

House Concurrent Resolution No. 48

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MCGAUGH (Sponsor), REIBOLDT, JOHNSON, GUERNSEY,
HAMPTON, ROWLAND, HOUGHTON, PHILLIPS, KOLKMEYER,
KELLY (45) AND SCHIEFFER (Co-sponsors).

6342L.011

2 **WHEREAS**, the Missouri River Bank Stabilization and Navigation Fish and Wildlife
3 Mitigation Project was initially authorized by Congress under P.L. 99-662. A total of 48,100
4 acres were authorized for mitigation, which included the acquisition and habitat restoration,
5 preservation, and development of 29,900 acres of land and on an additional 18,200 acres of
6 existing public land in the state of Iowa, Kansas, Missouri, and Nebraska; and

7 **WHEREAS**, P.L. 106-3 modified the Mitigation Project by increasing the amount of
8 acreage to be acquired or mitigated by 118,650 acres and included the restoration of 7,000 to
9 20,000 acres of shallow water habitat (SWH), resulting in the total amount of land authorized
10 for mitigation to be 166,750 acres; and

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12 **WHEREAS**, on March 30, 2012, the United States Army Corps of Engineers (Corps)
13 announced a plan to resume Missouri River SWH restoration efforts in Missouri after halting any
14 SWH construction in Missouri in 2007 due to concerns raised by the Missouri Clean Water
15 Commission; and

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17 **WHEREAS**, the Corps proposes to finish construction of SWH on the United States Fish
18 and Wildlife Service (USFWS) Big Muddy National Fish and Wildlife Refuge, Jameson Island
19 Unit by constructing a chute approximately 6,000 feet long by approximately 75 feet wide, and
20 excavating to a depth of 5 feet from the Construction Reference Plane; and

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22 **WHEREAS**, the Corps' plan would extend the existing Jameson Island chute
23 approximately one mile to the west where another outlet to the Missouri River would be
24 constructed. To create the chute, approximately 420,812 cubic yards of earthen material would
25 be removed using a hydraulic dredge. The earthen material would be pumped as a slurry mixture
26 of water and soil and placed into the Missouri River; and

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28 **WHEREAS**, over time, the chute is expected to widen and deepen, with approximately
29 546,580 cubic yards of additional soil deposited into the Missouri River; and

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31 **WHEREAS**, this extension of the Jameson Island chute would result in approximately
32 16.77 acres of SWH at the completion of construction, and is eventually expected to develop

33 through natural river processes to approximately 30 acres of SWH, with 27 acres of chute and
34 3 acres of backwater; and

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36 **WHEREAS**, the project would assist the Corps in meeting SWH goals established for
37 federally listed endangered pallid sturgeon on the Missouri River by the USFWS in their 2003
38 Amendment to the 2000 Biological Opinion (Bi-Op) on the Operation of the Missouri River
39 Main Stem Reservoir System; and

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41 **WHEREAS**, failure to meet the current Bi-Op goals through construction of a SWH
42 could require the Corps to meet SWH targets using mainstem reservoir flows, may require
43 reconsultation with the USFWS, and potentially lead to legal action and court-directed measures;
44 and

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46 **WHEREAS**, depositing excavated soil directly into the Missouri River:

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48 (1) Contradicts long-standing efforts, including investment of the one-tenth cent Parks
49 and Soils sales tax, which have had success in promoting soil conservation practices;

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51 (2) Ignores best management practices;

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53 (3) Contradicts enforcement actions taken by the United States Environmental Protection
54 Agency and the Missouri Department of Natural Resources;

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56 (4) Increases nutrient-rich sediment flowing to the Gulf of Mexico; and

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58 **WHEREAS**, Missourians support conservation efforts that are scientifically based.
59 Taxpayer funds, such as the Parks and Soils sales tax, are used by landowners to implement
60 practices to prevent or minimize sediment and nutrients from entering our waterways. This
61 project is in direct contradiction to Missouri's long-standing soil stewardship efforts by
62 unnecessary disposing of Missouri's soil resources; and

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64 **WHEREAS**, while questions remain about the scientific benefits of chutes to the pallid
65 sturgeon, modifications to the existing chute are necessary to prevent further damage to the levee
66 opposite the existing outlet; and

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68 **WHEREAS**, it is possible to realign the current chute and achieve the stated goal of
69 developing SWH without depositing soil into the Missouri River; and

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71 **WHEREAS**, the construction of chutes to provide SWH lacks clear and convincing
72 evidence that preservation of the pallid sturgeon will be enhanced, and conflicts with established
73 state policies that benefit the integrity of Missouri's soil and water; and

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75 **WHEREAS**, the Corps should proceed with the modification of the Jameson Island
76 chute only if excavated soil is not deposited in the Missouri River but outside the meander belt:
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78 **NOW, THEREFORE, BE IT RESOLVED** that the members of the House of
79 Representatives of the Ninety-seventh General Assembly, Second Regular Session, the Senate
80 concurring therein, hereby strongly urge the Corps not to proceed with the shallow water habitat
81 modification project on the USFWS Big Muddy National Fish and Wildlife Refuge, Jameson
82 Island Unit, unless excavated soil is deposited outside the meander belt and not into the Missouri
83 River; and

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85 **BE IT FURTHER RESOLVED** that the Missouri General Assembly strongly urges the
86 Corps to work with the Missouri Clean Water Commission to ensure that any future SWH
87 projects within the State of Missouri provide clear benefits to the preservation of the pallid
88 sturgeon do not degrade Missouri's soil and water resources; and

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90 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
91 Representatives be instructed to prepare properly inscribed copies of this resolution for the
92 United States Army Corps of Engineers, the United States Fish and Wildlife Service, and each
93 member of the Missouri Congressional delegation.

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