

Dear Mr. McCrory:

Thank you for your presentation during the public meeting of the Mississippi River Commission, held in West Memphis, Arkansas, on August 19, 2003. In your presentation you addressed the importance of completing the Mississippi River and Tributaries (MR&T) project in a timely manner, the Missouri River Water Control Plan, maintenance of the Pidgeon Industrial Harbor, and the impact of regulatory changes and Nonconnah Creek on maintenance dredging.

The Fiscal Year 2004 budget request for the MR&T project is based on its relative need compared to that of the many competing national priorities, including the war on terrorism and homeland security, and the need to balance the national budget. The Memphis District staff will keep you informed about its 2003 activities and potential 2004 work as Fiscal Year 2004 appropriations and accompanying guidance are received.

Regarding the Missouri River Master Water Control Plan, the Corps has not identified a preferred alternative water control plan. The Commission has received testimony and correspondence expressing concern about proposed modifications and the potential for resulting low flows on the Mississippi River. The Corps objective in its Missouri River operations is to implement a water control plan that meets the contemporary needs of the Missouri River Basin, serves the Congressionally authorized project purposes, complies with environmental laws including the Endangered Species Act, and fulfills

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responsibilities to Federally recognized Tribes. There are a myriad of complex operational and resource management issues. Upriver interests want high, stable lake levels to address recreation, irrigation, and hydropower needs. Environmental interests seek a hydrograph that more closely approximates the natural hydrograph of the Missouri River. Downriver interests (below the dams) support different flow regimes for commercial navigation, flood protection, municipal water supply, and thermal generation.

The Corps is currently engaged in examining adjustments to the Modified Conservation Plan (MCP) and is conducting numerous model runs that eliminate the "fixed trigger" and "negative

storage check" features of the MCP. Modeling of these adjustments to the MCP was requested by the Missouri River Basin Association and includes the concerns expressed by the State of Missouri. The Missouri River Basin Authority has indicated they have no objection to modification of the MCP alternative to eliminate these features, provided the drought storage target of 42.7 million acre-feet for a drought similar to the one experienced in the 1980's as defined in its original 1999 recommendation.

The Commission recognizes your efforts to obtain Congressional authorization for dredging in the harbor within the Pidgeon Industrial Park. If authorization and funding are provided, the U.S. Army Corps of Engineers could begin to perform maintenance dredging in this harbor.

The Commission has noted your concerns about dredge material sampling requirements for Port Authority customers that are being imposed by the State of Tennessee Department of Environment and Conservation (TDEC). As you are aware, TDEC is presently reviewing the sampling criteria with a view toward providing a more equitable change in sampling methodology. Members of the Memphis District Regulatory Branch will continue to work with you to resolve this issue.

Regarding the impacts of Nonconnah Creek on maintenance dredging in one reach of the Memphis Harbor, the Memphis District, in conjunction with the City of Memphis and Shelby

County Tennessee (the Nonconnah Creek Project Sponsors), has initiated a preliminary review of the authorized Nonconnah Creek flood control project. The review will address the entire Nonconnah Creek watershed and recommend measures that can be considered to reduce the amount of sediment transfer, provide flood damage reduction, and restore the environmental resources within the watershed. The review began this past July and will be completed in the spring of 2004. This preliminary review will determine if a reevaluation of the project is warranted. In the interim, any design and construction activities for the authorized Nonconnah channel improvements (other than the bank stabilization work to be constructed this year at Riverport Road) will be delayed until the results of the preliminary

project review are determined. Stabilization features placed upstream at bridges and utility crossings will help to reduce the amount of sediment in the harbor; however, the review of the authorized project will give us additional input on other measures to consider.

The Commission appreciates receiving your views and will be pleased to hear from you at our future public meetings.

Sincerely,

Don T. Riley  
Brigadier General, U.S. Army  
President Designee, Mississippi  
River Commission