokerage house for the environmental movement, the Conservation Fund brought together other nonprofit groups, foundations and public agencies to complete a transaction none could have completed on its own.

"The big weakness of our movement is we don't collaborate very well," Noonan said. "We're seeing a new set of people come into the movement who can talk the language of business and who are humble enough to know they can't do it alone."

Land also can be protected through strategies such as that adopted by California rancher Scott Stone: Restore it to ecological health. Last year, as bright orange flames raced along a creek at the Yolo Land and Cattle Co. northwest of Winters, Stone stood nearby, watching contentedly.

"You can see what we're trying to get rid of," he said, pointing to vast golden fields of yellow star thistle, medusa head and goat grass -- non-native, ecologically harmful weeds and grasses.

The spread of non-native weeds and other species may seem insignificant, but it is actually one of the nation's most serious ecological problems. Exotic weeds and grasses choke out native plants, increase fire danger and destroy wildlife habitat.

Conventional remedies -- herbicides and hoes -- offer little hope. The problem is simply too large. For many weed species in the West, the only option is fire. And in California, few people know more about the therapeutic power of fire than Central Valley farmer John Anderson, who helped Stone plan and carry out his pastoral pyrotechnics.

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"That star thistle is history!" Anderson shouted gleefully as knee-high flames raced along a dirt road.

Sitting on the ground as smoke curled around him, his face streaked with ash, Anderson turned philosophical. "We need to reinstitute a culture of fire in the West," he said. "We've feared it for years, and now nobody knows how to burn."

Anderson took advantage of his fireside chat to call for the creation of a massive new federal program to restore land to ecological health -- "a national land health care system," he called it.

"You really can't nickel-and-dime habitat restoration," said Anderson, a member of the National Audubon Society board. "Most of the money we're getting now (from government agencies) is nickel and dime. We need big bucks ... We need millions and millions of dollars to fight weeds right now."

But there are alternatives to federal money, too. You can, for example, call on school kids, as The Nature Conservancy is doing south of Sacramento at its Cosumnes River Preserve.

"We decided that the way to the heart of the community was through the schoolchildren," said Mike Eaton, director of the preserve. "So we set out to create hands-on opportunities." Today, about 4,000 schoolkids a year plant trees, collect acorns and gather frog, fish and duck stories to take home.

Tapping into community spirit is also an approach used by the Malpai Borderlands Group, a network of ranchers in Arizona and New Mexico. There, free market tools such as conservation easements and cooperative grazing partnerships are put to work to protect ranches and open space critical to wildlife.

"There are very few ranchers in this country that are not pro-wildlife," said Warner Glenn -- a member of the group's board -- relaxing on the porch of his ranch home last year as lightning illuminated Mexico's Sierra Madre range to the south.

In 1996, Glenn became the first person to photograph a wild jaguar in the United States. He wrote a book about it and is donating a portion of the proceeds to jaguar conservation.

When the population of a rare species of leopard frog dropped precariously in a drought a few years back, another Malpai rancher, Matt Magoffin, fashioned a homemade water truck. He and his family hauled 1,000 gallons of water a week to the frogs for 2 1/2 years.

"Environmentalists are fighting with ranchers, but we both want the same goals," Magoffin said. "We want to maintain open space and keep subdivisions from spreading across the landscape."

Corporations have also joined the ranks of nontraditional

<http://www.sacbee.com/news/projects/environment/20010426.html>

6/4/01

Environment, Inc.

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conservationists. And many environmentalists are distrustful.

"The lack of accountability on the part of America's corporate leadership is back where it was in the 1870s," said Carl Pope, executive director of the Sierra Club. Less than 1 percent of the Sierra Club's budget comes from corporations, and such gifts are run through a rigorous environmental screening process.

But Conservation International President Russell Mittermeier embraces corporate wealth.

"The private sector drives much of what happens in the world," said Mittermeier, who has been likened to Indiana Jones for his intrepid travels through tropical jungles to save endangered primates. "One can either be in an adversarial relationship with it, or one can work with people in the private sector who are really concerned and interested in change."

Ford Motor Co. has donated more than \$5 million to Conservation International for habitat protection in Brazil and Mexico. Starbucks is backing efforts to promote the cultivation of shade-tolerant coffee plants in Chiapas, Mexico, saving forests from being logged to make way for coffee plantations.

William Clay Ford Jr. -- the car company's chairman -- has served on the Conservation International board member. So has retired Intel Chairman Gordon Moore, who recently gave the group \$35 million to start its own research arm.

Although many environmentalists say corporate support is a public relations ploy, Mittermeier said his own experience indicates otherwise.

"William Ford is as strong on this stuff as anybody in the organization," he said, "Gordon Moore is totally committed. He goes on every field trip, climbs every mountain."

The National Audubon Society welcomes corporate donations, too. "Somebody once had a great phrase when asked, 'Would you accept tainted money?' " said Dan Beard, the society's chief operating officer. "The response was, 'The only thing wrong with tainted money is there t'ain't enough of it.'"

"What we ought to be doing is building an environmental ethic in corporate minds," Beard said. "We ought to be converting the world to an environmental ethic. If you just ignore people -- or point fingers at them -- that isn't going to do anybody any good."

**The Bee's Tom Knudson can be reached at
tknudson@sacbee.com.**

TOP

NEXT

<http://www.sacbee.com/news/projects/environment/20010426.html>

6/4/01

OCT 10 '01 03:24PM
U.S. Army Corps of Engineers
Northwestern Division

P.1
COMMENT Form
MISSOURI RIVER MASTER MANUAL RDEIS
B0100032

Contact Information:
Name: BRIAN D. EVERIST
Address: INTERCONTINENTAL ENGINEERING-MANUFACTURING CORP.
City, State, Zip: P.O. Box 9055 KANSAS CITY, MO. 64168
e-mail address: INFO@INTERCON.COM

We welcome your mailed or faxed comments. Fax number: (402) 697-2504. Comment categories are provided in the newsletter.

Comments:
Choose a category/categories for each comment from the list provided in the newsletter.
1. Category(ies): FLOOD CONTROL

- SEE ATTACHED LETTER -

2. Category(ies): MISSOURI RIVER NAVIGATION
- SEE ATTACHED LETTER -

OCT 10 '01 03:25PM

P.2



INTERCONTINENTAL
ENGINEERING-MANUFACTURING CORPORATION

POST OFFICE BOX 9055
KANSAS CITY, MISSOURI 64168

PHONE 816 741-0700
FAX 816 741-5232
E-MAIL: info@intercon.com

October 10, 2001

U.S. Army Corps of Engineers Northwestern Division
ATTN: Missouri River Master Manual RDEIS
12565 W. Center Road
Omaha, Nebraska 68144-3869

Reference: Missouri River Master Manual - RDEIS

Gentlemen:

We are writing to register our strong opposition to any proposed revisions to the Missouri River Master Manual.

