



**Statement of
The Honorable Steve Harding,
Mayor, Pierre, South Dakota
before the
Subcommittee on Superfund, Waste Management, and Regulatory Oversight
Committee on Environment and Public Works
United States Senate
regarding
Oversight of the U.S. Army Corp's Management of the Missouri River
Pierre, S.D., August 22, 2017**

Chairman Rounds, Ranking Member Harris, and Members of the Subcommittee:

I am Steve Harding, Mayor of Pierre, South Dakota. Through my statement today, I hope to add to the subcommittee's understanding of the challenges communities are facing in navigating the federal permit process and obtaining federal easements for water access.

Flood Management

At the outset, I do want to thank Chairman Rounds for his ongoing leadership in helping Missouri River communities understand the management of the Missouri River by opening lines of communications between the U.S. Army Corps of Engineers (USACE) and local government leadership.

Although the 2011 Missouri River flood was devastating to Pierre, it did cause the City of Pierre's relationship with the local Corps of Engineers Office to grow immensely. We now receive regular updates about snow pack, water releases and river levels. These scheduled updates greatly increase our comfort level and understanding of river management. I want to thank the USACE for its ongoing cooperation and information sharing on this matter.

To that end, it is our understanding that money has been appropriated to the USACE for the purchase of additional snow pack monitoring equipment. The City supports the purchase to further enhance reliable flood control information for Missouri River communities.

I also want to commend the staff of our local Corps of Engineers Office. We enjoy a solid relationship with the local team and greatly appreciate their cooperation and professionalism.

River Access

As you know, Pierre is nestled along the Missouri River, and the river is very much a central part of our community. In fact, two miles of our park system are riverfront.

The City takes great pride in showcasing the natural resource and works hard to keep our riverfront property inviting. As you'd expect, keeping the green space along the river green does require irrigation.

Pierre's water is supplied by groundwater produced by a series of local wells. All water produced by the wells is treated prior to distribution. The City feels it is unnecessary to use water treated for drinking purposes to be used for irrigation in our parks. Treated water comes at an expense to the City and ultimately, the tax payers.

To control these costs and because of our proximity to the Missouri River, the City is working to gain access to Missouri River water for irrigation purposes.

In March of 2016, the City of Pierre worked with the South Dakota Department of Environment and Natural Resources (SD DENR) to obtain a Water Permit which would allow the City to utilize river water for irrigating our riverfront park system.

In May 2016, SD DENR approved the permit. The SD DENR determined that there is unappropriated water available for irrigation use, that the diversion could be developed without impairing existing rights, that the City's intended use of the water is beneficial and it was in the public interest.

Subsequently, the City sought an easement from the USACE to access the water we had been given rights to utilize. Unfortunately, the federal permitting process proved to be challenging to navigate, and financially burdensome – especially when considering the scope of the requested permit. The amount of water we would use annually is less than 2 thousandths of a percent –that's .00155%) of the water that flows past Pierre annually.

After making contact with the USACE with our initial intake and irrigation plan, it was our understanding that submission of the 404 Permit form was the first step in the USACE process for obtaining an easement. As you might know, 404 Permits are typically required prior to construction activities. Although it seemed abnormal to submit a 404 Permit at this initial stage of the process, we complied and submitted the form.

After submission of the 404 Permit form, the City received an additional request from the USACE for more information. This secondary request for information did not appear to be on an official USACE form or permitting application, nor did we previously understand this document to be part of the easement permitting process.

To date, the City of Pierre has not been able to fulfill the additional request for information. To fulfill that request, the city would need to invest tens of thousands of dollars in engineering studies. For example, the USACE requested information regarding pump size and approach velocities. Those details require the entire irrigation distribution system to be fully engineered. It is difficult for the City to justify completing a

distribution system design when we have no guarantees we'll be provided access to the river or have the ability utilize that distribution system.

It is the City's opinion that the request is incongruous with the scope of the project, and we do not have a clear understanding of the federal easement permitting process. What steps remain in the easement permitting process?

As a small government unit, the City of Pierre works hard to find financial efficiencies. By utilizing river water for irrigation, we are looking to lower costs which ultimately benefits our citizens. The City simply wants access to the water that we have already been granted permission to use.

To that end, the City's request today is for a consistent streamlined easement process that will allow entities that have been given legal rights to utilize Missouri River water to be able to access that water. We'd ask that the USACE clearly outline the permitting process with timelines, financial obligations, and process flow. The City understands processes are necessary, however, it is our experience that the current process is cumbersome, overly burdensome, and financially prohibitive. We question why the USACE is making it so challenging for the City to provide this cost saving service to our community.

Thank you for the opportunity to submit testimony. I look forward to working with the USACE to find a reasonable resolution to the City's current permitting concerns.