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SENATE FIELD HEARING
APRIL 17, 2019
OUR LADY OF THE HOLY ROSARY CATHOLIC CHURCH
24116 MARIAN AVENUE
GLENWOOD, IOWA

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A P P E A R A N C E S

SENATORS

JONI ERNST (IOWA)
CHARLES GRASSLEY (IOWA)
JERRY MORAN (KANSAS)
KIRSTEN GILLIBRAND (NEW YORK)

FIRST PANEL

MAJOR GENERAL SCOTT SPELLMON
DEPUTY COMMANDING GENERAL, CIVIL AND EMERGENCY
OPERATIONS
U.S. ARMY CORPS OF ENGINEERS (CIVIL WORKS)

JOHN REMUS
CHIEF, MISSOURI RIVER BASIN WATER MANAGEMENT
DIVISION
U.S. ARMY CORPS OF ENGINEERS (CIVIL WORKS)

SECOND PANEL

CATHY CRAIN
MAYOR
CITY OF HAMBURG, IOWA

LEO ETTLEMAN
FARMER & COMMUNITY ADVOCATE
FREMONT COUNTY, IOWA

JOEL EULER
ATTORNEY
DONIPHAN COUNTY, KANSAS

BLAKE HURST
FAMILY FARMER
TARKIO, MISSOURI

1 SENATOR ERNST: Good morning,
2 everyone. Make your way to your seats, please.

3 Good morning.

4 (Audience says good morning as a
5 group.)

6 SENATOR ERNST: I'm going to go ahead
7 and we have a list of guests that are here as well
8 that I'd like to recognize this morning before we
9 get started.

10 I'm Joni Ernst. I'm the junior senator
11 from the great state of Iowa.

12 (Audience clapping.)

13 SENATOR ERNST: And what I'd like to
14 do -- hey, good morning, Senator Gillibrand.

15 I'm going to go ahead and recognize the
16 elected officials that we have joining us here
17 today, and I will apologize ahead of time if we miss
18 someone.

19 Governor Kim Reynolds will be attending.
20 She will be a little bit late, but she does intend
21 to be here this morning.

22 We have state representative from
23 House 23, Dave Sieck. Dave is right over here.
24 Thank you very much.

25 (Audience clapping.)

1 SENATOR ERNST: Mills County Board of
2 Supervisor Carol Vinton. Thank you, Carol, very
3 much.

4 (Audience clapping.)

5 SENATOR ERNST: Supervisor Richard
6 Crouch at this time.

7 And Fremont County Board Supervisor
8 Dustin Sheldon. I saw Dustin in the back. Thank
9 you, Dustin.

10 (Audience clapping.)

11 And our Mills County Emergency Management
12 Coordinator, Larry Hurst, will be attending. Larry,
13 I haven't seen him yet this morning. He will be a
14 little bit late.

15 We also have the mayor of
16 Pacific Junction, Andy Young. He will be attending
17 this morning as well.

18 We have the mayor of Glenwood, Ron Kohn.
19 I saw Ron. Yep, Ron's right over here at this time.

20 (Audience clapping.)

21 SENATOR ERNST: We do have the mayor
22 of Hamburg, Cathy Crain, and she will be a panelist
23 this morning. Thanks, Cathy, very much.

24 (Audience clapping.)

25 SENATOR ERNST: State Senator,

1 District 11, Tom Shipley. All right, thank you,
2 Tom.

3 (Audience clapping.)

4 SENATOR ERNST: State Representative
5 District 16, Mary Ann Hanusa. Thank, Mary Ann.

6 (Audience clapping.)

7 SENATOR ERNST: And then the Iowa
8 Secretary of Agriculture, Mike Naig, Mike. Thank
9 you so much.

10 (Audience clapping.)

11 SENATOR ERNST: And, again, I
12 apologize if we have missed anyone. We will go
13 ahead and get this hearing started.

14 Good morning, everyone. I'm calling the
15 hearing to order, and I will start with opening
16 remarks and then we'll have opening remarks from the
17 rest of our representatives here.

18 Today we're holding a hearing to conduct
19 oversight of the Army Corps of Engineers Management
20 of the 2019 Missouri River basin flooding, flooding
21 that has caused at least \$1.6 billion in damages in
22 Iowa.

