

104TH CONGRESS
1ST SESSION

H. R. 1351

To ensure the primary principle and priority of the Missouri River system focus on the control of water relative to navigation and flood control, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 1995

Ms. DANNER (for herself, Mr. EMERSON, Mr. SKELTON, Mr. TALENT, Mr. VOLKMER, and Mr. HANCOCK) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To ensure the primary principle and priority of the Missouri River system focus on the control of water relative to navigation and flood control, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Missouri River Man-
5 agement and Water Control Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Missouri River system is an integral
9 part of a broad, national, and international trans-

1 portation network. As such, it has played a key role
2 in the economic growth and development of the Mid-
3 west by providing a critical link both into and out
4 of America's heartland.

5 (2) The Missouri River is the largest tributary
6 of the Mississippi River, accounting for nearly half
7 of the water flowing in the Mississippi River at St.
8 Louis, Missouri. Interruptions to this delicate river
9 system could have billions of dollars in adverse ef-
10 fects for our transportation network and for mid-
11 western agriculture.

12 (3) An estimated 7,000,000 short tons of cargo,
13 worth an estimated \$1,600,000,000, were held up by
14 river closings which resulted from the floods of
15 1993. More than 1,000 barges were stranded on the
16 Missouri, Upper Mississippi, and Illinois Rivers, with
17 costs to the towing industry alone estimated at
18 \$700,000 per day (excluding the barges which were
19 massed near Cairo, Illinois, awaiting the resumption
20 of navigation).

21 (4) Shifting transportation modes from barges
22 to truck and rail will have an estimated increase in
23 costs to industry and producers who rely on the
24 barge industry to balance our delicate transportation
25 system.

1 (5) Nothing contained in the Preferred Alter-
2 native to the Master Water Control Manual for the
3 Missouri River compiled by the Corps of Engineers
4 indicates supporting data that suggests the Corps of
5 Engineers ever attempted to evaluate gross revenues
6 for navigation or any of the various industries sup-
7 ported by navigation on the Missouri River.

8 (6) Instituting a spring rise through increased
9 flows on the Missouri River from the upstream res-
10 ervois would not only interrupt and consequently
11 shift crop planting, production, and harvesting dates
12 along the river but would also increase chances of
13 flooding thereby jeopardizing the health, safety, and
14 livelihood of millions of Americans.

15 **SEC. 3. PURPOSES.**

16 The purposes of this Act are to—

17 (1) preserve the free flow of commerce and con-
18 tinued success of commercial navigation, and flood
19 control on the Missouri River system;

20 (2) identify the Missouri River and our Nation's
21 entire river system network as a vital component of
22 our Nation's food supply and transportation struc-
23 ture;

24 (3) establish statutory language identifying
25 recreation as a low level priority relevant to the Mas-

1 ter Water Control Manual and its stated priorities of
2 flood control, navigation, hydropower, and water
3 supply along the Missouri River system;

4 (4) combine navigation and flood control in leg-
5 islation aimed at treating the entire Inland Water-
6 way System as one system;

7 (5) oppose changes to the Master Water Con-
8 trol Manual which would alter or deviate from the
9 management practices or endanger public health or
10 safety relative to the stated purposes of this Act;

11 (6) require the Secretary of the Army, acting
12 with the Secretary of Agriculture and the Secretary
13 of the Interior, to apply cost benefit analysis to any
14 study dedicated to reviewing any portion of the In-
15 land Waterway System; and

16 (7) provide safeguards which would allow the
17 Secretary of the Army flexibility to permit lower or
18 higher pool levels in order to provide emergency
19 flood control to protect human health, safety, or
20 property, or to provide adequate water supply levels.

21 **SEC. 4. PERMANENT POOL LEVELS.**

22 (a) MISSOURI RIVER SYSTEM.—The Secretary of the
23 Army shall not permit the permanent pool levels in the
24 Missouri River system to fall below 18,000,000 acre feet

1 at any time unless the Secretary makes a finding that a
2 lower level is required to provide necessary—

3 (1) emergency flood control to protect human
4 health, safety, and property;

5 (2) commercial navigation in the lower basin of
6 the Missouri River;

7 (3) commercial navigation on the Mississippi
8 River;

9 (4) hydropower; or

10 (5) water supply to communities which rely on
11 the Missouri River for water supply.