Intercon built its manufacturing facilities in Riverside, Missouri in 1961 for the express purpose of manufacturing heavy equipment for diverse markets - and delivering those products by barge as required. Over the past 40 years, this location has served us well, as we have successfully competed against firms with permanent (coastal) water transportation options. Our 120 acre riverfront property includes a permanent dock facility equipped with a 150 ton capacity crane - the largest anywhere on the Missouri River. Water transportation is vital to Intercon's competitive position in the markets we serve. The evolution of our heavy machinery products, as well as our involvement in DOD contracting, were shaped by the twin benefits assured by the Corps' management of the river: acceptable navigation conditions and flood control.

We are particularly concerned about any increased spring flows, which under the U.S. Fish and Wildlife BiOp proposal, would be approximately 40% higher in late May and June. This increased risk of flooding is unacceptable. In taking this position, we emphasize that Intercon accepted known risks when developing our facilities in a flood plain. We understand and assume the natural meteorological risk associated with conducting business within reach of the Missouri River. We do not, however, consider it appropriate for flood control priorities, which were clearly in place when we established our business, to be altered against the interest of those who have invested in the river as an economic resource. Adopting any proposed changes in river priorities at this point would be an economic injustice. For the record, Intercon self-insured against the flood of 1993 and without outside help of any kind, rebuilt our facilities, maintained our contract commitments, and preserved employment for 100 people.

FC 4, 8

The proposed changes in the FWS Biological Opinion would have a second negative impact on Intercon in the form of a reduced shipping season and higher costs. The economic impact of such a change is easy to predict: a reduced shipping season will reduce the number of tow operators on the Missouri River which in turn will lead to fewer transportation options and increased costs to those who must ship by barge. We are essentially in competition with shipyards and other manufacturing firms with unrestricted water access; our ability to compete successfully would be damaged.

Nav 12, 49

OCT 18 '01 03:25PM

P. 3

INTERCONTINENTAL ENGINEERING-MANUFACTURING CORPORATION

U.S. Army Corps of Engineering

- 2 -

October 10, 2001

In summary, we urge the Corps to manage the river in a fashion consistent with past priorities. We have, and will continue to accept all other challenges required to maintain a multi-million dollar payroll at our Riverside facilities. We appreciate your consideration of our viewpoint, and trust that the river will continue to be managed as an economic resource, as defined by past policy and legislation.

Other - 6

Very truly yours,

INTERCONTINENTAL ENGINEERING-MANUFACTURING CORPORATION

Brian D. Everist
President

BDE/dg

cc: Representative Sam Graves
Senator Christopher Kit Bond
Senator Jean Carnahan



U.S. Army Corps of Engineers
Northwestern Division

COMMENT FORM

MISSOURI RIVER MASTER MANUAL - REVIEW and UPDATE - RDEIS

B0100033

Contact Information:

Name: Loretta Koster Asphalt Supply Manager Phillips 66 Company

Address: 900 S. Central

City, State, Zip: Roxana, IL 62084

e-mail address: lkoster@ppco.com

We welcome your mailed or faxed comments. Please postmark or fax by February 28, 2002. Fax number: (402) 697-2504.

Comments:

Please choose a category (or categories) marked with an asterisk (*) for each of your comments.

Economic Uses (Missouri River)

- * Flood Control
- * Interior Drainage Damages
- * Groundwater Damages
- * Hydropower Production
- * Missouri River Navigation
- * Recreation
- * Water Supply
- * Missouri River Powerplants

Environmental Resources (Missouri River)

- * Endangered Species
- * Wetland and Riparian Habitat
- * Fisheries
- * Terns & Plovers
- * Water Quality
- * Cultural Resources (Historic Properties)
- * Erosion and Sedimentation (Missouri River)

The Alternatives

- * Drought Conservation Measures
- * Fort Peck Spring Rise
- * Gavins Point Spring Release
- * Gavins Point Summer Releases
- * Adaptive Management
- * Mississippi River
- * Other

1. Category(ies): Missouri River Navigation
See following two pages

2. Category(ies):

February 28, 2002
Page 2 of 3

Loretta Koster
Supply Manager, Asphalt
Phillips 66 Company

Comments on the 2002 Missouri River Master Manual – Review and Update - RDEIS

The asphalt industry is opposed to any plan that would render the Missouri River closed to barge traffic.

The impact to the asphalt suppliers along the Missouri River is estimated at \$7 million annually. In addition, the barge companies transporting asphalt on the Missouri would lose \$2.25 million in revenue each year. The total impact is over \$9 million annually.

There are three main asphalt markets along the navigable Missouri River: Kansas City, Omaha (Council Bluffs), and Sioux City. The annual demand for liquid asphalt is estimated to be 650,000 tons from these three supply points. About half of the asphalt is brought up the Missouri River by barge; the other half is brought in by rail, mostly from the Rocky Mountain region, with the Omaha and Sioux City markets being predominantly supplied by rail. Kansas City is supplied primarily by barge.

Our barge carrier company transported 250,000 tons of asphalt on the Missouri River last year. Several other barge companies transport asphalt on the Missouri, with the combined volumes of the other companies being approximately 50,000 tons.

We have an asphalt terminal in Kansas City, Mo. The terminal is accessible by either barge or rail, although the rail facilities are only capable of accommodating ten cars a week. During the summer construction season we ship up to sixty trucks each day, which is the equivalent of seventeen rail cars we would need to receive daily. We could not possibly supply our terminal by rail and keep up with the demand under our current operations. Due to land constraints we would be unable to expand our rail off-loading capabilities to sustain our business.

We have a published rail rate for our asphalt from the Roxana, IL (just east of St Louis, MO), to Kansas City, as well as a barge rate. The rail freight rate is slightly more than \$5/ton over the barge rate.

However, the rail rate will most certainly increase if the barge traffic were to cease. The railroads are keenly aware of their competition, and tend to price their rates accordingly. With the option to move product by barge, the rail rates are \$5/ton over the barge rate. This is understandable, considering that it is inherently more expensive to move smaller quantities (a rail car is about 90 tons, a single barge is over 3000 tons). Our truck freight rate from Roxana to Kansas City is \$15/ton over the current rail rate. If the barge option were to disappear, it is likely that the railroad would move their rates up to be closer to the truck rate.

