

Comments from Federal, State and non-governmental agencies received during the draft report review period were summarized separately from the public comments. An effort was made to summarize the information in these letters and position statements as accurately and concisely as possible. The summary statements are in [Chapter 13](#). These letters and public statements, and their responses, can be found in their entirety in the [Response to Comments Appendix](#) and in the Stakeholder Group Table below.

Stakeholder Group Table

<u>Views of Federal Agencies</u>			
US EPA (29 July 2004)	Summary	Original Letter	Response
US Department of Ag (30 July 2004)	Summary	Original Letter	Response
USFWS (6 August 2004)	Summary	Original Letter	Response
US DOT – Maritime Administration	Summary	Original Letter	Unavailable
<u>Views of State Agencies</u>			
Joint Governor’s Statement (16 July 2004)	Summary	Original Letter	Response
Upper Mississippi River Basin Association (16 July 2004)	Summary	Original Letter	Response
State of Missouri (27 July 2004)	Summary	Original Letter	Response
State of Wisconsin (27 July 2004)	Summary	Original Letter	Response
State of Minnesota (20 July 2004)	Summary	Original Letter	Response
State of Iowa (30 July 2004)	Summary	Original Letter	Response
State of Illinois	Summary	Unavailable	Unavailable
<u>Views of Non-Governmental Organizations</u>			
Mississippi River Basin Alliance (13 July 2004)	Summary	Original Letter	Response
Audubon (19 July 2004)	Summary	Original Letter	Response
Mississippi River Citizens Commission (25 July 2004)	Summary	Original Letter	Response
National Corn Growers Association (25 June 2004)	Summary	Original Letter	Response
The American Waterways Operators (29 June 2004)	Summary	Original Letter	Response
The Nature Conservancy (29 July 2004)	Summary	Original Letter	Response
American Rivers (30 July 2004)	Summary	Original Letter	Response
Illinois Stewardship Alliance and Sierra Club, Midwest Region (combined letter) (30 July 2004)	Summary	Original Letter	Response
Midwest Area River Coalition 2000 (30 July 2004)	Summary	Original Letter	Response
Public Employees for Environmental Responsibility (31 July 2004)	Summary	Original Letter	Response
Izaak Walton League (Public Hearing testimony) (7 June 2004)	Summary	Original Letter	Response
Upper Mississippi, Illinois & Missouri Rivers Association (Public Hearing testimony) (16 June 2004)	Summary	Original Letter	Response
American Soybean Association (Public Hearing testimony) (17 June 2004)	Summary	Original Letter	Response

U.S. Environmental Protection Agency (letter dated July 29, 2004)

The Environmental Protection Agency (EPA) has worked with the Corps since 1993 and expressed their appreciation for the collaboration process in both the NECC and Federal Principals Groups. They support the adaptive management strategy to implement both the navigation improvements and ecosystem restoration. The EPA supports the Corps' proposal to adaptively implement project phasing of the recommended plan by including nonstructural and small-scale structural components and checkpoints for future decisions regarding lock expansion and construction. The EPA prefers ecosystem restoration Alternative E, which would provide a 50 year comprehensive restoration plan for the Upper Mississippi River System. However, they also recognize that Alternative D* is an acceptable choice that provides an adequate framework for the proposed first 15-year increment of the 50-year plan, as long as it is supported by a strong, integrated, adaptive management process. The EPA remains committed to the collaborative process with the Corps and other stakeholders of the Upper Mississippi River System as the Feasibility Study is completed and implementation decisions are made.

The EPA indicates that the Corps needs to provide greater detail on the adaptive management strategy, phasing, institutional arrangements, future use of economic models, and use of the Volpe report in selecting the recommended alternative, and to expand on the implementation timeline and decision criteria. They also recommend that the Corps consider total maximum daily load (TMDL) in future decision-making, consider other/additional mitigation measures not identified in the draft report, and better define Alternatives 4 and 6 in the Final Feasibility Report/PEIS. They indicate the need to investigate the merits of developing and implement this scheduling system with the use of state-of-the-art technology during the 15-year phase of the dual-purpose project. These issues should be outlined in detail and included in the Record of Decision (ROD). They recommend that the Corps include the draft ROD with the final report or submit it for stakeholder review and comment prior to signing.

U.S. Department of Agriculture (letter dated July 30, 2004)

The U.S. Department of Agriculture (USDA) applauds the Corps for the level of openness and collaboration and appreciates being included in the Federal Principals Group. The USDA advocates sound investments in the Nation's transportation structure, including the inland waterways, to help ensure its position as a global leader in agricultural production and trade. They state that exports are critical to the livelihood of U.S. farmers, accounting for about one quarter of farm cash receipts, and that their latest long-term Baseline Projections forecast corn production increasing 14 percent by 2013, but corn exports increasing by 53 percent over the coming decade. They indicate USDA research has shown that transportation costs can be as high as 50 percent of the final landed cost for grain reaching Asian markets. They state that in 1999 barge traffic of food and farm products on the Mississippi River System totaled nearly 86 million tons and that shippers would have required an additional 3.3 million additional trucks or 857,000 additional rail cars to move that same amount of products. They also state that the presence of barge transportation as an alternative to rail, particularly in locations where both are present, helps keep rail rates competitive. The USDA believes that Brazil could surpass the United States in soybean exports in the near future if recent trends continue.

