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WRITTEN TESTIMONY:

UNITED STATES HOUSE OF REPRESENTATIVES

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

COMMITTEE HEARING

**THE MISSOURI RIVER FLOODS: AN ASSESSMENT OF RIVER MANAGEMENT IN 2011 AND OPERATIONAL PLANS
FOR THE FUTURE**

Chairman Mica and members of the United States House Committee on Transportation and Infrastructure:

Thank you for giving me the opportunity to provide testimony today regarding the Missouri River Basin Floods of 2011. As an elected official, I have the privilege to come before this body representing the people of Holt County, Missouri. I am honored to share with you their flood story and the greater concerns of a rural community resolute in maintaining their way of life.

Situated between the urban hubs of Omaha and Kansas City, Holt County is about as rural as it gets. Less than 5,000 people call Holt County home. There are 500 miles of gravel roads and not one single stop light or flashing light in the entire county -including the towns. Everyone knows one another. It's small town America at its best.

Holt County: A Rural Floodplain

Holt County has a wide floodplain, encompassing nearly 40% of the county's 456 square miles. The floodplain is greater than the city of Denver, Colorado. It holds highly productive farmland and five

towns. At its widest point our floodplain stretches 12 miles from bluff to bluff. It is crisscrossed by transportation corridors connecting Missouri with Iowa, Kansas and Nebraska by interstate and rail. It also is home to Squaw Creek National Wildlife Refuge and Big Lake State Park as well as a patchwork quilt of farmland and homesteads dating back to early settlement.

Cause and Effect

Holt County has two federal levees that extend along 18 miles of river; an additional 32 miles of non-federal levee protects the majority of the county's landmass in the floodplain. Two miles of river levee are privately owned but afford protection for an entire watershed area. It is this mix of federal/non-federal and private levee system that sets Holt County apart from many other Missouri River Basin areas. The majority of our levees are not designed to Pick-Sloan Federal Levee standards, they are not set back from the channel consistently and they do not offer protection above the 25-year flood level. However this system design has worked well since its inception in the early 1940s. Holt Countians are no strangers to floods. We recognize and understand the inherent nature of living, working and playing in the floodplain. Landowners accept that on average once every 10 years a flood will occur in the basin. Structures are elevated, drainage systems are in place and protective measures are implemented to minimize the impacts of a naturally occurring flood. These events are typically quick to arrive and exit and leave minimal impact on the land.

But 2011 was not a typical flood. Up to ten feet of water was in our homes and over our land for 106 days with heavy current and waves - rendering our ground useless, destroying our roads and infrastructure, wrecking our homes and grinding our rural economy to a halt. Our green fields of summer took on the look of an endless lake and the smell of an old tackle box. Though excessive rain and snowmelt in the upper basin are significant contributing factors to the 2011 Flood, there is a much broader concern in Holt County. Repetitive flooding in our county has led citizens to question the aims and goals of the United States Army Corps of Engineers. This idea hinges on two prominent activities of the USACE: land acquisition and recent river management practices.

The Biological Opinion

Both areas of concern stem from the US Fish and Wildlife Service's Biological Opinion designed to bring the USACE into compliance with the Endangered Species Act. This opinion calls for reclamation of over 160,000 acres of land between Sioux City and St. Louis and converting that land to a pre-Lewis and Clark, low-water meandering flow. It does not –however – take into consideration land owned by other state and federal agencies meeting the same goals. As the USACE was forced to comply with the mandates of this opinion, they stepped up land acquisition, actively pursuing purchase of land in my county. The impact of this restoration project on Holt County has been overwhelming as over 8,000 acres have been purchased within the county's borders. It is here that Holt County slid into devastation by design.

The USACE purchases land from willing sellers to create pallid sturgeon chutes and sandbar habitat for the piping plover and the least tern. In the early 2000s, land acquisitions were from willing sellers that saw benefit in returning marginal ground to wetland areas, while receiving fair market value for their

property. Some of those properties had been breach areas in previous floods and were not likely to see full agricultural production in the future. This transfer of land to the USACE seemed a wise choice for the landowner. As more pieces of real estate transferred to Corps ownership, it became apparent there was a tax base gap as well as an economic gap being formed. Each acre purchased for restoration meant the yearly agricultural economic impact was diminished. The Payment In Lieu of Taxes (PILT) program paid only pennies on the dollar of previous tax liability to the county, schools, fire districts and so on. The loss of annual wages, sales taxes and dollar turn-over related to agriculture production on the land had a far reaching effect.

