

March 28, 2023

Senator Jon Tester
311 Hart Senate Office Building
Washington, DC 20510

Re: USACE Fort Peck Dam Test Flow Mitigation Measures and Alternative Options

Dear Senator Tester:

The Missouri River Conservation Districts Council (MRCDC/Council) is a coalition of the fifteen conservation districts along the Missouri River in Montana. Spanning 725 miles of River corridor from its headwaters in Gallatin County to Richland County at the North Dakota border, MRCDC seeks to be the united voice for conservation of the Missouri River, its tributaries, and its associated uplands.

A couple Council members attended your January Farm Bill hearing in Sidney, Montana. We thank you for your time holding these across the state, and thank you for discussing concerns regarding the US Army Corps of Engineers Fort Peck Dam Test Flows during that hearing. We appreciate your commitment to continue working on Test Flow matters affecting Montana at the federal level.

Below the Fort Peck Dam, the Missouri River provides water for over 60,000 acres of irrigated cropland in Montana. This includes 20,000 irrigated acres of tribal cropland. The Test Flows have a great potential to negatively impact irrigation and farming operations along the Missouri River. The Council has created a list of mitigation measures and alternative options to the Test Flow that need to be considered.

Mitigation Measures:

1. Financial help in preparing pump site infrastructure.
 - a. The high flow followed by a low flow will cause changes to the main channel of the Missouri River.
 - b. The river channel changes can partly be overcome by adapting current pump site infrastructure, i.e., electrical boxes, in preparation for test the test flows.
2. Equipment to get pump sites up and running quickly.
 - a. With the wet muck and silt from the high flows prior to the low flow, it is nearly impossible, and dangerous, to remove what is needed with a regular excavator.

- b. Used amphibious excavators cost approximately \$365,000.
- c. Amphibious excavators are not found in the area so planning ahead to have available in Northeastern Montana would be important.
- d. Conservation districts have the proper permits for each pump site in their districts that allows for this type of excavation work.



Pictured above are examples of amphibious excavators.

- 3. A change in the federal crop insurance program.
 - a. After Council discussions with Montana's Risk Management Agency in winter of 2022, it was made clear under current rules that man-made test flow events would not be covered under crop insurance.
 - b. Crop insurance needs to be amended so crops can be covered when damages occur due to the federal government, man-made event.
 - c. If crop insurance changes are not possible, an alternative would be to provide growers a safety net through the USACE or USDA-FSA.

Alternative Options to the Test Flow:

- 4. Stock the Missouri River with fishery raised pallid sturgeon.
 - a. Since the construction of the of the Fort Peck Dam began in 1934, the Missouri River has not been a natural river.
 - b. Completion of Garrison Dam that forms Lake Sakakawea was completed in 1954.
 - c. The length of river needed for embryos to develop naturally may not be long enough between the Fort Peck Dam and the dead zone of Lake Sakakawea.
 - d. Continue raising hatchery pallid sturgeon to stock the river.
- 5. Investigate the use of tributary rivers for pallid sturgeon recovery.
 - a. Through discussion with the Fort Peck Tribe, tributaries such as the Milk River could be a big asset in the recovery of pallid sturgeon.
 - b. The first year of the Yellowstone Bypass system has shown positive interactions with pallid sturgeon. Continuing work up to Yellowstone River tributaries may be beneficial.
- 6. Decrease the high flow rate below 27,000 cfs.
 - a. This will lessen the physical damages done to pump sites.
 - b. It will also decrease the amount of muck and silt deposited around pump sites that will need removed for the pump sites to run.
- 7. Increase the low flow rate to greater than 10,000 cfs.
 - a. This will also help to lessen the amount of muck and silt needed to be removed around pump sites.

- b. By increasing the lower flows this will also decrease the distance pump sites may need moved to reach adequate water.
- c. The low flows are scheduled for July and August when access to water is crucial for irrigation.

Actions that have been done to date regarding the Test Flows include: public meetings outreach during the draft USACE's Environmental Impact Statement comment period (March 26, 2021 to May 25, 2021), we have kept in close contact with Sidney Sugars, we held a meeting in November 2021 that included congressional field representatives and Montana's Director and Deputy Director of USDA-RMA, we have met with affected Conservation Districts in North Dakota and presented information to the Montana legislative Water Policy Interim Committee in May of 2022. There have been meetings with the USACE to work on alternative plans and keep lines of communications open. Richland County Conservation District and the Missouri River Conservation Districts Council are members of the Missouri River Recovery Implementation Committee. During the 2023 National Association of Conservation Districts Convention, a resolution presented by Montana stating, "NACD supports coordination and mitigation of test flows of any federal or state controlled reservoir that will cause negative impacts to regional irrigation, agriculture, rural and municipal water systems, communities, native habitats or economies." was passed.

The Missouri River Conservation Districts Council and the Montana Conservation Districts below Fort Peck Dam thank you for taking our comments into consideration. We look forward to providing information and continuing to assist in this matter any way needed at the local, state, and federal levels. If you have questions, please let us know.

Sincerely,



Laura Kiehl, Chairman
Missouri River Conservation Districts Council

cc:

Senator Steve Daines
Representative Matt Rosendale
Representative Ryan Zinke
Governor Greg Gianforte