U.S. Fish and Wildlife Service (letter dated August 6, 2004)

The U.S. Fish and Wildlife Service (USFWS) has been involved for more than a decade with studies and coordination concerning the UMR-IWW System Navigation Study and continues to be pleased with the direction of the Restructured Study. The USFWS strongly supports the creation of a dual-purpose authority for navigation and ecosystem restoration and believes that the UMR-IWW System can be managed to achieve both economic and fish and wildlife objectives. The USFWS has maintained its endorsement of Corps efforts to fully restore the UMR-IWW System ecosystem with a new authority. In its April 23, 2004, Draft Supplement to the April 2002 Draft Fish and Wildlife Coordination Act (FWCA) Report, the USFWS provided specific comments and recommendations regarding the Corps' proposed project and expressed the USFWS's preference for Ecosystem

Restoration Alternative E. However, the USFWS also acknowledges that Alternative D* (if fully implemented) would likely reverse the overall decline in natural resources. The USFWS supports 100 percent Federal (Corps) cost sharing for ecosystem restoration actions that involve modification of navigation structures or operations, measures on Corps project lands or refuge lands, and measures in the main channel or directly connected backwaters below the ordinary high water mark. Although the USFWS supports the major elements of the proposed 15-year plan, they believe there will be a need for a UMR-IWW System ecosystem restoration authority for as long as the UMR-IWW System 9-foot Channel Navigation Project is operated and maintained, because it is those operation and maintenance measures that will continue to have a substantial adverse impact on Federal trust resources.

The USFWS finds the organization of the draft report confusing. They would like the Corps to provide greater detail on adaptive management, describing how this program would affect existing programs (the Environmental Management Program (EMP), the Illinois River Ecosystem Restoration Study, and the Comprehensive Floodplain Management Study), institutional arrangements, increased emphasis on the need for a dual-purpose authority, strengthened commitment to a 50-year plan, and more emphasis on the past effects of operation and maintenance on the degradation of the ecosystem in the Final Feasibility Report/PEIS. They would also like to see a description of a science-based objective strategy for adaptive management of the ecosystem, an assessment of present and future barge fleeting impacts followed by the preparation of a barge fleeting plan for the UMRS, broader assessment of ecosystem goods and services, more detail in the description of the affected environment, an increased description of the effects of floodplain agriculture on the ecosystem of the UMR-IWW System, plus an expanded discussion of the Middle Mississippi River reach and the Kaskaskia River in the Final Feasibility Report/PEIS.

U.S. Department of Transportation - Maritime Administration

The Maritime Administration commended the Corps on the collaborative process used in developing the feasibility report and programmatic EIS. They indicated that the result is a comprehensive study that addresses the issues from a national and local perspective with all parties aware of the issues and the findings. The Maritime Administration stated that it is working to develop a fully integrated national transportation system. To achieve this objective, they indicated that they are working with other Federal agencies, as appropriate, to solve national challenges to waterborne transportation and thanked the Corps for the opportunity to advocate for maintaining an efficient waterway system.

Joint Governors' Statement (letter dated July 16, 2004)

The Governors of the five States that share stewardship of the project area (Illinois, Minnesota, Iowa, Wisconsin, and Missouri) jointly endorse the Corps' proposed plan as set forth in the draft report. In particular, they support (1) Navigation improvements, including mooring facilities, switchboats, seven new locks, and related mitigation, within the framework of a \$2.4 billion plan, with an initial investment totaling \$1.671 billion and further investments contingent upon an updated feasibility report, and (2) Ecosystem restoration actions, including island building, fish passage at dams, floodplain restoration, water level management, backwater and side channel restoration, wing dam and dike alterations, island and shoreline protection, improvements to topographic diversity, and switching to dam point control, within the framework of a \$5.3 billion 50 year plan, with an initial investment increment of \$1.462 billion. They support an integrated, balanced, adaptive, collaborative, and fairly funded plan.

Upper Mississippi River Basin Association (letter dated July 16, 2004)

The Upper Mississippi River Basin Association (UMRBA) is a regional interstate organization formed by the Governors of Illinois, Iowa, Minnesota, Missouri, and Wisconsin to help coordinate the States' river-related programs and policies and work with Federal agencies that have river responsibilities. The UMRBA expresses

support for the preferred plan described in the draft report. They concur that ecosystem restoration should be added as a federally authorized project purpose on the Upper Mississippi River, thus providing dual authority and mandating integrated planning and management by the Corps. They also endorse the adaptive management approach, and the adaptive implementation approach for addressing navigation, ecosystem restoration, and mitigation. The UMRBA supports cost share Option C for ecosystem restoration and the specific cost share provisions recommended in the preferred plan. They believe it would be most appropriate to pursue institutional arrangements independent of the feasibility study.