An individual in the fertilizer industry illustrated this possibility by comparing freight rates for fertilizer from New Orleans to the Kansas City area. The barge rate was \$10/ton; the rail rate was \$14/ton to a location in Kansas City that could accept either

Nav 8, 49

February 28, 2002
Page 3 of 3

Loretta Koster
Supply Manager, Asphalt
Phillips 66 Company

barge or rail. But the rail rate was \$24/ton to a customer who had no barge access, even though the customer was just 36 miles away from a barge terminal. (This information was shared during a public meeting in St Louis discussing the Missouri River situation.)

The base freight rate is only one of the expenses the asphalt industry would incur. At least 200 additional freight cars would be needed – a cost of almost \$1.5 million annually. Additional rail loading and unloading facilities would need to be built if we were able to obtain the additional land. Additional heating capacity (and therefore utility consumption) would be needed – barges heat the asphalt during transit (included in the freight); rail cars do not and need to be heated before being unloaded. It is more labor-intensive to load and unload rail cars than barges, so additional human resources would be needed. A bill of lading must be generated and tracked for every rail car moved, and an invoice for the freight on each rail car must be verified and paid. The increased expenses (other than the actual rail cars) are estimated at \$1 million annually.

The total impact to our company alone is \$5 million annually. Although most of the other suppliers do not depend heavily on barge deliveries, their rail rates would increase without the barge option. At an estimated \$5/ton increase, this amounts to \$2.5 million (on 500,000 tons).

This analysis is a considered to be conservative:

- 1) The asphalt industry would need at least two years to accomplish a complete switch from barge to rail – rail cars to be built, rail sidings to be designed and built, heating systems to be engineered and constructed, etc. The economic impact during the transition years is quite likely to be higher than \$9 million.
- 2) The rail rates might increase even more than estimated.
- 3) The asphalt producers in the Rocky Mountains might raise their prices without competition from water-borne producers.
- 4) Other expenses might be incurred that have not been considered.

And, finally, this does not attempt to consider the impact this might have on the asphalt paving contractors or the general public. The state-funded road-building programs in Missouri, Kansas, Nebraska and Iowa are already strained, and increasing the cost of asphalt could have serious adverse affects on those states.

Nav 49

I urge you to take this analysis into consideration when deciding on the future of the Missouri River, and maintain the river as a navigable waterway.

Sincerely,



Loretta G. Koster
Manager, Asphalt Supply
Phillips 66 Company



U.S. Army Corps of Engineers
Northwestern Division

COMMENT Form
MISSOURI RIVER MASTER MANUAL RDEIS

B0100034

Contact Information:

Name: Continental Cement Company (Attn: Tom Beck)
Address: 15455 Conway Road, Suite 315
City, State, Zip: Chesterfield, MO 63017
e-mail address: tbeck@continentalcement.com

We welcome your mailed or faxed comments. Fax number: (402) 697-2504. Comment categories are provided in the newsletter.

Comments:

Choose a category/categories for each comment from the list provided in the newsletter.

1. **Category(ies):** _____

Missouri River Navigation:

Continental Cement Company is fundamentally opposed to altering the current flow of the Missouri River; or, doing anything that is potentially harmful to navigation.

Nav 51

2. **Category(ies):** _____

Mississippi River Navigation:

Continental Cement Company is fundamentally opposed to altering the current flow of the Missouri River, as doing so may negatively impact navigation opportunities on the Mississippi River in the future.

Miss 4



02/28/2002 12:06 9133817426
U.S. Army Corps of Engineers
Northwestern Division

TOSCO ASPHALT

PAGE 01

COMMENT

B0100035

MISSOURI RIVER MASTER MANUAL - REVIEW and UPDATE

Contact Information:

Name: Douglas W. Clark, Phillips 66 Company
Address: 7240 W. 98th Terrace, Suite 155
City, State, Zip: Overland Park, KS 66212
e-mail address: DCLARK2@PPCO.com

We welcome your mailed or faxed comments. Please postmark or fax by February 28, 2002 Fax number: (402) 697-2504.

Comments:

Please choose a category (or categories) marked with an asterisk (*) for each of your comments.

Economic Uses (Missouri River)

- * Flood Control
- * Interior Drainage Damages
- * Groundwater Damages
- * Hydropower Production
- * Missouri River Navigation
- * Recreation
- * Water Supply
- * Missouri River Powerplants

Environmental Resources (Missouri River)

- * Endangered Species
- * Wetland and Riparian Habitat
- * Fisheries
- * Trees & Plants
- * Water Quality
- * Cultural Resources (Historic Properties)
- * Erosion and Sedimentation (Missouri River)

The Alternatives

- * Drought Conservation Measures
- * Fort Peck Spring Rise
- * Gavins Point Spring Rise
- * Gavins Point Summer Releases
- * Adaptive Management
- * Mississippi River
- * Other

1. **Category(ies):** _____

Economic Use-Navigation. I am the area sales manager for the Phillips 66 Kansas City asphalt terminal. It has been estimated that the loss of the Missouri River to navigation would cost my company almost \$5 million annually. In my opinion, the impact of this loss will be much greater than that. As an example, in 1993 our terminal was out of operation due to the flood. In an effort to keep road repairs going during the emergency, in one month we shipped over 1,200 tanker truckloads of asphalt from our refinery at Wood River, Ill (just east of St. Louis) to various locations in the Kansas City area. Not only is this added traffic hard on our highways, but the additional costs were over \$650,000 for one month. All of the above costs eventually get passed on to our customers-the local highway paving contractor. Their largest customers are state and local municipalities who typically have fixed budgets, so it stands to reason that if the cost of asphalt goes up, then state and other municipalities can afford less road repair and improvements. If there is less work to do, the contractor then needs fewer employees and layoffs occur. It would be very hard to estimate the value of this

Nav 49

2. **Category(ies):** _____

compounding effect, but it would be substantial. I hope this demonstrates that the loss of navigation would have a domino economic effect that is more significant than just the difference in barge versus rail or truck rates.



U.S. Army Corps of Engineers
Northwestern Division

COMMENT Form

MISSOURI RIVER MASTER MANUAL • REVIEW and UPDATE • RDEIS

B0100038

Contact Information:

Name: Gary Chilcote

Address: Patee House Museum, Box 1022, 1202 Penn

City, State, Zip: St. Joseph, Mo. 64502

e-mail address:

We welcome your mailed or faxed comments. Please postmark or fax by **February 28, 2002**. Fax number: (402) 697-2504.

Comments:

Please choose a category (or categories) marked with an asterisk (*) for each of your comments.

