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Congress of the United States

House of Representatives

Washington, DC 20515-2504

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The Honorable Pete Geren
Secretary of the Army
101 Army Pentagon
Washington, D.C. 20310

Dear Mr. Secretary,

Let me take this means to share my strong opposition to any participation by the United States Army in an orchestrated effort by the Governor of South Dakota and the Missouri River Association of States and Tribes (MoRAST) to overturn congressionally authorized uses of the Missouri River.

Throughout the time I have been privileged to represent Missouri's Fourth Congressional District in the House of Representatives, Missouri River management has been a key concern to the people I represent and to me. I have become accustomed to the various tactics employed by Northern Plains states, which seek to maintain sufficient water levels in their part of the country. As this tug of war over the best use of Missouri River water has occurred, I have always been reassured that the laws governing the river, the 1944 Flood Control Act, its amendments and related federal laws, authorize various, clear uses for the river.

In 1944, Congress created the Pick-Sloan Missouri Basin Program to, among other things, ensure proper navigation, flood control, power generation, and municipal and industrial water supplies for citizens in the basin. Navigation remains a key component of river management. In Missouri and in other states located along the southern reaches of the river, agricultural commodities, fertilizers, and other products are shipped on barges at costs that are significantly lower than truck and rail transportation. River navigation lowers transportation costs to farmers and is a key component to Missouri's economy.

That is why I was particularly concerned when South Dakota Governor Michael Rounds wrote a letter to Assistant Secretary John Paul Woodley, Jr., in July 2007 asking the Army and the Interior Department to initiate a "Section 216" study to review the possibility of revoking navigation as a legitimate use of the river, contrary to the intent of the United States Congress and decades of legal precedent.

In recent weeks, a party of groups representing the Northern Plains interests on the river – MoRAST – has been meeting to discuss Governor Rounds' proposal. This week, they voted to request a "Section 216" study.

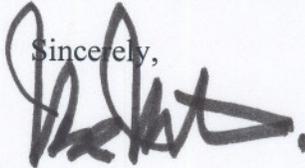
As I understand it, Section 216 of the Flood Control Act of 1970 provides authority to review the operations of completed projects if physical, economic, or environmental conditions have changed since the projects' completion. It appears to me that the scope of the Governor's request goes well beyond any single project, which would preclude the authorization of a "Section 216" study. Rather, the Governor seeks in his correspondence to have the Army overturn a portion of a law enacted by Congress and signed by the President of the United States.

If the United States Army were to proceed down this path, I would strenuously object on behalf of the people in Missouri's Fourth Congressional District, many of whom benefit in some way from Missouri River navigation.

Should the United States Congress debate legislation designed to change the 1944 Flood Control Act to omit navigation as a legitimate use of the river, I will work to ensure it does not become law. I will also continue working to ensure that other important river management policies do not give Missouri the short shrift.

I look forward to hearing from you in the near future regarding this particular matter.

Sincerely,



IKE SKELTON
Member of Congress

cc: Hon. John Paul Woodley, Jr.
LTG Robert Van Antwerp, USACE
Hon. Nancy Pelosi, Speaker of the House
Hon. Steny Hoyer, Majority Leader
Hon. James Oberstar, Chairman, House Transportation Committee
Hon. Nick Rahall, Chairman, House Natural Resources Committee
Hon. David Obey, Chairman, House Appropriations Committee
Missouri Congressional Delegation