State of Missouri (letter dated July 27, 2004)

In addition to the Joint Governors Statement and the UMRBA letter (Sections 13.4.2.1 and 13.4.2.2); the Corps received a letter from the Missouri Department of Conservation (DOC). The Missouri DOC offers several comments on the draft report. They believe that the floodplain restoration measures have more potential to positively affect habitat restoration efforts in the lower pools and the Middle Mississippi River, and they prefer ecosystem Alternative E over ecosystem Alternative D* because it addresses more floodplain restoration. They are concerned with the proposed adaptive implementation schedule and they support requesting full authorization of ecosystem restoration funding. The Missouri DOC states that institutional arrangements received insufficient attention within the report. They suggest that the Environmental Management Program Coordinating Committee (EMPCC), with appropriate additional State and Federal agency representation and expanded responsibilities, could become the River Management Council. They also suggest the chartering of a River Management Council, River Management Teams, and a Science Panel. The Missouri DOC believes that mitigation for impacts of the anticipated incremental increase in traffic is insufficient because of uncertainties present in the assessment of those impacts. They believe adaptive management and flexibility in funding and operations will be necessary to implement the integrated plan in the most effective manner. They state that a phased approach with a full complement (250,000 acres) of floodplain restoration acreage needs to be recommended for ecosystem restoration. They ask the Corps to provide greater detail on institutional arrangements and validate traffic growth rates, transportation cost savings, and tourism projections presented in the report.

State of Wisconsin (letter dated July 27, 2004)

In addition to the Joint Governors Statement and the UMRBA letter (Sections 13.4.2.1 and 13.4.2.2); the Corps received a letter from the Wisconsin Department of Natural Resources (DNR). The Wisconsin DNR has been part of a collaborative team for the UMR-IWW Navigation Study for over 12 years. With regard to the draft report, the Wisconsin DNR wants the Corps to reconcile information found in the Alternative Formulation Briefing with that presented in the draft report (including the annual rehabilitation costs and the name used to describe Alternative 3), add implementation options, correct the acreage used to describe the acres of floodplain, remove references to criticality of the river to national defense, update census information, and identify the source of the \$6.6 billion annual revenue from recreation in the final report. They ask that the Corps consider the impact of international competition in the economic scenarios and acknowledge that most of the studies conducted during the Feasibility Study were defined during the Plan of Study for the Record of Decision for the Second Lock at Lock and Dam 26. The Wisconsin DNR requests additional responses from the Cumulative Effects report (WEST 2000) to comments on Definitions, Boundary Delineations, Measurements of Attributes and Analysis of the Hydraulic Classification of Aquatic Areas, Upper Mississippi River System.

The Wisconsin DNR requests more information on several items, including documentation for the health of the dams, projections of when the next major rehabilitation may be needed for existing infrastructure and new/extended locks, a comparison of commercial to recreational lockages, inclusion of the annual and the projected 50-year cost of major rehabilitation, a factoring of savings and slippage into total funding for all projects, an explanation of why the only studies on aquatic plants were done on submersed aquatic plants, the clear identification of threats to cultural resources from water level management, and the increase in benefits in recreation opportunity and tourism that will result from ecosystem restoration in the final report. They also

identified discrepancies in air pollution comparisons between waterway, railroad, and truck transportation; the benefits of clean water to municipalities; the characterization of aquatic plant losses in the main channel border; the use of exotic species in plant experiments; the use of one aquatic plant category for discussion rather than the three plant categories; the assignment of percentage to ecosystem restoration alternatives; the discussion of global terror and national security; the reasoning for selection of Alternative D* over Alternative E; and the proposed management of the Science Panel.

The Wisconsin DNR states several things for the record. With regard to Figure 4-10, they have difficulty determining the legitimacy of predictions/assumptions for many of the scenario drivers and key variables and find it hard to believe that no predictions from the literature could be found as references for at least a few of the trade scenarios presented. They believe Table 4-11 misrepresents the true trend in production acreage. Rather than no decrease in production acreage, they state that future acreage may most likely decline due to urban sprawl and conversion of farmland from agriculture to rural home, urban sprawl, and recreation property use. They also comment that the amount of review time provided the NECC was very limited and state that Alternative E would be the only alternative that would provide an element of true restoration to the Upper Mississippi River System. The Wisconsin DNR supports the preferred plan because the 15-year implementation plan will allow a gradual increase in ecosystem restoration measures along the river in an adaptive management process. This work will allow scientists, biologists, and river managers to further define the best future course for ecosystem restoration and more than likely, through this process, conclusively document the need for higher restoration efforts as outlined in Alternative E. The State of Wisconsin also states for the record that small centrarchids do not cross the main channel of the river to get to preferred habitat; therefore, the study underestimates the amount of restoration actually needed. They also state that the floodplain restoration element should be adjusted up to 105,000 acres.

