

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1260

To ensure equity in, and increased recreation and maximum economic benefits from, the control of the water in the Missouri River system, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1995

Mr. JOHNSON of South Dakota (for himself, Mr. WILLIAMS, and Mr. POMEROY) introduced the following bill; which was read twice and referred to the Committee on Transportation and Infrastructure

---

## A BILL

To ensure equity in, and increased recreation and maximum economic benefits from, the control of the water in the Missouri River system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Missouri River Water  
5 Control Equity Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) gross revenues from recreation on the Mis-  
2 souri River system are estimated by the Army Corps  
3 of Engineers to be \$77,000,000 annually;

4 (2) gross revenues from navigation on the Mis-  
5 souri River system are estimated by the Army Corps  
6 of Engineers to be \$15,000,000 annually;

7 (3) barge traffic produces only 1 percent of the  
8 annual net revenue that derives from the operation  
9 of the Missouri River system;

10 (4) the Army Corps of Engineers requires  
11 18,000,000 acre-feet of water to remain in the res-  
12 ervoirs of the Missouri River system;

13 (5) maximum economic benefits for the Mis-  
14 souri River system are estimated by the Army Corps  
15 of Engineers to be achieved if 44,000,000 acre-feet  
16 of water are maintained in the reservoirs of the Mis-  
17 souri River system;

18 (6) the recreation industry along the Missouri  
19 River has been stifled by drawdowns of the res-  
20 ervoirs of the Missouri River system during drought  
21 periods;

22 (7) barge traffic on the Missouri River has  
23 steadily decreased since 1977 so that currently the  
24 quantity of cargo shipped on the Missouri River is  
25 only 1,400,000 tons annually;

1           (8) the States of Missouri, Iowa, Kansas, and  
2 Nebraska receive 68 percent of the total economic  
3 benefits of the Missouri River system; and

4           (9) the States of Montana, North Dakota,  
5 South Dakota, and Wyoming receive only 32 percent  
6 of the total economic benefits of the Missouri River  
7 system.

8 **SEC. 3. PURPOSES.**

9           The purposes of this Act are—

10           (1) to ensure that the States of Montana,  
11 North Dakota, South Dakota, and Wyoming receive  
12 an equitable portion of the economic benefits from  
13 the operation of the Missouri River system;

14           (2) to encourage the development of the recre-  
15 ation industry along the Missouri River;

16           (3) to maximize the economic benefits to the  
17 United States of the operation of the Missouri River  
18 system; and

19           (4) to phase out navigation, which is the least  
20 productive use of the Missouri River system, in  
21 order to increase the productivity of other competing  
22 uses of the system such as hydropower and flood  
23 protection.

1 **SEC. 4. MINIMUM POOL LEVELS.**

2 (a) MISSOURI RIVER SYSTEM.—The Secretary of the  
3 Army, acting through the Assistant Secretary of the Army  
4 having responsibility for civil works (referred to in this Act  
5 as the “Secretary”), shall not permit the permanent pool  
6 levels in the Missouri River system to fall below  
7 44,000,000 acre-feet at any time unless the Secretary  
8 makes a finding that a lower level is required to provide  
9 necessary—

- 10 (1) emergency flood control to protect human  
11 life and property;  
12 (2) hydropower; or  
13 (3) water supply.

14 (b) FORT PECK LAKE.—The Secretary shall not per-  
15 mit the permanent pool level in Fort Peck Lake to fall  
16 below 12,000,000 acre-feet (which is equivalent to an ele-  
17 vation of 2,220 feet) at any time unless the Secretary  
18 makes a finding that a lower level is required to provide  
19 necessary—

- 20 (1) emergency flood control to protect human  
21 life and property;  
22 (2) hydropower; or  
23 (3) water supply.

24 **SEC. 5. NAVIGATION DEAUTHORIZED.**

25 (a) TRANSITION PROVISION.—The Secretary shall  
26 decrease the length of the first navigation season that be-

1 gins after the date of enactment of this Act, and each  
2 navigation season thereafter, by 30 days from the length  
3 of the previous navigation season, until such time as the  
4 navigation season for the Missouri River is eliminated.

5 (b) PROHIBITION.—Beginning on the day after the  
6 end of the last navigation season under subsection (a), the  
7 Secretary may not authorize a program, project, or activ-  
8 ity that involves navigation on the Missouri River.

9 **SEC. 6. MITIGATION OF EROSION.**

10 (a) IN GENERAL.—Not later than January 1, 1997,  
11 the Secretary shall develop and implement a plan to miti-  
12 gate streambank and reservoir erosion caused by the oper-  
13 ation of the Missouri River system.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated to carry out the plan  
16 developed under subsection (a) \$20,000,000 for each fiscal  
17 year.

○