

***“In order for the Mississippi Valley to remain a viable resource in serving the Nation in the 21<sup>st</sup> century, it is critical that we join together and identify areas of common interest for the good of the valley.”*** [Letter of February 17, 2000 from Major General Phillip R. Anderson, Division Engineer, inviting River Friends to ‘River of Dreams’ conference.]

### A Position Statement

- **American Rivers**
- **Environmental Defense Fund**
- **Institute for Ag and Trade Policy**
- **Izaak Walton League**
- **Mississippi River Basin Alliance**
- **Mississippi River Revival**
- **National Wildlife Federation**
- **National Audubon Society**
- **Sierra Club**
- **Sustain**

### **Introduction**

From the time a gallon of water leaves the Mississippi River headwaters at Lake Itasca, to the moment it empties into Gulf of Mexico 2,300 miles later, the destiny of that water is affected by the actions of the U.S. Army Corps of Engineers.

No other agency of the United States Government can lay claim to having as much control of the destiny of a river’s waters – and all that the river supports – than the U.S. Army Corps of Engineers.

In the last 200 years, the Corps of Engineers has dramatically changed the course and the character of the river. Layer upon layer of congressional authorizations and appropriations have given the nation’s largest construction agency a relatively free hand to shape the river for the good of some interests, but to the detriment of others.

During those last 200 years, the Mississippi River has been dramatically transformed from a wild river supporting an abundance of fish and wildlife to a “waterway”, whose primary purpose in the collective eye of the Corps of Engineers is to convey commercial barge traffic. Management decisions on the Mississippi have put the natural resource value of the river on the back burner for far too long.

The state of ecological decline on the Mississippi River is not unique. Other major rivers, managed by the Corps, are facing similar fates. Changing the current course on the Mississippi – and at the Corps of Engineers nationally – requires much more than a biennial “Partnering Conference.” We need significant changes on the Mississippi and at the U.S. Army Corps of Engineers to turn the tide from ecological decline and collapse to long-term sustainability.

If the Corps of Engineers is sincere about being partners for the “good of [all] interests in the valley” then we offer the recommendations that follow as an action agenda – a place to start.

## **I. The Mississippi River – A River in Decline**

Recent reports by the U.S. Geological Survey, the U.S. Army Corps of Engineers, and the Upper Mississippi River Conservation Committee have clearly demonstrated that the Upper Mississippi River System is a system in ecological decline. The USGS/Corps of Engineers Report “Status and Trends of the Upper Mississippi River System” specifically states that, in an ecological context, “... floodplain river reaches of the Upper Mississippi River System need continuing attention if (1) ecological conditions are to be maintained at 1998 levels and (2) conditions that have degraded are to be restored.”

Early this year, the Upper Mississippi River Conservation Committee released a report entitled “A River That Works and A Working River” in which Mississippi River biologists provided recommendations to address the continued decline of ecological health of the Upper Mississippi River System ecosystem.

Under the context of a need for sustained ecological restoration on the Upper Mississippi River System, we call upon the Mississippi Valley Division and the U.S. Army Corps of Engineers to take a leadership role in implementing significant improvements for management of the Upper Mississippi River System to benefit natural resources.

Specifically, we urge the Army Corps of Engineers to:

### **A. Reconnect the Floodplain to the River**

The Mississippi Valley Division of the Corps of Engineers should implement a program to restore natural floodplain habitat that has been segregated from the river channel by dikes and levees by acquiring fee title or easements on marginal farmland in the floodplain from willing sellers and reconnecting these lands to the river and restoring them to floodplain ecosystems.

### **B. Operate Locks and Dams to Manage Water Levels for Environmental Benefits**

The St. Paul, Rock Island and St. Louis Districts of the Corps of Engineers should lead interagency teams to design and implement projects to modify dam operations in some pools and modify flows in the open river to provide flood pulse and low flow conditions to mimic natural river hydrographs and promote ecological diversity.

### **C. Open Side Channels and Manage Sediment Deposition**

The St. Paul, Rock Island and St. Louis Districts should lead interagency teams to design and implement projects to re-open side channels and manage sediment deposition in side channels and backwaters.

#### **D. Improve Channel Maintenance to Support Natural Resource Objectives**

Each Corps of Engineer District, using its channel maintenance management planning processes, should seek, if necessary, additional authorization and then adequate funding to improve their dredging and channel maintenance programs so that they can be used for habitat restoration as well as channel maintenance.

### **II. The Mississippi River: Argument for Change at the Corps of Engineers**

For years, the Army Corps of Engineers have been the principle agency in charge of the Mississippi River – a primary caretaker of the “working river” as well as the “living river.” For over two hundred years, the Corps has cleared snags, constructed wing dams, closed off side channels, constructed locks and dams that turned a running river into a series of slack water pools, and dredged the main channel to benefit the economic needs of a navigation infrastructure. It is only in the last thirty years that the Corps has begun to develop and implement an active management plan to benefit the natural resources of the “living river.”

While recent efforts to create and sustain an environmental restoration mission at the Corps have been fervently welcomed and supported by the conservation community, recent reports on the ecological health of the Mississippi demonstrate that current efforts are not enough. What hinders further progress on environmental restoration efforts on the Mississippi River is a culture at the Corps of Engineers that favors economic needs over natural resource needs, despite any proclamation by Congress to the contrary.