Economic Uses (Missouri River)

- Flood Control
- Interior Drainage Damages
- Groundwater Damages
- Hydropower Production
- Missouri River Navigation
- Recreation
- Water Supply
- Missouri River Powerplants

Environmental Resources (Missouri River)

- Endangered Species
- Wetland and Riparian Habitat
- Fisheries
- Terns & Plovers
- Water Quality
- Cultural Resources (Historic Properties)
- Erosion and Sedimentation (Missouri River)

The Alternatives

- Drought Conservation Measures
- Fort Peck Spring Rise
- Gavins Point Spring Rise
- Gavins Point Summer Releases
- Adaptive Management
- **Mississippi River**
- **Other**

1. Category(ies): Economic - Recreation - I attended the Nov. 1 meeting at St. Joseph, but it lasted so long I was unable to wait to speak.

Much has been said about recreation in the upstream states. Missouri River navigation serves much more than just barges hauling bulk commodities.

In August, Riverbarge Cruise Lines from New Orleans brought their huge 750-foot floating hotel up the Missouri, making two stops in St. Joseph a week apart. They bused their hundreds of passengers to Patee House Museum and the Jesse James Home two different evenings. This brought in more than \$600 each of the two nights at our museums. While at St. Joseph, they also toured several other museums, shopped and visited local attractions.

2. This is a new kind of tourism and river use not previously mentioned in your studies.

Riverbarge Lines has booked cruises with our museums for the next two summer seasons - but with the stipulation that the Corps has sufficient water in the Missouri River to accommodate 750-foot floating hotel like they operate.

Please consider the recreation/tourism impact on downriver states when you talk of reducing summer flows. Riverbarge Lines has a big economic impact on the communities it visits. It's part of the lifeblood of museums like ours that operate entirely without federal, state or local taxes.

Nav 43

Rec 6

METRO ELECTRIC INC.

SIOUX CITY, IOWA • (712) 233-2438

B0200001

February 12, 2002

U.S. Army Corps of Engineers, Northwest Division
Attn: Missouri River Master Manual RDEI
12565 West Center Road
Omaha, NE 68144-3869

RE: Management of the Missouri River

Dear Sirs,

As a concerned citizen, business owner, recreational river enthusiast, and consumer in Sioux City, Iowa, South Sioux City, NE and North Sioux City, S.D., I am opposed to decreased Summer flow and increased Spring/Fall flow. I am especially concerned with adaptive management plans that circumvent public input.

Other 7, 10

It is my opinion that the negative impact is far to great for the uncertain habitat benefits that the Corps of Engineers is proposing.

Sincerely,

Dave Gill
President
Metro Electric, Inc.

B & D EQUIPMENT CO., INC.
P.O. BOX 401
17526 286TH ROAD
ATCHISON, KS 66002
913-367-1744

B0200002



General David Fastabend
USACE Northwestern Division
Attn: MO River Master Manual Review
12565 West Center Road
Omaha, NE 68144-3869

Dear General David Fastabend,

As a business who serves a great many of customers who live in the Halls Levee District and the Rushville-Sugar Lake Levee District we find we have serious concerns about the proposed changes to the Missouri River.

We feel these changes will negatively affect many of our customer's livelihoods and in return affect our business. The spring rise would damage our customer's crops by delaying planting dates, increased possibility of flooding and drainage problems. The reduced summer flow will also have negative effects including loss of transportation and navigation which would drive crop prices down and reducing crop yields. We are especially concerned with the idea that our customers will lose their ability to be involved in the decision making for the Missouri River and will have to rely on federally employed biologists to make their decisions for them.

We are very concerned for our customers and the impact of these proposed changes on their way of living and farming, and these factors will in turn affect this business. Please reconsider the proposed changes. Farming already has many risks, we should not choose to create more risks unnecessarily.

Sincerely,

James M. Barton
President, B&D Equipment Co., Inc.

IntD 1
GW 2
Nav 12, 7
Other 10

Other 48



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B0200003

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February 19, 2002

U.S. Army Corps of Engineers, Northwest Division
Attention: Missouri River Master Manual RDEI
12565 West Center Road
Omaha, NE 68144-3869

The Honorable Ben Nelson
United States Senate
Federal Building, Room 287
100 Centennial Mall North
Lincoln, NE 68508

The Honorable Doug Bereuter
House of Representatives
Lincoln District Office
301 S. 13th Street, Suite 100
Lincoln, NE 68508

The Honorable Chuck Hagel
United States Senate
294 Federal Building
100 Centennial Mall North
Lincoln, NE 68508

Re: Management of the Flow of the Missouri River

Changes regarding the flow of the Missouri River are presently being considered by the Army Corps of Engineers. These changes are being considered to create habitat for two species of birds, the tern and plover, as well as a potential spawning cue for the pallid sturgeon.

While it cannot be guaranteed that these changes will achieve their desired goal, it can be reasonably predicted that a change in the flow of the Missouri River will result in a negative economical, environmental, and recreational impact to states downstream from Gavin's Point Dam in Yankton, South Dakota. Should the river's flow be modified, downstream residents and businesses can anticipate the following:

1. Reduction of the summer flow will:
 - a. decrease the availability of commercial barge traffic on the Missouri River, resulting in a negative impact to consumers estimated in the millions of dollars and a dramatic decrease in recreational use; Nav 12, 45, 46
 - b. cause river temperatures to rise, resulting in an inability to use river water as a coolant by electric generating facilities along the Missouri River, and therefore, jeopardizing peak summer electric supplies; and, MoPower 1
 - c. cause the Western Area Power Administration to make "shortfall purchases" to compensate for production reductions, resulting in estimated costs of \$30 million annually and a 12 to 20 percent price increase to their customers. HPower 18
2. Increased spring flows expose 1.4 million acres of farmland to potential flooding and drainage problems that will, in turn, adversely affect surface and groundwater conditions. IntD 1
GW 2

MANAGEMENT OF THE FLOW OF THE MISSOURI RIVER
PAGE TWO

- 3. Cities and private wells that depend on the Missouri River for their water supplies could be adversely affected by movement of contaminants to well fields, resulting in a loss of public drinking water supplies, and thereby, creating a danger to public health.

WQ 12

While the changes being considered by the Army Corps of Engineers are well intentioned, perhaps they are unrealistic when considering the negative economical and environmental impact to downstream states. I urge you to consider fully the impact to all who will be affected by the proposed changes and resist their implementation.

Thank you.