23 I want to emphasize that this hearing is
24 not just in the past tense; this is an ongoing
25 disaster. People are hurting, the flood waters are

1 still in homes and neighborhoods, and lives have yet
2 to be rebuilt.

3 I want to thank Chairman Moroso (phonetic)
4 and (inaudible) member Harper for recognizing the
5 importance of this issue, and giving me the
6 opportunity to chair this guild hearing in Iowa,
7 just down the road from Montgomery County where I
8 spent most of my life.

9 It's one thing to have a hearing on an
10 important topic like this in D.C., but it's that
11 much better to be able to bring the hearing to the
12 people most impacted.

13 It's nice to see so many familiar faces
14 here today. Many of you have lived along the
15 Missouri for most, if not all, of your lives.
16 You've lived through these devastating flood events,
17 and want answers from the Corps about how it manages
18 the river and how it plans to prevent flood events
19 in the future.

20 This committee has oversight over much of
21 the Corps' activities, including flood risk
22 management and dam operations, and today, Corps
23 officials will respond to our most pressing
24 questions.

25 Having your farmland, homes and businesses

1 flooded out every few years for folks who live in
2 the vicinity of the Missouri River.

3 This trend to flood and rebuild, flood and
4 rebuild must end. If \$1.6 billion plus in damages
5 is the best the Corps can do in a situation like
6 this, that's unacceptable. And I know we'll hear
7 from them today.

8 I'd be remiss if I didn't acknowledge our
9 two Iowa witnesses here today: Hamburg Mayor
10 Cathy Crain and Fremont County farmer and community
11 advocate Leo Ettleman. I'd have a hard time picking
12 up any better witnesses to provide their
13 perspectives on this particular topic.

14 Both know the rivers as well as anyone and
15 have been on the front lines of flood events and
16 river management issues over the years. The flood
17 waters in Hamburg still haven't fully receded, and
18 Mayor Crain has been working around the clock to
19 help with the recovery effort.

20 I thank her for being willing to testify
21 today as her voice is an important one for this
22 committee and the Corps to hear. And I just spoke
23 with her a little bit ago and just thanked her for
24 taking time away from Hamburg. I know how difficult
25 it is to leave the folks down there and take time

1 out to do this, but it extremely important.

2 Leo Ettleman is a sixth generation farmer
3 from Fremont County and has been active in all
4 things related to the management of the Missouri. I
5 look forward to hearing their testimony later this
6 morning.

7 I also want to acknowledge the state and
8 local officials in attendance. Thank you all very,
9 very much for being here.

10 The conversation we'll have this morning
11 is only one conversation in a broader dialogue about
12 solutions that will help Iowans and all folks
13 impacted in the Midwest. I'm hopeful that we can
14 learn from today's hearing and that it will shed
15 light on what those solutions may be.

16 Now I will turn to Senator Kirsten
17 Gillibrand of New York. Thank you for taking the
18 time to be here, Kirsten. Very good friend of mine.
19 Thank you. We serve together on the EPW Committee,
20 and we'll start with your opening comments.

21 SENATOR GILLIBRAND: Thank you very
22 much, Madam Chairwoman, for not only requesting this
23 hearing, but leading it.

24 I'm pleased to join with my colleagues
25 today over this very important issue. I want to

1 thank the witnesses for being here, for offering
2 your testimony and helping us decide how best to
3 deal with this tragedy.

4 Before we begin I want to express my
5 deepest sympathy to all the victims of this
6 flooding. I know people have lost not just farms
7 and equipment, livestock, but also loved ones, and
8 we have to recognize how urgent this issue is.

9 I know that people in this region have
10 seen their homes and businesses engulfed by water.
11 Farmers have lost their livestock and crops, family
12 farms were completely submerged under water. My
13 heart goes out to all of you.

14 We have had similar tragedies and
15 devastation in my home state. We need to get past
16 the parts of politics that have come to dominate
17 Washington, especially around the funding for
18 communities after disasters.

19 We need to come together as Americans
20 first, democrats and republicans, to stand by our
21 citizens in the greatest time of need, and we have
22 to invest in the prevention efforts that can make a
23 difference.

24 This hearing is a very important step
25 where we can listen to communities from both sides

1 of the aisles, hear about your experiences during
2 these floods, and your experiences after the floods.
3 We must listen to the voices and the needs of
4 farmers and Iowans, which too often get lost in
5 Washington politics. And then we need to take your
6 stories with us back to Washington so congress can
7 finally get you the resources that you need today so
8 everyone can begin to rebuild and prepare for the
9 next time.