State of Minnesota (letter dated July 20, 2004)

The Corps received a letter from the Minnesota Department of Natural Resources (DNR) in addition to the Joint Governors Statement and the UMRBA letter (Sections 13.4.2.1 and 13.4.2.2). The Minnesota DNR supports improvements that would provide the most aid to Minnesota shippers in moving their waterway freight more efficiently and they also support measures to restore and protect the Mississippi River's ecosystem. They do not believe any of the alternatives considered in the Feasibility Study represent a fully restored ecosystem. Alternative E would go the farthest toward this goal. However, Alternative D* would also provide substantial benefits and opportunities toward a restored ecosystem. The Minnesota DNR supports Alternative D*, but also encourages the Corps to consider several approaches to implementing or modifying that alternative to make it more effective in restoring a sustainable ecosystem. Specifically, the restoration measures identified in the study should be prioritized, with floodplain restoration and water level management receiving the highest priority. The Minnesota DNR supports Cost Share Option C, and adaptive management of the plan over 50 years. The State of Minnesota is pleased that the Navigation Feasibility Study recognizes the multiple uses of the Mississippi River and includes both navigation and ecosystem restoration components.

The Minnesota DNR recommends that all UMR pools in Minnesota waters (Pools 1-9) be included in the water level management measures and that a long-term hydrologic plan be developed for the entire UMR-IWW System that includes funding for recreational and commercial access dredging to accomplish summer drawdowns. They state that they would like increased funding directed toward floodplain restoration and implementation of measures to prevent movement of Asian carp into Minnesota waters.

State of Iowa (letter dated July 30, 2004)

The Corps received a letter from the Iowa Department of Natural Resources (DNR) in addition to the Joint Governors Statement and the UMRBA letter (Sections 13.4.2.1 and 13.4.2.2). The Iowa DNR agrees that ecosystem restoration should be added as a federally authorized and funded project purpose on the Upper

Mississippi River. They believe that with the restructuring of the project in 2001 the foundation was laid for truly integrating navigation and ecosystem restoration.

With regard to the draft report, the Iowa DNR believes more effort needs to be given not only to describing the current conditions, but also to how these current conditions affect the functioning of the ecosystem. They state that the report does not adequately define a sustainable ecosystem, nor does it address the impact of the proposed restoration measures (e.g., island creation, fish passage) on the sustainability of the ecosystem, and that the study does little to address current and future cumulative effects on species of interest. They believe the study does a good job of assessing the regional economic impact of the construction of new locks and lock extensions. However, it does not address the regional economic impact of an improved ecosystem. The Iowa DNR has concerns about the modeling of larval fish mortality and that tow-induced mortality to larval fish may currently be affecting species such as walleye.

State of Illinois

Representatives from the State of Illinois confirmed at the Governors' Liaison Committee meeting on August 8, 2004, that Illinois would provide no additional comments on the draft report beyond those made in the Joint Governors Statement and the UMRBA letter (Sections 13.4.2.1 and 13.4.2.2.)

Mississippi River Basin Alliance (letter dated July 13, 2004)

The Mississippi River Basin Alliance believes that adequate funds need to be devoted to the river restoration. They state that Alternative E should be the recommendation of this study and that emphasis should be on projects that restore natural river processes, such as water level management and floodplain restoration. They believe restoration activities are prioritized to ensure that the portions of the river that are in the worst condition receive appropriate attention. The Mississippi River Basin Alliance believes that restoration funding should be explicitly linked to annual funding for operations and maintenance to ensure balanced funding in the future. On the topic of navigation efficiency, they believe the most prudent course of action is to implement small-scale measures to reduce site-specific congestion. They think the Corps should not recommend new locks because of flat and declining traffic, recent rehabilitation of locks, and current lock life expectancy. They recommend implementing the small-scale measures, evaluating their effect, completing the equilibrium model, fairly assessing projected traffic demand, and then evaluating the need for new locks. They are not opposed to new locks, but rather support using common sense, and they believe a common sense justification for new locks has not been met.

With regard to the draft report, the Mississippi River Basin Alliance would like additional information included in the report pertaining to community cohesion and ecosystem restoration, and social resources impacts from acquisition of farmland. In both instances, they feel that the Corps focused on the negative impacts of such actions and did not thoroughly discuss the potential benefits. They are also concerned about the risks associated with taking or not taking an action. There is risk associated with taking no action when an action is warranted. However, this risk is not the same type of risk as taking an action when the action is not warranted. The risk of taking unwarranted action is greater because the action cannot be undone. In addition, they feel that the analysis regarding sustainability ignores that Alternatives 5 and 6 are not sustainable in low growth scenarios. They also disagree with the Corps' determination that fish passage and water level management locations in Alternative D have a greater likelihood of success than Alternative E. Finally, they feel that the discussion regarding the condition of the locks is biased towards new lock construction because it ignores the major rehabilitation activities at the lock and dam sites. They also feel that the national security issues mentioned are over-generalized and provide no quantitative argument as to why "positive national security benefits will not be realized without implementation of the plan."

