

March 1, 2024

Subject: Support for irrigators and rural water users on the Missouri River affected by the US Army Corps of Engineers Fort Peck Dam Test Flow

Dear Senator John Hoeven / Senator Jon Tester

As a member of the Energy and Water Development Committee we are asking for your help and support regarding mitigation efforts for the US Army Corps of Engineers' (USACE) Fort Peck Dam Test Flow.

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 the river corridor, including its tributaries and associated uplands, from its headwaters in Gallatin County to Richland County at the North Dakota border. MRCDC member districts are organized according to Montana statute contained in Title 76, Chapter 15, Section 102 which states, "It is hereby declared to be the policy of the legislature to provide for the conservation of soil and soil resources of this state, for the control and prevention of soil erosion, for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization, and disposal of water and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state."

We are aware that you know about the USACE proposed test flow on the Missouri River below Fort Peck Dam in Montana. This test flow has the potential to harm folks down river from the Dam in Montana and North Dakota. This planned test flow is designed to test the ability of the Pallid Sturgeon to spawn with simulated natural flows by higher than normal and prolonged releases from the Fort Peck Dam. These flows will be higher and longer than most irrigators have been accustomed to in the 80 plus years since Fort Peck Dam closed the Missouri River. We will try to keep this letter as brief as possible.

The Record of Decision on the proposed alternatives of the EIS developed by the USACE stated no mitigation compensation will be provided for the damage and loss of revenue from the test flow. The following is a quote from the Record of Decision (page 5):

"Some impacts would be longer term and last several years or more after test releases are implemented. **No compensatory mitigation is required as part of the recommended plan;** however, the recommended plan was designed to avoid or minimize adverse impacts by restricting the conditions under which a test flow release is implemented. Despite avoidance and minimization measures, certain

disturbances would likely still occur (e.g., increased erosion, temporary adverse impacts to flood risk management, hydropower, and irrigation).”

The full Record of Decision of the EIS and the EIS itself is attached for reference.

There has been a good effort by the USACE to meet with stakeholders, including irrigators, the Fort Peck Tribes and the Western Area Water Supply Authority in Western North Dakota. We, as irrigators, have been able get the planned releases decreased to a tolerable higher level of 22,500cfs. The lower levels post high flow of 8,000cfs, while we would still like to see a little higher, is more workable than what the original plan had in place. What has not been addressed in these stakeholder meetings, nor agreed to by the USACE, is any type of compensation for damages and/or losses. Damages to irrigation sites and financial issues regarding the inability to irrigate after the higher flows haunt most producers in both North Dakota and Montana. Once the May through Mid-July higher flows subside, many pump sites will not be usable. Equipment with the ability to work in the river with saturated soils is not available in our region. Equipment that would work is manufactured and used in the lower United States, such as Louisiana. To the right, is a picture of a floating track hoe.



The Conservation Districts in Eastern Montana have a dredge that can work on a few sites but does not have the ability to work on over the 180 pump sites in a timely manner. The floating track hoe is expensive with an estimated cost \$400,000. A minimum of two would be required to clean pump sites in a timely manner. In addition, operating expenses to hire the track hoe to repair sites would be required. There are qualified contractors that could be hired to operate the equipment in the region.

Here is our ask:

1. We are aware both Senator Hoeven and Senator Tester are on the Army Corps of Engineers Appropriations Committee. Would it be possible for a small group of Conservation District and possibly the Fort Peck Tribes to arrange a zoom meeting with you or your staff? The purpose of the meeting would be to formulate a request to the USACE for funding to mitigate damages caused by the Test Flows.
2. It is estimated in the economic analysis of the USACE EIS the loss in net farm income to this region would average \$7,530,000 annually. Each farm affected would range from \$131,413 to \$355,045 net farm income loss per year.
3. We do not have an exact dollar request at this time, but in short order we could formulate a reasonable list. The USACE has budgeted approximately \$18,000,000 for the Test Flow effort. We feel allocating a portion of that to mitigate damages is only reasonable.

And finally, we do want to specify we are not against efforts to help the Pallid Sturgeon recovery, we are just concerned about the consequences of the test flow that are not being

mitigated by the USACE. In short, we worry about the irrigators, rural water systems, and others affected that may be put out of business. Irrigators in this region have already felt great economic impacts from the closing of Sidney Sugars. Additional economic impacts caused by these test flows to these same producers are not sustainable for the region without mitigation. Just for information, there is no organized committee of irrigators to help us fight this issue. But we will try hard to provide what you may need for additional information. Also, the Conservation Districts in Montana recently updated the COE 404 permits, necessary to work in the river on pump sites (this was on over 150 pump sites). Therefore, mitigation on much of the work needed posttest flow is shovel ready.

Thanks for your time and feel free to reach out to us for further information. Two good contacts in Montana are Dana Berwick (email: hayrgrower@gmail.com cell:406-480-5769) and Dick Iverson (email: rji@midrivers.com cell: 406-489-7770), both of which have been involved in the Test Flow discussions from the start and are their Conservation District representatives on the Missouri River Conservation Districts Council.

Sincerely,

A handwritten signature in blue ink that reads "Karl Christians". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Karl Christians, Chairman
Missouri River Conservation Districts Council

cc:

Senator Jon Tester / Senator John Hoeven
Senator Steve Daines
Representative Matt Rosendale
Representative Ryan Zinke
Governor Greg Gianforte
USACE Principal Deputy Assistant Secretary Jaime Pinkham
USACE Assistant Secretary Michael Conner

Attachments:

Fort Peck Dam Test Release Final Economic Impact Statement
Record of Decision on Fort Peck Dam Test Release Final Economic Impact Statement