10 And I say next time because there will be
11 a next time. There will be more extreme rainfall,
12 there will be more extreme weather. Climate change
13 is taking catastrophic events and natural disasters
14 that used to be rare and making them more common.

15 We have to be ready to deal with that. In
16 New York, we used to have hundred-year floods; we're
17 having them every five years. We have to
18 acknowledge how severe this problem really is, and
19 that means making sure that Army Corps of Engineers
20 is doing everything possible to protect all of our
21 communities.

22 This flood in particular has made it very
23 clear that the Army Corps must do better. They are
24 too slow, too bureaucratic. They don't have enough
25 money. We have to fix that. Anytime a federal

1 budget cuts the Army Corps, what it means is it cuts
2 their relief when you need it and it cuts the
3 prevention to prevent it.

4 We need the Army Corps to build better
5 flood protections that take into account all current
6 and future risks, including climate change. We need
7 to improve how the Army Corps works together with
8 local communities.

9 That includes coming up with ways to help
10 communities maintain levees and other flood control
11 structures to meet federal standards. We can't just
12 write this off as a local responsibility because the
13 federal government ends up footing the bill if there
14 is no good flood protection in place.

15 And I think everyone here can agree that
16 we'd rather pay for good protection on the front end
17 than pay for disaster assistance after a flood,
18 after the lives and farms and property have already
19 been destroyed.

20 This needs to be a shared responsibility,
21 and that means you need to have good functioning
22 partnership between federal, state and local
23 government. It is congress's job to pay for flood
24 damage here, and I fully support doing that.

25 I'm going to fight to make sure you get

1 every dollar you need here in Iowa, just as I will
2 fight to make sure every American citizen, whether
3 they live in my state of New York or Puerto Rico or
4 anywhere in the Midwest gets the disaster funding
5 they need to.

6 And congress also has to provide the
7 Army Corps with enough funding and resources so they
8 can do their job to keep our community safe. So
9 with that, I'm looking forward to hearing everyone's
10 testimony today, and I'll express my deep gratitude
11 to the chairwoman for holding this hearing.

12 SENATOR ERNST: Thank you very much,
13 Senator Gillibrand.

14 We'll have Senator Grassley, Senior
15 Senator from the great state of Iowa. Senator.

16 SENATOR GRASSLEY: I thank the
17 committee for holding this hearing, and
18 Senator Ernst for your chairing it.

19 The hearing's on oversight of the Corps'
20 management or mismanagement of the Missouri River
21 breached levees, spanned hundreds of miles in the
22 four states including Missouri, Iowa and Nebraska
23 and Kansas.

24 It's estimated that the Corps may need
25 \$10 billion to repair the levees. That figure does

1 not include those levees not in the federal program,
2 nor does it address the need for higher or better
3 structures.

4 It took a long time for these communities
5 to recover from the catastrophic flooding that took
6 place eight years ago. They may have also suffered
7 from more minor flooding more frequently since 2007.
8 It's no wonder that an awful lot of Iowans are
9 frustrated and feel that they're back at square one
10 again. Iowans want and deserve answers.

11 First, I haven't heard from any Iowans
12 about the unresponsive Corps and the lack of
13 communication with locals about the floods. After
14 the 2011 floods, some communications were enhanced;
15 however, we need to find additional ways to
16 communicate potential flood risk.

17 Second, for years I have worked with my
18 downstream Missouri River colleagues to make flood
19 control the No. 1 priority of the Corps and
20 management of the river. Protection of the life and
21 personal property should take precedent over
22 recreation of recreation and experiments that may or
23 may not help endangered species and the other five
24 functioning identified in the Master Manual.

25 In fact, last year, a federal claims judge

1 ruled in a mass action lawsuit of 372 plaintiffs
2 from the four states that we're involved with that
3 the Corps' changes to the river, quote, had the
4 affect of raising the Missouri River surface
5 elevations in periods of high flows, end of quote.

6 The Court found that in 2007, the flooding
7 has been -- since 2007, the flooding has been among
8 the worst in the history of the river, and that the
9 Corps' changes in the base of the river caused or
10 contributed to the flooding.