Audubon (letter dated July 19, 2004)

The Audubon organization supports an integrated plan for management of the river system, including Federal/State/NGO cost sharing and an adaptive approach to decision-making. Audubon appreciates the collaborative approach the Corps of Engineers has used since 2001 – an approach that has provided Audubon and others with opportunities for a high level of involvement in the study process. With regard to the draft report ecosystem restoration program, they recommend that the Corps clearly establish ecosystem restoration as a project purpose in managing the Upper Mississippi River System, pursue Cost Sharing Option C, seek authorization for Ecosystem Restoration Alternative E, expand and improve the Environmental Management Program, establish a trust fund for restoration, and give priority to projects that restore or mimic natural river processes.

Audubon supports mooring facilities at Locks 12, 14, 18, 20, 22 and LaGrange, switch boats at Locks 20 through 25 in a phased approach, mitigation for the impacts of these measures, development of an appointment scheduling system, development of a new spatial model, collection of demand elasticity data, monitoring of traffic delays and patterns, monitoring of domestic and global grain market conditions, land use, crop yield technology, and developments in other countries, especially China, regarding import and export market trends. They believe that the Corps should include stakeholder groups and the general public at project checkpoints (with rationale and cost/benefit analysis), and that the cost of study, construction, mitigation, and monitoring should be paid 50 percent each from the Inland Waterways Trust Fund and the general fund of the U.S. Treasury.

Mississippi River Citizens Commission (letter dated July 25, 2004)

The Mississippi River Citizens Commission (MRCC) supports the recommendations of the study. Specifically, they support granting the Corps dual authority to manage simultaneously for navigation and the environment; 100 percent Federal cost sharing for projects that are located below the ordinary high water mark or in a connected backwater, that are needed to maintain commercial and recreational navigation when changes or modification to structures or operations are employed to improve the environment, or that are located on federally owned land; and provision for non-governmental organizations to contribute the non-Federal cost sharing requirements applicable to other projects. They believe adaptive management is crucial for implementation of recommendations for both the environment and navigation and that eligible habitat rehabilitation projects should include but not be limited to those specified in the draft report. They strongly urge that the report clarify and strengthen provisions to maintain and fund a strong monitoring and research base conducted through the U.S. Geological Survey and the current EMP partnership to insure unbiased analysis independent of management. The MRCC would like coordination, facilitation, and public involvement to originate from an agency along the Upper Mississippi River rather than near the Corps' Division Headquarters in Vicksburg, Mississippi, to maintain scientific integrity. They believe the process currently used to incorporate public involvement in both EMP projects and research and in navigation management has been successful and should be carried forward into recommendations for the future. Finally, the MRCC believes project selection should recognize the value of working with natural processes.

National Corn Growers Association (letter received June 25, 2004)

The National Corn Growers Association (NCGA) believes the preferred alternative will meet the needs of corn growers across the United States as well as the economic needs of the Midwest and the environmental needs of the UMR-IWW System. They support the Corps' phased-in approach to address congestion on the navigation system where it exists today. By segmenting the phases of the plan, the Corps will be able to continually update its studies and methodologies to better understand the system and meet congressional directives and public expectations.

The NCGA encourages the Corps to keep management and funding for the navigation system separate from the ecosystem restoration component. They believe neither should be directly tied to the other or allowed to negatively affect the other. They feel that navigation should be managed so as not to limit its future growth. They

also state that the restoration program should be implemented in a thoughtful, carefully planned manner to ensure resources are not wasted but are targeted toward projects of the highest value, providing the greatest public benefit. Finally, they express their concerns regarding adaptive management. In theory, project management should adapt to changing conditions and needs. In practice, it could be a way around well-established rules and practices with the purpose of implementing top-down solutions. The NCGA does not expect the Corps will use adaptive management in this manner; however, the NCGA encourages the Corps to continue to work closely with stakeholders and to maintain its general policy and practice of openness.

The American Waterways Operators (letter dated June 29, 2004)

The American Waterways Operators (AWO) fully supports the long-term recommendation in the draft report to provide twelve 1,200-foot lock capacity chambers on the Upper Mississippi River and Illinois River. They also support phasing in this approach with immediate construction authorization for seven new 1,200-foot lock chambers at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at the Peoria and LaGrange locations on the Illinois River. The AWO stated that the lock and dam system on the UMR-IWW System is hindered by deterioration, unreliability, and inefficiency, and that delays at the lock facilities cost millions of dollars a year. The AWO is deeply committed to modernization of the inland waterways system.