Very truly yours,

GREAT WEST CASUALTY COMPANY

R. Scott Rager
Chairman and Chief Executive Officer

RSR:dp



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B0200004

EMPLOYEE OWNED
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February 20, 2002

U.S. Army Corps of Engineers
Northwest Division
Attn: Missouri River Master Manual RDEIF
12565 West Center Road
Omaha, NE 68144-3869

Dear Sirs:

For about the past year the water level in the Missouri River has been lower than normal and has significantly restricted recreation access in our area. Last year there were only a few boats in the river to watch the fireworks display for the Rivercade Summer Festival compared to many boats in previous years. Larger boats can not be operated out of the marina or launched from boat ramps.

Rec 4

All economic development in Dakota Dunes, South Sioux City and in the Industrial areas of Sioux City has occurred in areas that were previously considered flood zones. Summer power generation requirements, shipping rates to our area, recreation and future development are all dependent on a steady river flow of adequate depth to allow access to the river, barge navigation, recreational uses, adequate water supply for coal generating plants, water flow for hydro-electric plants, and flood control.

MoPower 5
Nav 51
Rec 10

Phillips Kiln has made a significant investment in Sioux City, Iowa and in South Sioux City, Nebraska. We want to continue to operate in this area and enjoy the recreational and business benefits of doing so under the river flow management policy of the past 40 years that has resulted in the growth of this area.

Rec 10

The population along the Missouri River from Dakota Dunes, South Dakota to St. Louis, Missouri is probably about 10 times the population of the entire state of South Dakota. We hope that the interests of the vast majority prevail.

Other 164

Again, we sincerely hope that river flow management will not be modified significantly so that those of us living along the river south of Gavins Point dam in South Dakota can maintain our livelihoods and lifestyles.

Yours truly,
Phillips Kiln Services Ltd.

Eric Bertness, President

PHILLIPS KILN SERVICES LTD. P.O. BOX 1108 SIOUX CITY, IA 51103 USA TEL: (402) 494-6836 FAX: (402) 494-6837 IN USA: (800) 831-0876	PHILLIPS KILN SERVICES LTD. 231 QUEEN ST. SOUTH, UNIT 3, SUITE 811 MISSISSAUGA, ONTARIO L5M 1Y7 CANADA TEL: (416) 724-1924 CANADA & USA: (800) 831-0876	PHILLIPS REMA KILN SERVICES LIMITED LUCAS WORKS, SHEFFIELD ROAD, DRONFIELD SHEFFIELD S18 6GE ENGLAND TEL: 44-1246-417 216 FAX: 44-1246-411 771	PHILLIPS KILN SERVICES (INDIA) PVT. LTD. 4/17-18 JOGANI INDUSTRIAL COMPLEX CHUNABHATTI, BOMBAY 400 022 INDIA TEL: 91-22-522-6395 FAX: 91-22-522-3892/522-6830
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Bank of Atchison 1858

701 KANSAS AVENUE
ATCHISON, KANSAS 66002-2451
(913) 367-2400

B0200005

February 22, 2002

General David Fastabend
USACE Northwestern Division
ATTN: MO River Master Manual Review
12565 West Center Road
Omaha, NE 68144-3869

Dear General Fastabend,

The purpose of this letter is to express our views and concerns with the Missouri River master manual review and policy as to future management of river flows.

The Bank of Atchison is located in Atchison, Kansas. Atchison, Kansas is located on the banks of the Missouri River. Atchison, Kansas has a population of approximately 10,000 with another 5,000 just outside the city limits. The area is primarily an agricultural area. We have the largest employer (Atchison Casting) on the riverbanks. Commerce for both sides of the river is vital to the economic impact of the area. Atchison, Kansas is a major grain market area that services a three-state area. We have rail, trucks and barges as a means of transporting the grain. The Bank of Atchison is primarily an agricultural and real estate bank.

Below are some concerns and future considerations for the management and management of flow:

Spring rise once every three years between May1st and June 15th: A predetermined spring rise could have very large damaging effects in several areas. The unpredictability of the weather could cause major flooding. If for example it's a wet spring, water is released (it takes about 6-10 days to reach Atchison) and a heavy rain would happen in a period just after a release, our levee could not hold back all the water and cause major flooding. Another side effect of the high water is the higher water table, which could keep much of the prime farm ground from being planted or stunting the growth of crops. The Missouri River bottom crop production is vital to local farmers and local economy. US Highway 59, which runs through this bottom ground, is the only river crossing for over twenty-five miles. When this highway is closed due to flooding commerce slows greatly. Weather forecasting 6 to 10 days in the future is not advanced enough to keep this flooding from happening.

FC 8
IMD 1
GW 2

Reduced summer flow and higher reservoir levels in upper basin: Being a grain center, transportation by barge keeps the local grain economy in a competitive state. Loss of navigation would have a major negative economic impact not only to local farmers but the grain elevator on the river. The higher reservoir levels would mean less room for flood control, which could have a negative impact down river if flood control was needed up river. The City of Atchison gets its water and sells water to several rural water districts in the area. There would be a concern for water quality if flow were restricted too much.

Nav 7, 8
FC 13
WG 2

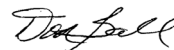
Adapting management: My fear here is that the Federal Biologist and US Fish and Wildlife Service would not be sensitive to economic impact in their decision. There needs to be a system for the public to be able to have some input and or representation from those who could be impacted economically.

Other 10

The environmentalist groups, flood control groups and economically impacted groups can and need to work together to find a program that works for all concerned.

Thank you for giving my organization and me an opportunity to respond.

Sincerely,



Donald E. Ball
Senior Vice President

DEB:db



Helvig
Agricultural Service Company
FARM MANAGEMENT • FARM LOANS • CERTIFIED APPRAISER • FARM SALES

B0200006
NEIL E. HELVIG A.F.M.
DOUGLAS E. HELVIG
(712) 276-4130
FAX: (712) 274-8498
3300 S. LAKEPORT RD.
P.O. BOX 2897
SIOUX CITY, IOWA 51106

October 22, 2002

U. S. Army Corps of Engineers
Northwest Division
Attention: Missouri River Master Manual RDEI
12565 West Center Road
Omaha, NE 68144-3869

Gentlemen:

I am a self employed farm manager and rural appraiser in the Sioux City, Iowa area.

I am writing to you in objection to the consideration of adopting the above plan.

Adoption of the revision of water flow to include higher flows in spring and lower flows in summer would result in lower hydro electric power production most needed in summer months for air conditioning and crop irrigation. It would result in limited summer navigation, possibly raising freight rates in an area that subject to current high rates due to distant location from east/west interstates. It would lower water supply for municipal water wells in towns and cities adjoining the Missouri River, possibly reducing both quality and quantity.