11 The Corps should not do everything --
12 should do everything that it can to enhance flood
13 warnings and reduce the possibility of flooding
14 while working with lawmakers in congress to enact
15 whatever changes are necessary. It seems to me that
16 misguided decisions and misplaced priorities have
17 eclipsed common sense.

18 A little more Midwestern common sense
19 might have protected local communities, millions of
20 bushels of grain and the tens of thousands of acres
21 of farmland.

22 The No. 1 priority of the Corps should be
23 flood control, period. In closing I'm going to
24 summarize away from a written statement and say that
25 this is my third trip since the floods to this area.

1 It's also in addition to a meeting I had yesterday
2 in Missouri Valley with farmers affected, it seems
3 to me that in every visit, I get this simple
4 question dealing with a manual on the management of
5 the Missouri River.

6 And this is in regard to the people that
7 lead the Corps at this particular time. This
8 spreads out over a long period of time, and deals
9 more with the institutional thinking of the Corps
10 following law or whatever, court cases are for
11 whatever, but it seems to me that when I get the
12 question from the farmers yesterday, and I hope some
13 of these farmers are here and I hope people from the
14 Corps can listen greatly to the farmers, what's
15 wrong with the 2004 manual when 40 years before
16 that, we don't have the troubles that we have
17 experienced lately.

18 SENATOR ERNST: Thank you,
19 Senator Grassley.

20 Next, we'll have Senator Jerry Moran of
21 Kansas.

22 SENATOR MORAN: Senator Ernst, thank
23 you very much, and thanks to our colleagues for
24 being here. Thank you to you and Senator Grassley
25 for hosting this and for inviting me today. I'm

1 honored in joining you to hear what the Corps of
2 Engineers and our other witnesses have to say with
3 regard to this flood.

4 I just visited Northeast Kansas two days
5 after the flooding occurred. I met with local
6 officials our state. This is places like Atchison
7 and Leavenworth, it's the jagged edge of Kansas; and
8 stood at White Cloud, looked as far as I could see
9 to the northwest and saw Nebraska under water as far
10 north as I could see northeast, saw Iowa and
11 Missouri under water; and we have tremendous
12 challenges, in particular, in Doniphan County as it
13 relates to agriculture.

14 The folks that I visited with, we've been
15 pretty successful in levying efforts, particularly
16 the official -- the government levees held. It is
17 the private levees that failed in some instances,
18 but in large part, we had success because what we
19 see every time there's a flood or another disaster
20 in the Midwest, people rise to the occasion, and
21 volunteers and others, the Air Wing of the Missouri
22 National Guard packed sandbags for days in
23 anticipation of levee breaks.

24 And I want to thank my fellow Kansans and
25 folks along the Missouri for their tremendous effort

1 at helping reduce the damages to the themselves and
2 to their neighbors by their own actions.

3 But there are significant challenges and
4 concerns that exist to me from my decisions is this
5 flood occurred in March. The last large flood we
6 had in the '90s occurred in July, and we have a lot
7 of spring rains and snowmelt yet to come.

8 And the question that I have is what can
9 be done now between circumstances we find ourselves
10 in and the waters that are yet to come down the
11 Missouri River. Can we reduce the damages that we
12 expect, and already received snowfall in
13 South Dakota just this week.

14 So we're pleased to be here and look for
15 answers to work on behalf of all those who live and
16 farm along the Missouri River, to see if we can't
17 make life better, and the occurrences of these
18 flooding events much less than frequent and much
19 less damaging.

20 It is important that the management of the
21 Missouri River by the Corps is done with interests
22 of protecting our communities, and the priority is
23 flood control, that the priority flood control is
24 there from the beginning. It doesn't only arise
25 whenever flooding is nearing, but always flood

1 control, protection of life and property is at the
2 priority of the Corps of Engineers, and we need to
3 return to the days in which that is the case and not
4 just when a flood appears to be on the horizon.

5 In order to make significant improvements
6 to the flood events from the Missouri, we need to be
7 committed to long term. If we're going to make real
8 changes going forward, we got to stay engaged at all
9 levels. A whole holistic approach to flood risk
10 management is needed along the basin, and I
11 particularly would like to visit with the Corps
12 about the south part of this basin.

13 The basin plans should have this
14 mitigation and disaster recovery activities instead
15 of continuing piecemeal isolated approach. We can
16 do better for the next time and conserve action
17 among members of congress, the Northwest division,
18 the Omaha division, Kansas City division, the office
19 of management and budget, Corps headquarter and ASA
20 office is the most important.