The Nature Conservancy (letter dated July 29, 2004)

The Nature Conservancy (Conservancy) has been actively engaged with the U.S. Army Corps of Engineers and other stakeholders on the restructured feasibility study for two years. The Conservancy strongly supports a vigorous ecosystem restoration program for the UMR-IWW System; however, they take no position on the recommended measures to reduce navigation congestion. They support the proposal for cost-sharing contained in the Preferred Plan.

The Conservancy encourages the Corps to reconsider using Alternative E as the basis for its Preferred Plan, and they feel strongly that alternatives that are hybrids of Alternatives D and E should also be considered; they recommended that the Corps clearly acknowledge the need to phase in a 50-year restoration plan and provide some description of steps that may be taken once the 15-year program is complete. The Conservancy recommends linking funding for restoration to funding for the navigation system, including its ongoing operation and maintenance, and the continuance of integration as the plan was completed and implementation began. The Conservancy recommends that the preferred alternative for ecosystem restoration be presented in the context of goals and objectives achieved rather than as a list of restoration actions, with an emphasis that the goal of restoring natural river processes would guide the design and implementation of all projects. They also ask the Corps to clarify what the virtual reference represents and to define another reference point for the ecosystem if all of the goals and objectives were met.

American Rivers (letter dated July 30, 2004)

American Rivers states that they have worked for years to improve the process that has produced the draft report. They are strongly opposed to that portion of the Corps' preferred plan that recommends authorization of new and expanded locks on the Mississippi and Illinois Rivers. They also strongly support establishing a comprehensive restoration program for the Mississippi and Illinois Rivers that has a guaranteed source of adequate funding, that prioritizes efforts to restore natural river processes, and that is based on sound science and ecological principles. They urge the Corps to revise the recommended restoration plan to meet these criteria and to uncouple the restoration plan from any lock expansion proposal, which they believe will doom restoration efforts to failure. They state that the Corps should comply with the requirements of the National Environmental Policy Act and its written promises, and fully evaluate alternatives to its current operations and maintenance practices before finalizing the Feasibility Study. After conducting the needed analysis, the Corps should recommend – and implement as quickly as possible – changes to its current practices that would cause less harm to the environment and that would improve the ecological health of the system. While American Rivers fully supports a

comprehensive restoration plan on the Upper Mississippi and Illinois Rivers, they believe that the Corps should not use the potential for authorization of such a plan to avoid using all existing authorities to protect and restore the health of these great rivers. They state that many, if not all, of the activities recommended by the Corps for new Congressional authorization in the guise of an ecosystem restoration plan could be implemented, at least in part, and should be implemented through the Corps' existing operations and maintenance authorities. They conclude that the Corps should reevaluate and improve its management of the existing navigation system before determining whether or how to expand that system.

American Rivers also supplied specific comments on the draft report. They believe this report overestimates future river traffic, underestimates growing domestic demand for grain, and ignores the benefits of less expensive congestion management measures such as traffic scheduling. They believe the Corps is required by law to prepare a supplemental environmental impact statement on its operations and maintenance of the 9-foot navigation channel for the UMR-IWW System. American Rivers also provided specific comments on ecosystem restoration that include the following four points: (1) the plan should be incorporated into the Environmental Management Program (EMP) to ensure adequate restoration funding; (2) funding to implement the restoration plan should be explicitly linked to annual funding for operations and maintenance to ensure guaranteed and balanced funding in the future; (3) the plan should explicitly require that priority be given to implementing projects that restore natural river processes to help guarantee the greatest restoration benefits; and (4) the plan should include the creation of an advisory committee of independent scientists with the expertise to review and comment upon habitat needs, pool plans, project criteria, project selection, and project sequencing. American Rivers commends the Corps for proposing a significant restoration plan in the Draft Feasibility Study; however, they believe that plan unfortunately falls far short of what is needed to restore these rivers.

Illinois Stewardship Alliance and Sierra Club, Midwest Region (combined letter dated July 30, 2004)

The Illinois Stewardship Alliance (ILSA) and the Sierra Club, Midwest Region state that the draft report reflects a continuation of the failures pointed out previously when the Interim Report was issued, and that the Corps and Congress continue to ignore ecosystem restoration. They state that the Corps' \$2.3 billion lock expansion proposal grossly overestimates likely future river traffic, underestimates the growing domestic demand for grain, and ignores the benefits of less expensive congestion management measures such as traffic scheduling. They suggest that river traffic has been flat for more than two decades, and has actually fallen in recent years. They state that many of the locks the Corps would replace have been rehabilitated in recent years, extending their life for decades. They believe the Corps should only offer recommendations to implement small-scale congestion management measures like scheduling while the agency completes a credible assessment of longer locks. They also state that the Corps should move immediately to implement ecosystem restoration and protection measures as part of reissuing and implementing an updated EIS for operations and maintenance of the navigation system. They believe the Corps should also seek authorization for equal project purpose for ecosystem management and restoration and immediately implement an ongoing program with funding equivalent to that currently expended on navigation operations and maintenance.