HPower 12, 18
Nav 6, 7, 8
WS 11

It has been noted that primary reason for flow change is for preservation of Least Tern, Piping Plover, and Pallid Sturgeon. A change in flow would not guarantee an increase in population of these birds and fishes. A change in flow would guarantee the results in the paragraph preceding this one.

EnSp 17

The flow change information provided indicates a lowering of the catfish population between Sioux City and Ponca, Nebraska. This fish certainly warrants same consideration as the sturgeon.

EnSp 34

Due to the above, the writer respectfully requests that additional information be considered before implementing the proposed changes in the operating manual.

Other 7



THE AMERICAN SOCIETY OF FARM MANAGERS AND RURAL APPRAISERS awards the titles of ACCREDITED FARM MANAGER (A.F.M.) and ACCREDITED RURAL APPRAISER (A.R.A.) to those who have had years of experience, are technically trained, have passed rigid examinations, and subscribe to a high code of ethics.

Page Two

Thank you for your consideration in the above matter.

Yours sincerely,

Neil E. Helvig
Neil E. Helvig
Chairman

NEH:ek



Rushville State Bank

ESTABLISHED IN 1903

B0200007

February 21, 2002

General David Fastabend
USACE Northwestern Division
Attn: MO River Master Manual Review
12565 West Center Road
Omaha, NE 68144-3869

RE: Spring Rise & Split Navigation Season,

Dear General Fastabend,

I have lived in the Missouri River Bottoms area around Atchison, Kansas since 1947. The Missouri River has averaged a flood approximately every 10 years during this period of time with annual flood stage readings. The idea of a "Controlled Flood" will make the flooding more extreme with a resulting damage to the economic well being of the community. Major highways, railroads, navigation and the agricultural economic will be disrupted during the increase periods of flooding.

FC 8

Before the U.S. Fish and Wildlife Service is allowed to us an "adaptive management" style for operational changes for the river system, maybe they can remedy the problem of thousands of snow geese and hundreds of deer in our small community. The economic life of the community should take priority over major species and habitat restoration.

EnSp 25

Sincerely,

Gary E. Black
President

Mon-Thurs 9:00 - 4:00
Fridays 9:00 - 6:00

201 VALLEY ST., PO BOX 38
RUSHVILLE, MISSOURI 64484-0038
Email - rsb@rsb.net

(816) 688-7714
FAX (816) 688-7716
www.rsb.net



Feb. 27, 2002

US Army Corps of Engineers
Northwestern Division
Attention: Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, NE 68144-3869

Dear Sir,

I am writing this letter as a concerned citizen of Sioux City and the President of the Palmer Candy Company. This issue is of huge importance to our city and area.

I am in support of the Current Water Control Plan and urge the Corps of Engineers to continue with that plan as opposed to the other alternatives offered in the RDEIS. I would also support the compromise as negotiated by MRBA (or the MCP) which fairly distributes the impact of drought and other unusual conditions.

A few of the major reasons for me to oppose this or any change are as follows:

- There are no significant benefits to any of the alternatives except to recreation above the Gavin's Point dam. Fabulous upriver recreation is already in place. Maintaining the CWCP will preserve that, the alternatives could marginally increase the recreation, but only at a great disruption to more people and larger regional economies in the downstream states.
- The so-called "science" surrounding various plans to save the three endangered animals seems to use conclusions and methods that are more in keeping with other political goals rather than proven practice.
- It appears that all of the alternatives provide benefits to the upstream reservoirs with little or no benefits below Gavin's Point dam. As near as I can tell, are no benefits to downstream stakeholders. As a matter of fact it appears more and more as if there are significant downsizing issues that effect the downstream people. This is an unfair distribution, particularly in light of population density and economic effects of the alternatives.
- Some of the public relations discussion has been centered around \$7 million for navigation vs. \$80 million recreation. This argument is not accurate as it is being used. Under the proposed alternatives, in particular, the so-called split navigation season, navigation will be completely lost as it will be unfeasible economically. On the flip side of those alternatives, the Corps numbers show an increase in recreation of only \$4 million in the best case. So the argument is a loss of \$7 million navigation

B0200008

311 BLUFF STREET
SIOUX CITY, IA 51102
(712) 258-5543
(800) 831-0828
FAX (712) 258-3224
www.palmercandy.com

Rec 10

EnSp 12

Other 6

Rec 10
Nav 42, 12, 6, 8

● Page 2

February 27, 2002

in exchange for \$4 million recreation. (According to the TVA study of February 1997, commissioned by the Corps, navigation's impact is far greater than \$7 million – actually between \$80 and \$203 million; so the GP alternatives trade \$4 million in recreation benefit for \$80 million or more in lost benefits)

- The GP plans will cause complete disruption of downstream river uses and remove the ability of stakeholders to make long term plans and river based investments. If downstream stakeholders – citizens, cities, shippers, power companies, or water supply systems don't know what the long term river flow expectations are, economic investment in river related functions will either be unreasonably expensive by building for the worst case, or will simply not be made (to the detriment of downstream economies)
- It is my understanding that below the Platte River mouth, the river already has a substantial seasonal change in water flow. (spring rise, summer low). Obviously above the dam system there is also seasonal flow fluctuations. The main impact of the split season will be in the 200 mile stretch between Gavin's Point and Platte River. If the river contains 2,000+ miles of potential sturgeon habitat and much of that already has a natural flow fluctuation, why will 200 additional miles in the Sioux City area make any difference?
- The proposed flow fluctuations proposed by the GP plans do not mimic the natural hydrograph. The GP plans call for maximum discharges from the system in May with the low flow point occurring in July. It is my understanding that the Run of the River flows are several months behind that with maximum flows occurring in June and July and minimums occurring in September. If the point of this exercise is to mimic flows to encourage sturgeon to spawn, why should we expect them to respond to a cue that is out of season any differently than the CWCP? It seems to be a lot of socio/economic risk for the river basin with no idea whether it will work or not.
- According to the RDEIS at St Louis, 47% of the Mississippi flow comes from the Missouri River. Significant changes in the Missouri Master Manual will certainly cause major changes to the Mississippi. I don't believe the impact of those changes have been properly considered and have been greatly understated in the RDEIS.

Again, in closing, I urge the Corps of Engineers to continue operating the Missouri River with the CWCP, but would accept the MRBA compromise or MCP. The GP plans are totally unacceptable and unfairly burden the downstream stakeholders.

