

SENATE CONCURRENT RESOLUTION NO. 37

WHEREAS, the United States Fish and Wildlife Service has mandated a man-made “spring rise” for the Missouri River that is purportedly necessary for the survival of the pallid sturgeon, an endangered species; and

WHEREAS, many residents of Missouri recently suffered devastating losses of life and damage to property caused by flash flooding and swelled rivers to the extent that President Bush declared seventy Missouri counties as federal disaster areas, five deaths have been attributed to the flooding, and thousands were forced to evacuate their homes and businesses; and

WHEREAS, accurately controlling upstream discharges for the “spring rise” is extremely difficult because Missouri weather and flooding are unpredictable, as evidenced by the recent widespread flooding that has occurred in the state; and

WHEREAS, once water is released for the “spring rise” there are no intervening dams or locks to halt the rise during the ten-day travel time from Gavins Point Dam in South Dakota to St. Louis, Missouri, thereby increasing the risk that such a rise would compound flooding problems resulting from another major rain event; and

WHEREAS, on April 11, 2005, the Judge of the 8th Circuit Court of Appeals recognized that a man-made “spring rise” was the intentional flooding of downstream stakeholders; and

WHEREAS, federal agencies should not be implementing plans that are known to harm Missouri's farmers solely for the purposes of an experiment to determine whether the “spring rise” will trigger spawning of the pallid sturgeon; and

WHEREAS, a “spring rise” will exacerbate drainage problems on agricultural land which will delay crop planting, destroy crops, and require additional pumping at additional costs for Missouri farmers; and

WHEREAS, by using water in the spring that is needed to support navigation and other uses in the summer, a “spring rise” will shorten the navigation season during times of water shortages causing additional financial burdens on shippers, commercial carriers, and producers; and

WHEREAS, Missouri infrastructure, communities, businesses, farmers, ranchers, and the economy all will be put at an increased risk of flooding in the event of a “spring rise”; and

WHEREAS, it is unjust for Missouri consumers, communities, businesses, commercial carriers, farmers and ranchers to bear any additional direct or indirect costs for an unproven experimental plan; and

WHEREAS, many businesses and residential communities along the Missouri River suffered great devastation after the flood of 1993 and many businesses and residential communities in the state have suffered flooding problems again this spring; the intentional flooding of the river through a “spring rise” enhances the risk that such destruction will once again visit Missouri communities, making it harder and ultimately less attractive to rebuild; and

WHEREAS, the economic responsibilities that individual families and businesses have to bear in the face of a devastating flood are enormous; to compound and confuse that responsibility with the uncertainties that accompany a “spring rise” places a heavier burden on the backs of those families and businesses:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby concur with the Governor of the State of Missouri that all reasonable and necessary action should be taken to prevent the planned man-made “spring rise”; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, respectfully encourage the United States Army Corps of Engineers not to implement an artificial “spring rise,” which would increase the risk of flooding for Missourians, thereby being in violation of the 8th U.S. Circuit Court of Appeals' ruling, which held that flood control and navigation are the dominant uses of the Missouri River; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor of Missouri and the members of the Missouri Congressional delegation.