21 And I look forward to working with my
22 colleagues in the Corps to accomplish that. I'm
23 anxious to hear what our witnesses have to say,
24 including the witness we have, Mr. Euler from
25 Kansas.

1 Thank you, Madam Chairwoman, for including
2 me today.

3 SENATOR ERNST: Yes. Thank you,
4 Senator Moran. In just a moment, we will hear from
5 our first panel. We have Major General Scott
6 Spellmon, Deputy Commanding General, Civil and
7 Emergency Operations, U.S. Army Corps of Engineers,
8 Civil Works.

9 We also have John Remus joining us today.
10 He's the Chief Missouri River Basin Water Management
11 Division. He was Army Corps of Engineers, Civil
12 Works in Northwestern Division. Thank you both for
13 joining us this morning.

14 I do want to remind our witnesses that
15 your full written testimony will be made part of the
16 official hearing record. Please, keep your
17 statements to five minutes so we can have time for
18 questions.

19 I do look forward to hearing your
20 testimony, and we will begin with Major General
21 Scott Spellmon.

22 And thank you, General. The general did
23 take time to visit with me in Washington, D.C., sat
24 down, gave a very thorough presentation, so I thank
25 you and look forward to your testimony. You may

1 proceed.

2 MAJOR GENERAL SPELLMON: Good
3 morning, ma'am.

4 Madam Chairwoman and members of the
5 committee, thank you for the opportunity to speak
6 with you today about this spring's flooding in the
7 Missouri River basin.

8 Again, my name is Major General
9 Scott Spellmon. I'm the Corps' Deputy Commanding
10 General for civil works and emergency operations
11 headquartered in Washington, D.C.

12 What I want to do is briefly provide you
13 with a national perspective on this year's flood
14 season, and then share my -- our initial assessment
15 on the extensive damages that we've seen on the
16 Missouri River flooding specifically caused to this
17 region's levee system.

18 So I think everyone knows, the Corps works
19 with other federal agencies and with state and local
20 authorities to help affected communities in advance
21 of and during a major flood event.

22 During this period, the No. 1 priority of
23 the Corps is to help the affected communities reduce
24 their flood risk with emphasis always on public
25 safety. After the flood waters have begun to

1 subside, the Corps is also involved in repair of the
2 damaged levee systems.

3 I would first like to acknowledge the
4 widespread devastation and serious impacts this
5 spring's Missouri River flooding has created for
6 many people. The Assistant Secretary of the
7 armor -- Army for Civil Works, Mr. James, has toured
8 this region, and just this week I completed my
9 second visit to the basin to witness these impacts
10 firsthand.

11 I will tell you, even beyond
12 Missouri River basin, this year's flood has been
13 challenging. At one point, over 300 river gauges
14 indicates a flood stage at various locations across
15 the United States.

16 In the Ohio River Valley, this past fall
17 and winter were the wettest on record in over
18 124 years, and our Great Lakes and Ohio River
19 Division have been in a flood fight for over a
20 hundred days.

21 Our Corps Districts and Mississippi Valley
22 Division have been flooding on the lower Mississippi
23 River now for 160 days, as they work to pass a
24 top-three flood event for this part of the basin.

25 In North Dakota, where our chief of

1 engineers visited yesterday, the Red River to the
2 north is currently in flood stages downstream in
3 Fargo.

4 In Colorado and California, we are seeing
5 near record amounts of snowpack in the mountains.

6 Additionally, I'll tell you this:
7 Significant weather systems have been coming on
8 shore on the West Coast causing major flooding north
9 of San Francisco, as well as in Oregon where we will
10 travel tonight to visit the communities and hear
11 from our team out in the Willamette River Valley
12 just south of Portland. In many of these
13 watersheds, our Corps dams and reservoirs have been
14 able to hold back enough water to prevent
15 significant flooding downstream.

16 On the Missouri River, the flood that
17 began on March 13th, was triggered by a bombogenesis
18 or a bomb cyclone rain event, which brought a
19 significant amount of rain and warmer temperatures
20 to the region.

21 This combination quickly melted the
22 Plain's snowpack resulting in rapid runoff and ice
23 jams. This led to record discharges on a number of
24 tributaries of the Missouri River, many of which
25 feed into the river below our reservoir system.