12 (b) NAVIGATION SERVICE LEVELS.—To assure the
13 permanent pool level referred to in subsection (a), the Sec-
14 retary of the Army shall maintain the following full service
15 navigation levels on the Missouri River from April through
16 November:

17 (1) 36,000 cubic feet per second at Sioux City,
18 Iowa;

19 (2) 36,000 cubic feet per second at Omaha, Ne-
20 braska;

21 (3) 42,000 cubic feet per second at Nebraska
22 City, Nebraska; and

23 (4) 46,000 cubic feet per second at Kansas
24 City, Missouri;

1 throughout any period that such permanent pool level is
2 more than 41,000,000 acre feet.

3 (c) CONSERVATION SERVICE LEVELS.—To assure
4 the permanent pool level referred to in subsection (a), the
5 Secretary of the Army shall implement such conservation
6 measures as may be necessary to maintain navigation lev-
7 els on the Missouri River—

8 (1) of 33,000 cubic feet per second at Sioux
9 City, Iowa;

10 (2) of 33,000 cubic feet per second at Omaha,
11 Nebraska;

12 (3) of 35,000 cubic feet per second at Nebraska
13 City, Nebraska; and

14 (4) of 39,000 cubic feet per second at Kansas
15 City, Missouri;

16 throughout any period that such permanent pool level is
17 less than 41,000,000 acre feet.

18 (d) DISCRETIONARY MANAGEMENT.—Levels of res-
19 ervoirs on the mainstem of the Missouri shall be at the
20 discretion and management of the Secretary of the Army,
21 but at no time shall the Secretary allow the reservoir con-
22 figurations on the mainstem of the Missouri River to jeop-
23 ardize the discharge level of the Gavins Point Reservoir,
24 Nebraska and South Dakota, required to maintain the
25 navigation levels set forth in subsections (b) and (c).

1 **SEC. 5. NAVIGATION SEASON EXTENSION.**

2 (a) INCREASES.—The Secretary of the Army, work-
3 ing with the Secretary of Agriculture and the Secretary
4 of the Interior, shall incrementally increase the length of
5 each navigation season for the Missouri River by 15 days
6 from the length of the previous navigation season and
7 those seasons thereafter, until such time as the navigation
8 season for the Missouri River is increased by 1 month
9 from the length of the navigation season on April 1, 1995.

10 (b) APPLICATION OF INCREASES.—Increases in the
11 length of the navigation season under subsection (a) shall
12 be applied in calendar year 1996 so that the navigation
13 season in such calendar year for the Missouri River begins
14 on March 15, 1996, and ends on December 15, 1996.

15 (c) ADJUSTMENT OF NAVIGATION LEVELS.—Sched-
16 uled full navigation levels shall be incrementally increased
17 to coincide with increases in the navigation season under
18 subsection (a).

19 **SEC. 6. WATER CONTROL POLICIES AFFECTING NAVIGA-**
20 **TION CHANNELS.**

21 The Secretary of the Army may not take any action
22 which is inconsistent with a water control policy of the
23 Corps of Engineers in effect on January 1, 1995, if such
24 action would result in—

1 (1) a reduction of 10 days or more in the total
2 number of days in a year during which vessels are
3 able to use navigation channels; or

4 (2) a substantial increase in flood damage to
5 lands adjacent to a navigation channel, unless such
6 action is specifically authorized by a law enacted
7 after the date of enactment of this Act.

8 **SEC. 7. ECONOMIC AND ENVIRONMENTAL IMPACT EVALUA-**
9 **TION.**

10 Whenever a Federal department, agency, or instru-
11 mentality conducts an environmental impact statement
12 with respect to management of the Missouri River system,
13 the head of such department, agency, or instrumentality
14 shall also conduct a cost benefit analysis on any changes
15 proposed in the management of the Missouri River.

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