



**US Army Corps  
Of Engineers**  
Headquarters

# News Release

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Immediate

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## **Federal Agencies Reach Agreement**

### **On Course of Action for Missouri River**

**WASHINGTON** (July 15) – The Department of the Army and the U.S. Fish and Wildlife Service announced steps to resolve management issues on the Missouri River and attain the recovery of federally-protected Missouri River species and the Missouri River ecosystem. The Bush Administration also announced it is adding \$42 million to the 2004 budget for Missouri River ecosystem restoration.

The steps include ecosystem restoration and the beginning of formal consultation Monday, July 21, 2003 on a new Biological Assessment under the Endangered Species Act. Over the past year, the agencies have made great progress in resolving complex and controversial endangered species issues during the informal consultation period and expect this spirit of cooperation to continue.

Pursuant to the understanding between the Army Corps of Engineers (Corps) and U.S. Fish and Wildlife Service reached in informal consultation, the Missouri River Master Control Manual will be completed this year and implemented in

Spring 2004, with a Final Environmental Impact Statement to include a Preferred Alternative available for public review and comment this fall. A Record of Decision is anticipated this winter. The Corps plans to serve all congressionally authorized purposes of the system of dams and reservoirs while complying with the Endangered Species Act. The Corps' Biological Assessment does not contemplate the need to employ a spring rise or lower summer release from the Gavins Point Dam to provide for the recovery of the federally-protected Missouri River species. The Administration is committed to the restoration of the Missouri River and the resolution of these conflicts, and the addition of \$42 million to the 2004 budget for Missouri River ecosystem restoration will allow the Corps to undertake the following steps:

- Habitat creation, enhancement, and maintenance for the least tern, piping plover, and pallid sturgeon,
- Population assessment for all three species,
- Hatchery support including facility improvements, accelerated brood stock collection, and accelerated stocking for the pallid sturgeon,
- Intense research, monitoring, and evaluation of all three species to include studies to determine the limiting factors which may be impacting pallid sturgeon spawning and recruitment in the Missouri River,
- Innovative flow tests as part of an adaptive management strategy.

A restoration effort of this scale is unprecedented. It will require the long-term commitment and participation of the nation to achieve success. The Missouri River is the longest river in the nation, and drains one-sixth of the country, including all or part of nine states. The six dams and reservoirs that make up the

Missouri River System are the largest reservoir system in North America. Thirteen Native American reservations or Tribal lands are located directly on the System. The Corps operates the system to serve the Congressionally authorized purposes of flood control, navigation, irrigation, hydropower, water supply, water quality, recreation, and fish and wildlife.

Currently, the Corps is under two conflicting court orders concerning operation of the river that are irreconcilable. One order, issued by the US District Court in Nebraska in May 2002 and affirmed by the US Court of Appeals for the 8<sup>th</sup> Circuit on June 4, 2003, requires the Corps to maintain sufficient flows for navigation as called for under the existing Missouri River Master Manual and the current Annual Operating Plan. An injunction issued by the U. S. District Court for the District of Columbia on July 12, 2003 prohibits the Corps from implementing the summer flows set forth in the 2003 Annual Operating Plan and 2003 Supplemental Biological Opinion.

The Corps believes that the 2003 Supplemental Biological Opinion is legally and scientifically valid. Operation of the Missouri River system has not resulted in any loss of the listed tern or plover this year. The Department of Justice request for a stay of the D.C. District Court injunction was denied this morning. This afternoon, a notice of appeal was filed with the Court, and a request for a stay pending appeal will be filed with the US Circuit Court of Appeals for the District of Columbia. After July 15, it is impossible to simultaneously comply with the conflicting flow requirements contained in the two orders. Until a ruling is obtained from the DC Circuit, the Corps plans to continue operating under the 2003 Supplemental Biological Opinion and in compliance with the order of the District Court in

Nebraska.

[Source: U.S. Army Corps of Engineers]

**EDITOR'S NOTE:**

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