Sincerely,



Marty Palmer
President

cc: Senator Charles Grassley
Senator Tom Harkin
Congressman Tom Latham
Governor Tom Vilsack

Other 3, 166

EnSp 29

EnSp 18,17

Miss 4

B0200009



MARINA INN

February 28, 2002

U.S. Army Corp of Engineers
Northwestern Division
12565 West Center Road
Omaha, NE 68144-3869
FAX: (402) 697-2504

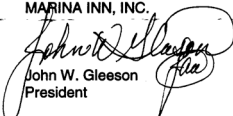
RE: MISSOURI RIVER MASTER MANUAL RDEIS

Dear Sirs:

As owners and operators of the Marina Inn Conference Center, we are very worried about the proposed changes to the Missouri River Master Manual. Our hotel and conference center is located along the Missouri River and because of our location, a significant portion of our business is the result of recreational activities on the Missouri River. We have always had numerous boaters that travel up the river and stay the weekend at our hotel. We understand that simulated tests of the proposed reductions in flow have shown that many of our boat ramps will be left high and dry, therefore rendering them useless.

We work diligently to market our location along the Missouri River and we strongly support maintaining the current water control plan.

Sincerely,
MARINA INN, INC.



John W. Gleeson
President

JWG/jaw

Rec 4.6

Fourth & B Streets Box 218 South Sioux City, Nebraska 68776
402-494-4000 800-798-7980 Fax 402-494-2550

FEB-26-2002 03:40PM FROM-GILSTER-MARY LEE

618-826-2368

T-001 P.001/002 F-362

B0200010



Specializing in Private Label Food Manufacturing

P.O. Box 227 1037 State Street
Chester, Illinois 62233

Donald E. Welge – President & General Manager
Phone: 618-826-2361
Fax: 618-826-2368

February 26, 2002

U.S. Army Corps of Engineers,
Northwestern Division
Attention: Missouri River
Master Manual RDEIS
Fax #402-697-2504

Dear Sirs:

Yesterday I attended a conference at our capital in Springfield, Illinois. In attendance were people from the Corps of Engineers, the State of Illinois, the Farm Bureau and other farm organizations, and the barge industry. The state called the meeting so the Corps of Engineers could present to the group several proposed alternatives to the current water control plan of the Missouri River, which of course, greatly affects the Mississippi River since the Missouri River empties into the Mississippi at St. Louis. The Corps' plans would release an additional 20,000 cubic feet of water per second from Gravin's Point Reservoir into the Missouri River in the spring when the river is normally highest.

Miss 4
FC 8

We believe this action would raise the level of the Mississippi River almost one foot during the normal spring floods. Furthermore, the Corps' proposed alternatives could cause water to be so low during late summer that barge traffic may have to cease, and thus shipments of U.S. grain to the world market place would be greatly affected.

The Corps' reason for this action would be that it might help the spawning of a rare variety of pallid sturgeon and the nesting habits of terns and plovers. To the best of my knowledge neither variety of birds or fish have any commercial value. It is very difficult for myself, and every other member of the invited guests representing the farm and barge industry, to understand why the Corps would want to run the risk of jeopardizing hundreds of millions of dollars worth of commerce and property to possibly enhance the spawning and nesting habits of this wildlife. I believe for a fraction of the cost of this risk a sanctuary could be built for this wildlife to accomplish the same thing.

EnSp 17,29

FEB-26-2002 03:40PM FROM-GILSTER-MARY LEE

618-826-2368

T-001 P.002/002 F-362

Our company, in 1993, had two plants flooded by the Mississippi River when the Bois Brule Federal levee broke unexpectedly and we suffered millions of dollars of damages in the process. We also know how severely the economy of Randolph County, Illinois, Perry County, Missouri, and the surrounding counties in both states were effected by this flood, and that travel between the two states was cut off. I also know there were terrible damages in other communities along the Mississippi River, such as Valmeyer, Illinois, in which literally the entire town had to be rebuilt on higher ground. In addition, in Ste. Genevieve, Missouri, where this historic town was almost washed away by the Mississippi River.

I fully realize that we must be responsible citizens and respect the environment, but I think you finally reach a point where the cost and the damages outweigh these very small ecological gains. I, therefore, ask that the Corps, who incidentally has expended so many dollars and people's time in safeguarding our levees, reconsider any plan that adds to the flood damage and restriction of transportation in this Southern Illinois/Southeast Missouri area along the Mississippi River.

Miss 4
FC 8

Thank you for your consideration.

Sincerely,

GILSTER-MARY LEE CORPORATION

Donald E. Welge
Donald E. Welge
President and General Manager

DEW/jds

cc: Senator Peter G. Fitzgerald / Fax #202-228-1372
Senator Richard J. Durbin / Fax #202-228-0400
Senator Christopher Bond / Fax #202-224-8149
Senator Jean Carnahan / Fax #202-228-1518
Representative Jo Ann Emerson / Fax #202-226-0326
Representative Jerry F. Costello / Fax #202-225-0285

MASTERMANUAL NWD02

B0200011

From: Matt.Ricke@manpower.com
Sent: Monday, February 11, 2002 9:36 AM
To: Mastermanual
Subject: Missouri River flows

To whom it may concern-

My name is Matt Ricke and I am not only a concerned citizen, but also a business manager in Sioux City, IA. My business depends on other businesses and their ability to do profitable business in our area. I have customers that use the Missouri today and depend on the current flow patterns in order to survive.

I was raised on a farm in this area, and still have family that own farms in this area. The proposed change would significantly impact their ability to hold onto and produce products on this farmland.
I am a proponent of wildlife and have respected the natural habitat for the last 30 years. Please consider alternate proposals that would have a higher rate of success in the increase of habitat for the Least Tern and Piping Plover.

Other 7, 48

I appreciate your attention to this matter, and know you will make the decision that will impact the greater good in our area.

Sincerely,
Matt Ricke
Branch Manager
Manpower - Sioux City, IA

*****Internet Email Confidentiality*****

This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you may have received this communication in error, please reply to the sender indicating that fact and delete the copy you received. In addition, you should not print, copy, retransmit, disseminate, or otherwise use the information contained in this communication. Thank you.

MASTERMANUAL NWD02

B0200012

From: Dale A. Gloe [dmgloe@kts.net]
Sent: Thursday, February 21, 2002 1:53
To: Mastermanual

Subject: Comments concerning master
To U.S. Army Corp. of Engineers,

We would like to thank you for the opportunity to express our concern with any alteration of the current flow manual. The flooding we experienced in the mid nineties nearly forced me out of business. Please do not cave-in to "the sky is falling" environmentalists. Would you or the environmentalists be willing to agree to do without a year of salary every time a proposed "spring rise" adds to the destruction of property and businesses of individuals such as myself who have invested in businesses and made major decisions based upon the current master manual. I do not think there will be any takers!