Recent controversy surrounding activities at the Mississippi Valley Division and at Corps Headquarters in Washington demonstrate this culture of favoring economic interests. Officials at the Corps are accused of “cooking the books” on the Upper Mississippi River Navigation Study. Officials at Corps Headquarters have developed the Program Growth Initiative – a plan, concealed from civilian oversight, to grow the Corps of Engineer’s program by 50% in the next 5 years.

Controversy for the Corps on the Mississippi River is a clear example of the need for national Corps Reform.

We recognize that the Corps must continue to construct navigation and flood control projects that are economically justified, environmentally sound, and serve the nation’s interest. However, many Corps projects continue to be economically suspect, environmentally unacceptable, and serve primarily private interests. The reasons are two-fold: the Corps’ outdated methodology for predicting the benefits and costs of proposed projects, and a hopelessly politicized decision-making process.

The evidence supporting the need for reform is overwhelming.

Many Corps flood control and navigation projects have failed to produce predicted benefits, or have resulted in unacceptably high environmental costs. Some Corps planners have bent the rules of project planning to support economically questionable projects, and the current absence of meaningful oversight has created an atmosphere conducive to this kind of abuse. Many projects are built to serve the needs of a handful of special interests, and the Corps frequently treats local cost-sharing partners – rather than the American people – as their clients. Despite a growing backlog of authorized projects, an increasing number of Corps projects primarily benefit private interests -- including many projects that lie outside the Corps' traditional missions of flood control, navigation and restoration. In some cases, the Corps has simply failed to mitigate for the environmental impacts of levees, dams and channels, or mitigation projects have failed to produce promised benefits. Some flood control and navigation projects are constructed even when there is ample evidence that project impacts cannot be cost-effectively or successfully mitigated.

### **III. Make Environmental and Economic Values Co-Equal Goals in Principle and Practice**

The Mississippi River is an internationally significant ecological resource as well as an internationally significant economic resource. But the planning guidelines and cost-benefit ratios used to evaluate project benefits have unquestionably favored the economic values. We believe that a better balance of environmental and economic benefits can be attained if the Administration, Congress and the Corps would take the following steps:

#### **A. Revise The Principles and Guidelines**

The Administration should require amendments to the current Principles and Guidelines to require that economic and environmental benefits are co-equal in water resource project planning and evaluation. For rivers, the amendments should include goals to preserve or restore or mimic the hydrologic processes, spatial extent and habitat and species diversity of aquatic ecosystems.

#### **B. De-Authorize Environmentally and Fiscally Wasteful Projects**

The Corps of Engineers should review its \$27 billion backlog of projects that Congress directed it to complete, but have not been funded to date. Projects that are out of date, have significant environmental impacts or are economically wasteful should be recommended to the Administration for de-authorization. The Administration should establish a commission made up of environmental and economic interests to review the Corp's recommendations, identify projects with high environmental costs and low economic benefits, and report back to the Administration and Congress within one year after its establishment.

#### **C. Consider Cumulative Impacts of Existing Projects**

The Administration should amend the Code of Federal Regulations to mandate that proposals for major rehabilitation and/or expansion of existing water resource projects be required to fully evaluate the cumulative impacts of the existing project since inception as well as the added cumulative impacts of major rehabilitation or expansion. Guidance for such action has already been prepared by the CEQ in its 1997 document, "Considering Cumulative Effects."

**D. Require Modern Estimates of Benefits and Costs**

Congress should direct the Corps to reform the agency's feasibility study process to require that Corps projects have primarily public, rather than private benefits, and should include reforms which reflect the uncertainty of Corps benefit-cost calculations.

**IV. Put the "Civil" back into "Civil Works"**

The water resources of the region are the common wealth of the entire nation. We believe that how decisions are made about the use of this wealth would be more reflective of the broad interests of the nation if the Administration, Congress and the Corps took the following steps:

**A. Increase Congressional and Civilian Control**

Congress should require that projects whose total costs exceed \$25 million or that are controversial should be subject to an independent, outside peer review. The peer review team should include a balance of economists, engineers, and other environmental scientists and shall be designated for each project by the Office of the Assistant Secretary of the Army for Civil Works.

**B. Expand the Mission of the Corp's Environmental Advisory Board**

The Administration should expand the mission of the Corps' Environmental Advisory Board (EAB) to review proposed projects during the reconnaissance phase to determine whether the project's impacts can be cost-effectively and successfully mitigated. The review process should require that the U.S. Fish and Wildlife Service submit a report to the EAB with their assessment of the likelihood of successful and cost-effective mitigation.

**C. Increase Civilian Accountability in the Chain of Command**

The Administration should take steps to assure that the Chief of Engineers be clearly answerable and accountable to the Assistant Secretary of the Army for Civil Works. Further, top civilian personnel in all Division and District offices should be directly responsible to the Assistant Secretary of the Army for Civil Works.

## **Summary**

In policy and practice, the Administration, Congress, and the Corps of Engineers can all take steps to be better partners in management of the Mississippi River, and water resources across the country. Our response is a call to action, urging decision makers to join our effort to protect the natural resource value of our "living rivers" by increasing the pace of ecological restoration on rivers like the Mississippi, and by changing the traditional Corps culture that has contributed to the ecological decline of our nation's greatest rivers.

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