

# Malfeasance On The Missouri River

CHARLES E. KRUSE

JEFFERSON CITY, MO.

When Lewis and Clark journeyed westward they could not have envisioned their highway becoming the battleground of a modern day water war. The Missouri River is the epicenter of disputes spiraling completely out of the sphere of common sense.

The U.S. Fish and Wildlife Service (USFWS) has used the Endangered Species Act to dictate a series of actions relative to the pallid sturgeon, least tern and piping plover. Their plan called for a "bimodal spring pulse," which in layman's terms means two controlled floods each year assuming reservoir storage levels are above minimum levels. Biologists crossed their fingers the intentional releases from Gavins Point Dam in South Dakota would enhance the pallid sturgeons' libido. The USFWS also called for the creation of 20,000 acres of shallow water habitat in the Missouri River Basin. In total, the mitigation program is expected to cost taxpayers \$3 billion over 30 years, or approximately \$521 for every Missouri citizen.

The bimodal spring rise is nothing more than a risky experiment jeopardizing lives and property along the Missouri River. Despite a subsequent natural rise and devastating floods in large areas of Missouri, the U.S. Army Corps of Engineers began releasing additional flows into the Missouri on March 26. The releases take 5 days to reach Kansas City and amount to a foot of additional water in Kansas City. It takes an additional 5-6 days for the water to reach St. Louis. To make matters worse some levees damaged in 2007 have not been repaired, and new science questions the need for any man-made pulses.

Governor Blunt, Attorney General Nixon and members of the Missouri Congressional delegation worked hard to stop the Corps from releasing the additional water. After attempts to obtain a Temporary Restraining Order failed in both Federal Court and the 8th Circuit Court of Appeals, a Corps official was quoted as saying "We're obviously pleased that the judge's ruling allows us to carry out our plan to provide the two-day pulse."

On March 27, the Corps announced they had "heard the concerns of people in Missouri loud and clear," and were reducing releases from tributary dams in Missouri and Kansas to eliminate the spring rise below Kansas City. This announcement fails the smell test; there never was

a good reason to release the water and the Corps is now undertaking their idea of damage control.

The Corps is also engaged in a battle with members of the Missouri Clean Water Commission, the

group responsible for protecting water quality, who thankfully had the courage to question Corps plans to construct a series of pallid sturgeon rest stops along the Missouri River. The Commissioners balked at plans to excavate fish chutes and dump up to

24 million tons of productive soil into the Missouri River. Apparently, in the eyes of federal agencies it is okay for the Commission to levy fines on private individuals who allow soil to enter Missouri water bodies but they should turn their head when it comes to federal projects doing the same thing – only on a larger scale. And, believe it or not, the state's environmental organizations have been silent despite the blatant disregard of the state's soil conservation programs.

The Corps has achieved success in a court of law but they will not win in the court of public opinion. As one farmer stated recently, "Clearly, the intentions of the Corps have nothing to do with their charge to provide flood control along the Missouri River. The Corps implemented a giant science experiment while placing human lives at a greater risk of flooding. Human lives will take a backseat to greed, arrogance, and one very ugly fish." Δ

*Charles E. Kruse is President of Missouri Farm Bureau and a fourth generation farmer from Stoddard County.*



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