Other 7

Wildlife numbers are at an all time high in our area!

How would you or the environmentalists like it if WE made a few rules that called for your houses and yards to be reverted back to their undeveloped state! (no compensation of course!)

Dale A. Gloe
Owner
Environmental Perspective Maps
1394 South Highway 19
Hermann, MO 65041
E-mail: maps@epmaps.com
Web Site: www.epmaps.com

3/9/2002

MASTERMANUAL NWD02

B0200013

From: Rhea Geary (Corp) [GearyR@princehyd.com]
Sent: Tuesday, February 26, 2002 2:07 PM
To: 'mastermanual@usace.army.mil'
Subject: Public Comment on the proposed changes to the Missouri River's flow

I would like to express my concern regarding the proposed changes to the Missouri River Master Manual. As a citizen from Sioux City, Iowa, and an employer in Nebraska, Iowa, and South Dakota, I believe that the proposed changes in the flow of the Missouri River would negatively impact downstream communities like Sioux City and the surrounding area.

Our business relies heavily on the ag industry as do other people, communities, and businesses in this area. We can not afford the risks associated with river flow plans that include an increased spring flow which could potentially cause flooding and severe drainage problems to valuable farmland in the area.

FCB
IND 1

In addition, the reduced summer flows would eliminate navigation on the Missouri during the summer months. The availability of water transportation keeps rail and trucking prices competitive. Without this competition, rail and trucking prices will increase. If a buyer's must pay more for transportation then there is less available money available to pay the farmer for his output. Once again, agriculture will be adversely affected by this decision.

Nav
12, 8,
5, 6

Please do not use the increase in recreational usage above Gavin's Point Dam as an excuse to leave the boat ramps and marinas downstream high and dry. The \$4 million increase in recreational benefits upstream for the 1/3 of the population along the Missouri River who already enjoy the tremendous recreational and tourism benefits of the Missouri River dam system, will dramatically reduce the recreational benefits downstream for the other 2/3 of the population.

Rec
21

I urge you NOT to adopt any plan that benefits upstream river users to the detriment of downstream communities and to continue operating under the Current Water Control Plan.

Other - 6

Sincerely,
Rhea V. Geary, President
Prince Manufacturing Corporation

BRIDGEPORT CORP.

395 P81 FEB 28 '02 17:11

B0200014



2500 Bridgeport Dr. Sioux City, IA 51111
Ph. (712) 252-3821 / 1-800-747-2474
Fax (712) 255-9103

US Army Corps of Engineers February 27, 2002
Northwestern Division
Omaha, NE 68144-3869
Attn: Missouri River Master Manual RDEIS
VIA FAX #402/697-2504

Gentlemen:

RE: Current Water Control Plan

Please accept this letter as my notification of support and request for continuance of the Current Water Control Plan. I am not in favor of any of the other alternatives offered in the RDEIS. However, I would also support the compromise as negotiated by MRBA (or the MCP) which equitably distributes the impact of drought and other unusual conditions.

Other - 6

Besides being a concerned citizen, I am the President of The Bridgeport Corporation located approximately 500 yards from the river front in Sioux City, IA. My business could be heavily impacted in a negative manner if other than the Current Water Control Plan was to be implemented, and the jobs of my 25 employees and the financial support of their families could be adversely affected.

Nav 49

Thank you in advance for your consideration of my concerns and opinion.

Yours Very Truly,

Don A. Seymour
President

cc: Governor Tom Vilsack Senator Tom Harkin
Senator Charles Grassley Congressman Tom Latham

February 26, 2002

BO200015

U.S. Army Corp of Engineers Northwestern Division
Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, NE 68144-3869

RE: RDEIS Comments

NONE OF THE LISTED CATEGORIES

There are a number of groups that are recommending a change in the way the Missouri River and its dams are managed. Among them are the American Rivers Group which has listed the Missouri River as the most endangered river in the nation due chiefly to dam operations that favor downstream navigation over wildlife and the recreation industry. Another group is the U.S. Fish and Wildlife Service which is concerned about threatened and endangered species. And just recently six of the eight states that make up the Missouri River Basin Association voted to make changes in the way river flows are managed. These are just a few of the groups that are recommending change, all of these groups cannot be wrong. Do what is right and make the changes.

Other 7

MISSOURI RIVER NAVIGATION / RECREATION

By looking at the graphs (figure 9 & figure 14) you have provided, it is clear more people can benefit from the recreation industry than can benefit from the navigation industry. The average annual navigation benefits top out at 6.97 million dollars while the average annual recreation benefits top out 88.67 million dollars. The navigation industry is an old and dying industry which generates roughly 8% of what the growing recreation industry generates. It is time that the recreation industry receives as much, if not more consideration than the navigation industry.

Nav 42, 43, 45,
46, 6, 8
Rec 10, 16, 22

NONE OF THE LISTED CATEGORIES

On February 26, 2001 (St. Louis Post - Dispatch) Rep. Sam Graves, R - Mo. made a statement saying " It sets the wrong precedent when your putting fish before people ". He must be one of the most ignorant people alive to make a statement like that. This only shows that he does not understand the situation. If the people of Missouri have leaders that are as ignorant as Mr. Graves it is no wonder that they do not understand the situation either.

ENDANGERED SPECIES

You must not disregard the recommendations made by the USFWS. You need to make the changes that are necessary to ensure the continued existence of the Interior Least Tern, Piping Plover and the Pallid Sturgeon.

EnSp 8

EFFECTS ON MY COMMUNITY

We are one of the many community's located along the Missouri River which relies heavily on recreation and tourism for our continued existence. Every business in our community relies on these industry's in one way or another to survive. Please give them the consideration that they deserve.

Rec 16, 22

Regards;



Randy G. Bosch
General Partner, Bosch's Bayside



U.S. Army Corps of Engineers
Northwestern Division

COMMENT Form

MISSOURI RIVER MASTER MANUAL RDEIS

Contact Information:

Name: BOSCH'S BAYSIDE

Address: 8049 HWY 1804

City, State, Zip: LINTON, ND 58552

e-mail address: bayside@bektel.com

We welcome your mailed or faxed comments. Fax number: (402) 697-2504. Comment categories are provided in the newsletter.

Comments:

Choose a category/categories for each comment from the list provided in the newsletter.

1. **Category(ies):** _____

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2. **Category(ies):** _____

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