They state that the primary causes of UMRS ecosystem decline are due to the following: (1) the imposition of the inland waterway system upon these rivers, and (2) the failure of the Corps to modify its operations and maintenance activities. They also believe that Federal law and Corps regulations lay out the responsibilities for 100 percent Federal response to the decline of the natural resources of the UMRS. The ILSA and Sierra Club, Midwest Chapter recommend modifying and expanding the EMP authority to an ongoing integrated river management program, modifying the cost-sharing requirement to reflect the primary Federal responsibility in this multi-jurisdictional project – thus extending the 100 percent Federal responsibility to all lands and waters affected by project operations and to significant areas of the floodplain important to sustainable operations of the river ecosystem. They believe that adaptive management requires implementation of the Corps' Mitigation Trust Fund authority and that the primary funding vehicle for this trust fund should fall upon the Federal navigation project,

which has caused the impacts. They support the extended interpretation of Federal responsibilities for management of the impacts of the navigation system as outlined in the Draft EIS and believe the Corps already has existing authorities for such management responsibilities.

The ILSA and Sierra Club, Midwest Region offer criticisms of the draft report, as follows: barge traffic predictions were inaccurate, the traffic scenarios were grossly optimistic, the analyses ignored the continuing growth of value-added processing, traffic levels predicted by earlier Corps forecasts have not materialized for this and other projects, the National Academy of Sciences explicitly rejected “scenarios” as a substitute for forecasts, models overstated the economic benefits of lock expansion, the Tow Cost Model ignored alternative modes and destinations and the unfinished ESSENCE model employed arbitrary data and assumptions, the Corps failed to adequately assess small-scale measures (lock scheduling, helper boats, congestion fees, excess lock time charges), and the Corps failed to link congestion fees to actual traffic levels.

Midwest Area River Coalition 2000 (letter dated July 30, 2004)

The Midwest Area River Coalition (MARC) 2000 has been involved in this evaluation since inception of the feasibility phase in 1993. MARC 2000 supported the recommendation to build twelve 1,200-foot capacity locks on the UMR-IWW System, starting with seven new 1,200-foot locks as prescribed by the Corps' plan. They also believe that a case was made for initial ecosystem restoration with \$1.46 billion in funding with an opportunity to return for the balance following a reevaluation report. MARC 2000 reiterates its rejection of a scheduling scheme on the inland waterways. They also feel that the funding of both navigation improvements and ecosystem restoration must have the flexibility to proceed each at its own pace in order to maximize a return on Federal investments in two very different kinds of activities. They state that ecosystem restoration within prescribed adaptive criteria, which did not adversely affect the market needs for the availability of a consistent and predictable inland waterway transportation system, was the key to success for achieving national benefits from this Federal investment. They believe that implementation should begin immediately and comment that the preferred plan is good for the Nation because it would provide alternate modes of transportation, create jobs, and increase global competitiveness. They identify several areas of particular concern that include scheduling, economic model development, funding implementation, and public acceptability. Additionally, they do not support integration of operation and maintenance (dual-purpose authority) for navigation and ecosystem restoration.

MARC 2000 offers several technical suggestions to the draft report. With regard to scenario development, they state the failure to assign unique numerical probabilities to each scenario created a situation where each scenario is assigned the same probability of occurrence. They feel that it was unreasonable to believe that a scenario in which nearly every identified factor, policy, or event that affects U.S. grain exports was either always negative (Scenario 1) or always positive (Scenario 5) would have the same likelihood of occurrence as scenarios that allow for some negative and some positive grain export oriented policies. With regard to alternate modes of transportation and economic modeling, they state that the assumption that alternate mode costs would not increase through the entire forecast horizon appears to be untenable. They believe that future alternate mode costs could increase as traffic was diverted from the waterway, and if this were to occur, then the benefit estimates for navigation enhancements likely were understated in the draft report. With regard to Alternative 2, they feel that the discussion of congestion fees should have identified the theoretical basis regarding justification and derivation of the annual cost of Alternative 2 in the report. They believe that the approach used to evaluate and compare Alternative 2 was flawed since no changes in lock infrastructure and lock processing times were contemplated. They also feel that the methodology used to calculate NED benefits for this alternative should be better documented in Chapter 7 (Evaluation of Alternative Plans).

They offer several additional observations about economic modeling. These include contradictions in the descriptions of the Tow Cost Model (TCM) provided in the draft and the Economics Appendix. They also suggest the addition of a discussion on the qualitative difference between ESSENCE and TCM and the inclusion of an explicit statement that ESSENCE is not a spatial model. They request more information on how the ESSENCE

elasticity ranges were established, and they suggest that these ranges should fall between -0.20 and -1.0. They believe the use of ESSENCE in the feasibility study was inappropriate and that the model's shortcomings should be fully disclosed and the direction and potential magnitude of its biases with respect to measuring benefits also should be disclosed.