By 2010, many family farmers disagreed with selling the ground to the Corps on principle alone. With their family farm ownership stretching back five generations and over 170 years, many saw the action as a "land grab," both detrimental to the local economy and part of a greater plan to take back the floodplain for two birds and a fish. Their belief was underscored in June 2011, while sandbagging on the levees and hastily moving their belongings from the floodplain, letters arrived from the USACE asking if they'd like to sell their ground to help restore habitat for the pallid sturgeon. It was a slap in the face to Americans working hard to make a living on some of the most fertile ground in the United States. But after four-months of ravaging floodwaters and 32 levee breaches, many of these same farmers see no hope but to sell their irrevocably ruined land to the Corps.

Mitigation ground restoration is the cornerstone of the USACE's requirement to meet the Biological Opinion of the US Fish and Wildlife Service. Unfortunately, for landowners there are negative side effects. In our opinion, the creation of pallid sturgeon chutes directly negates the concepts of the Pick-Sloan levee program. In one location in Holt County (L-497), as the water reached historic level this year, a pallid sturgeon chute became a new channel, forcing water directly at the levee, causing a massive scour hole and slide. Lands where mitigation efforts have been utilized were some of the first problem points for levee districts as sand boils and substructure failure was apparent in areas where mitigation grounds were maintained next to the levee's footing. Local knowledge of the Missouri River's naturally occurring habits both pre and post channelization lend credence to the prevailing local thought that the USACE is managing these areas erroneously.

The Spring Rise Experiment

Holt Countians take issue with the USACE not only for management practices on mitigation lands that threaten our way of life and the levee system that protects it, they also see operational changes in the mainstem system working against them. Once again the USACE has an obligation to meet the Biological Opinion, which calls for experimenting with releases from the Gavin's Point Dam, in Yankton, South Dakota, varying the flow in the lower basin section of the river in the spring and early summer to create an artificial spring rise or pulse. This inflated and quick running river is intended to mimic pre-channelization flows in the lower reach, cueing the endangered pallid sturgeon to spawn. It is also timed to allow for nesting piping plovers and least tern to make the most of silted sandbar habitat left after a

“flood-like” flow. Water storage has increased in the reservoir system in recent years to allow for this quick pulse release, leaving little additional flood storage capacity in the upper system. This activity has passed by most communities in the lower basin unnoticed as federal levees provided ample protection for this increased river height and minimal disturbance to the land outside the levee system.

This is not the case in Holt County. The non-federal levees are incapable of holding the increased volume and flow in the Spring Rise. Coupled with localized rainfall events that heightened local tributaries and filled all available drainage systems – this practice formed the basis for repetitive flooding situations in 2007 through 2010. When the Missouri River is above flood stage the local systems simply cannot drain. Flood stage at the Rulo, Nebraska gauge is 17 feet. We have seen a river significantly above flood stage every year since 2007. At 24 foot, levees overtop and flooding is imminent. The Spring Rise has been a source of much frustration in Holt County. Citizens feel they are being singled out as outlet valve for the system. The USACE as well as locals know that this practice has only one outcome - flooding in Holt County. To exacerbate the situation, this science experiment isn’t working. In October 2011, an independent science panel reported to the Missouri River Recovery Implementation Committee (MRRIC) in Denver that data collected so far shows zero benefit to the pallid sturgeon’s nesting practices related to the Spring Rise. The USACE has decided to embargo the spring rise for 2012. We think that’s a good plan and further that it should be stripped from the requirements all together. Most years Mother Nature does a perfectly good job of creating an increased flow in the lower basin without help from the USACE.

Another cause for concern is management practices of the USACE which have contributed to increased siltation of the Missouri River in our region. The gauge at Rulo shows that the river can no longer carry the volume of water as previous years. Dike notching has kept the channel from self-scouring, while the mitigation grounds allow for a low-water, meandering flow, spreading the river and its silt load out. The navigation channel is diminished and needs to be dredged. The overall flow capacity is reduced and siltation is readily apparent causing flooding problems at lesser volume than previously seen in the region. These are aims of the restoration program that have devastating impacts on local agricultural production and the efficient use of the existing levee system.