1 These rivers rose quickly to flood stage,
2 in some cases within the 24 to 48 hours. These
3 conditions were much different than the basin
4 experienced during the 2011 flood event.

5 The day after the storm, we dispatched
6 liaison teams to local levee districts to assist
7 with the flood fight. These teams shared technical
8 expertise and provided supplies such as sandbags,
9 water pumps and flood barriers.

10 The ability of these teams to provide
11 assistance during the flood reflects the strong
12 relationship that the Corps maintains and has
13 developed with local levee districts and emergency
14 managers.

15 The damage to the levees in the region is
16 extensive. Many levees along the entire reach from
17 Council Bluffs all the way down to Kansas City
18 overtopped during this flood. At least 32 levee
19 systems were completely under water, and at our last
20 count as of this morning, we have over 114 breaches
21 in those levees.

22 Many other levees were damaged, some of
23 them severely. Appears that the levees held firm
24 until the flood waters rose above the levee crest.

25 As the flood waters begin to recede, the

1 Corps began to implement temporary measures under
2 our Public Law 84-99 authority. For example, the
3 Corps is working to close breaches upstream of the
4 city of Hamburg, Iowa. We estimate in that breach
5 alone, it will take nearly 1 million cubic yards of
6 material to complete the initial emergency closures.
7 This volume is equivalent to approximately 100,000
8 dump truck loads of materials.

9 We're also providing emergency assistance
10 to the community of Peru, Nebraska, by constructing
11 a berm around a sewage treatment facility, and to
12 the communities of Pacific Junction, Glenwood and
13 Hamburg, Iowa, by providing protection to their
14 water treatment facilities.

15 Throughout the flood event, the Corps has
16 numerous action to include effective communications
17 with those affected through a variety of forums.
18 Fortunately over 100 local partners were
19 participating in a Corps-led flood fight training
20 event the day before this disaster unfolded.

21 Starting on March 14th, both the Omaha and
22 Kansas City district commanders personally engaged
23 with a variety of stakeholders on a regular basis
24 including local, state and tribal governments, as
25 well as with congressional staff to provide updates

1 on flood conditions.

2 The Corps also began a daily update call
3 for these groups in the media starting on
4 March 15th. Daily press releases also kept the
5 public informed of changes in risk forecast,
6 including information of any changes in releases
7 from Gavins Point dam.

8 Social media platforms, including Facebook
9 and Twitter, were also used to provide the latest
10 update to the public.

11 So in summary, the number one priority of
12 the Corps in all our operations, in all our projects
13 remains life and public safety. Our current focus
14 on this basin remains to protect life and work with
15 the other federal agencies and state and local
16 authorities to help these communities recover from
17 this flood.

18 And I want to thank you again for the
19 invitation to join you today, and I look forward to
20 any questions you may have.

21 SENATOR ERNST: Thank you, General
22 Spellmon.

23 Next we'll have John Remus. Go ahead,
24 Mr. Remus.

25 MR. REMUS: Madam Chairwoman, members

1 of the committee, thank you for the opportunity to
2 speak to you today. I'm John Remus, chief of the
3 Missouri River Basin Water Management Division in
4 the Northwest -- in the Corps' Northwestern
5 Division.

6 Today I want to share briefly how the
7 Corps operates the Missouri River Main Stem System
8 and our specific actions to reduce flooding during
9 the spring flood.

10 Generally the Corps operates the
11 Missouri River Main Stem Reservoir System consistent
12 with the eight authorized purposes: Flood control,
13 navigation, hydropower, water supply, water quality,
14 irrigation, recreation, fish and wildlife; however,
15 flood control is the highest operational priority of
16 the Corps of Engineers during periods of significant
17 runoff when loss of life or property from flooding
18 could occur.

19 The main stem system includes six large
20 stem dams -- large dams: Fort Peck in Montana,
21 Garrison in Central North Dakota, Oahe, Big Bend and
22 Fort Randall in South Dakota and Gavins Point along
23 the Nebraska/South Dakota border.

24 These dams can capture runoff from
25 approximately half of the Missouri River drainage

1 basin; however, they cannot hold back runoff that
2 occurs below the dams.

3 The Corps designed this reservoir system
4 to capture runoff from mountain and Plains snowpack,
5 and rainfall in the upper basin, and then release
6 that water gradually over the year to serve the
7 other authorized purposes.