Public Employees for Environmental Responsibility (letter dated July 31, 2004)

The Public Employees for Environmental Responsibility (PEER) state that the draft report violates the National Environmental Policy Act, the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (P&G), and the Corps' own Engineering Regulations (ER 1105-2-100); mischaracterizes, ignores, and contradicts the explicit recommendations of the National Research Council of the National Academy of Sciences; and constitutes a significant step backwards in Corps planning to the detriment of the true system stakeholders, the taxpayers.

PEER offers specific criticisms on the draft report including the following: it was impossible to review the document because information within it was incomplete, inconsistent, computationally inaccurate, and unreviewed; better alternatives were excluded; environmental restoration plans should not be held hostage to implementation of any of the navigation efficiency alternatives; the preferred alternative plan is internally inconsistent; Alternative 2 should not have been arbitrarily excluded; the NED evaluation of Alternative 3 is internally inconsistent and incorrect; selection of the preferred alternative should have factored in unquantified risks; the Corps failed to follow recommendations from the National Academy of Sciences dealing with scenarios; traffic forecasts should have been developed using truly independent forecasters; forecast scenarios are arbitrary; the need for navigation improvements should be based on markets, not models; and the models (Tow Cost and ESSENCE) are flawed. PEER also believes that Alternative 2 would return money that would offset the cost of improvements; existing operations and maintenance costs should have been compared to Alternative 1 (no project); Table 12-1 contains computational and logical errors; the most likely future without project condition was not identified; the hybrid preferred alternative (Alternatives 4 and 6) was not specifically evaluated; Regional Economic Development (RED) accounts were incomplete; and the "optimal" timing of the implementation of the various combinations of navigation alternatives was not fully investigated. PEER also questions the report's recommendations because of command interference.

Izaak Walton League (Public Hearing testimony June 7, 2004)

The Izaak Walton League's involvement with Mississippi River conservation dates back to 1924. The League believes that the Corps, along with a host of scientists and researchers over many years, has made the case that the Upper Mississippi River is in need of restoration to slow and, it is hoped, stop the damage navigation is doing to its ecosystem. They also indicate that the Corps has not yet made the case for expanding the UMR-IWW Navigation System. The Izaak Walton League believes that the new 1,200-foot locks at Locks and Dams 20 through 25, LaGrange, and Peoria are unnecessary. They feel that proposing to replace these recently rehabilitated locks, including the \$88 million project presently under way at Lock and Dam 24, does not appear to be a wise use of financial resources in light of the future demands in ecosystem restoration and existing Federal budget deficits and the fact that the Corps has failed to complete promised restoration elsewhere across the country. The League believes there is a better, scientifically supported plan for the UMR-IWW System. This plan would include \$170 million annually for the Environmental Management Program; guaranteed, balanced funding by linking restoration funding to annual funding for the operation and maintenance of the 9-foot channel project; prioritized funding for those projects that restore natural river processes; restoring floodplain habitat; reducing navigation impacts; creating an independent science advisory committee; and regularly updating pool plans.

Upper Mississippi, Illinois & Missouri Rivers Association (Public Hearing testimony June 16, 2004)

The Upper Mississippi, Illinois & Missouri Rivers Association (UMIMRA) supports navigation efficiency Alternative 6. They believe that new locks on the Mississippi River are essential if our farmers and producers are to compete on the global marketplace and that the waterways are the most fiscally, economically, and environmentally sound method for delivering products to the Gulf of Mexico. They urge the Corps to complete this study and Congress to authorize and appropriate funds for the immediate start on work for new locks. UMIMRA is extremely concerned about environmental measures that remove farmland from production.

The UMIMRA offers suggestions for improvements to the plan, which include the following: (1) coordination with the Comprehensive Plan addressing systemic flood control for the river valley; (2) clarification of existing baseline conditions and environmental targets; (3) use of an “environmental measures” rating matrix to evaluate environmental projects as they relate to other river valley needs and activities; and (4) use of Federal and State grants to provide incentives to Levee and Drainage Districts and private property owners to reduce proposed Federal land acquisitions.

American Soybean Association (Public Hearing testimony June 17, 2004)

The American Soybean Association (ASA) wholeheartedly supports the draft plan to improve navigation on the Mississippi and Illinois Rivers. The ASA is concerned about global competition with South America and the effect that increased transportation costs would have on world trade. They believe the key to why American exports continue to grow is the system of locks and dams on the UMR-IWW System and that this deteriorating system jeopardizes the foreign markets that the ASA developed. The ASA states that there are environmental benefits from transporting commodities by towboats through reduction in pollutants and more efficient use of fuel, and that an improved navigation system would protect jobs.