A Unique Place in History

The 2011 Flood brought a focused spotlight on the management practices of the USACE and their responsibilities to the eight authorized purposes of the Missouri River. Brigadier General John McMahon called us all to learn from the past when making future plans for the Missouri River in his letter dated October 24, 2011. I would certainly agree with Gen. McMahon, that this is the opportune time to assess the damages, learn from our mistakes and forge ahead.

In Holt County, we’ve come together to explore what alternatives are available to our citizens to once again make our county a thriving place to live, work and do business. We recognize that a non-federal levee system may have outlived its time. We also believe that levees directly on the river channel may need realignments and setbacks to afford the kinds of protections needed to maintain our wide-basin

area. General McMahon expressed a vision of a “green-way” for our floodplain, where the river is allowed to meander without hindrance in a more natural state, where people do not live and work within its boundaries. Whether by intentional design or the perfect storm, Gen. McMahon is getting his wish as people sell their ground to the Corps and leave the floodplain of Holt County. It is an exodus that will have lasting social, cultural and economic impacts on my county for generations to come.

General McMahon asks in his letter when the citizens of the Missouri River Basin will become galvanized behind a central idea for river management. I believe we have. Six of the Basin State’s Governors have called on the USACE to make flood control the primary focus of Missouri River mainstem management – not unlike the primary purpose of the Mississippi River. The Missouri River Working Group, made up of Senators and Representatives from the Missouri River states have called for flood control as a priority. It is time the USACE is directed by Congress to make flood control the primary purpose – above all other authorized purposes.

Repair, Rebuild and Renew Relationships

There is a place for river restoration and the benefits to our environment – even in Holt County. We recognize the need for open space and hold our nearly 8,000 acre Squaw Creek National Wildlife Refuge in high regard. Nearly 20% of Holt County’s landmass is already owned by a State or Federal agency for wildlife purposes. We’ve given enough. Holt Countians feel threatened and endangered. The American farmer in our region is fast approaching extinction. The relationship between the USACE and the local citizen must be renewed. Hosting meetings in Denver, 600 miles away from those affected, does not lend itself to open stakeholder involvement. Offering “non-structural alternatives” to rebuilding a damaged levee to benefit endangered species does not sit well with levee board officials. Offering to buy more land for the pallid sturgeon while saying you don’t have enough money to even assess the levee damage – let alone repair it – creates wedges in a community. The US Fish and Wildlife Service, along with the USACE must come to the table to have real dialog with landowners and stakeholders in the basin to find common ground in land acquisition, mitigation efforts and management of water storage and releases in the mainstem system.

We believe our area offers unique opportunities to the USACE and USFWS to join with local stakeholders in shaping the future of the floodplain with compromise and a focus on local involvement. It starts by accepting responsibility. We shoulder some of the burden in Holt County with sub-standard levees and a need to unify under the same flagship cause. General McMahon continues to say this year’s vast runoff and rainfall event could not be avoided. In Holt County, we strongly disagree. The reservoirs are simply buckets, and this year, they were too full to catch the rain. Years of management adjustments to meet the varying authorized purposes have set up a reservoir system incapable of doing the job for which it was built.

Funding a New Vision

The fact remains that levees throughout the system are in shambles and funding is lacking to make repairs. This is not the time to sidestep obligations to restore our communities affected by natural disaster. This is the time for Congress to act. New funding is essential in the Flood Control and Coastal Emergencies Fund of the USACE to repair levees under Public Law 84-99. We also ask that you consider funding a pilot project in Holt County to develop a consistent and unified levee system to federal standards, with a focus on levee realignments and set-backs, a balanced approach to mitigation site restoration and continued agricultural pursuits. We believe this could be a model project, with proactive leadership and shared responsibility between Federal, State and Local governments, levee sponsors and landowners – all working on a local level to develop a new vision for the floodplain that benefits us all.

I appreciate your willingness to hear the voice of rural America's citizens today. I would encourage you to look beyond the 2011 Flood to see the bigger picture – change in the Missouri River Basin must come now and with it must be a renewed focus on the *people* utilizing the bounty in the floodplain. In Holt County, we are ready.

Thank you,

Kathy J. Kunkel

Holt County Clerk