8 The intent to release water in a way that
9 is also -- that will also provide a greatest amount
10 of flood control reduction -- flood risk reduction,
11 excuse me.

12 To achieve this objective, we must
13 evacuate all of the water in the designated flood
14 storage space before the beginning of the next
15 runoff season to create the space needed for the
16 following year.

17 We operate the dams as a system governed
18 by the Missouri River Master Water Control Manual.
19 The manual includes a water control plan that guides
20 how much water we release and when to serve all
21 authorized purposes, while also maintaining
22 compliance with other federal laws.

23 In large runoff years, such as 2018, or
24 during an extreme hydrologic event, such as the last
25 month's cyclone, the flood control objective drives

1 our operational decisions. During average and below
2 run-off years, we generally operate the system for
3 flood control and to meet targets in the lower river
4 for other purposes such as navigation.

5 During last month's event, the Niobrara
6 River, one of the tributaries that enters the
7 Missouri River just above Gavins Point Dam delivered
8 record setting inflows into the Gavins Point
9 Reservoir. To provide a sense of scale, at its
10 peak, we estimate that the Niobrara River was
11 sending more than 180,000 cubic feet per second of
12 water into the Gavins Point Reservoir.

13 In contrast, the typical daily inflow
14 during March for this reservoir is only 4,000 cubic
15 feet per second. Gavins Point Reservoir, the
16 southernmost of the six in the system, contains less
17 than 1 percent of the total flood control storage in
18 the system.

19 While Gavins Point does have some flood
20 control space, it is operated primarily as a
21 re-regulation dam to smooth out the hydropower
22 peaking from the upstream reservoirs. We estimated
23 that during the flood event, the inflows into
24 Gavins Point were over five times the dam's flood --
25 then-designed flood control storage. These large

1 inflows quickly exceeded the ability to store the
2 runoff, necessitating increased releases to prevent
3 water from spilling over the spillway gates.

4 We were, however, able to use the storage
5 from the other upper five dams to mitigate some of
6 the flood. On March 13th, during the time that
7 Niobrara River was peaking, the Corps shut down
8 releases from Fort Randall Dam, the dam immediately
9 upstream of Gavins Point. Impounding all of the
10 water in the upper Missouri River basin, we were
11 able to minimize the necessary releases from
12 Gavins Point Dam during this peak flood.

13 During this flood event, several of the
14 tributary rivers that join in the Missouri River
15 below Gavins Point Dam contributed significantly to
16 downstream river stages. Gauge data shows that many
17 of the levees in portions of Iowa, Nebraska,
18 Missouri and Kansas overtopped before any of the
19 increased releases from Gavins Point Dam even
20 reached these levees.

21 Since March 2018, our operational
22 decisions on the six main stem dams in the lower
23 Missouri River basin have been driven by life safety
24 and with property loss concerns. During this
25 critical period, our principal and sole focus has

1 been on flood control purposes of the system.

2 For example, considerations related to the
3 endangered and threatened species did not influence
4 our reservoir operation during this time.

5 In summary, the Missouri River Main Stem
6 System has operated its design in accordance with
7 the master plan. Unfortunately due to the location
8 and volume of the runoff entering the Missouri River
9 below our large storage projects, our ability to
10 store runoff and minimize the impacts to the lower
11 basin from this flood event were extremely limited.

12 Thank you and I look forward to answering
13 any of your questions.

14 SENATOR ERNST: Thank you for your
15 comments. And we'll begin with a series of rounds
16 of questions now, and I will go ahead and start
17 those questions. We'll do five-minute rounds for
18 each of our Senators, and if we have time, then
19 we'll do a second round of questioning as well.

20 So General Spellmon, I'll go ahead and
21 start with you, sir. What laws, regulations,
22 policies or guidance are preventing the Corps from
23 doing a better job, especially as you look around
24 this area of protecting the people of the
25 Missouri River basin from the flood.

1 What we want to know, are there things
2 that are preventing you from maybe doing more with
3 flood protection in this area?

4 MAJOR GENERAL SPELLMON: Ma'am, I
5 wouldn't say there are laws specifically that are
6 preventing us from -- from doing more. I'll just go
7 to Senator Grassley's comment. We feel that we are
8 in compliance with the Flood Control Act of 1944
9 where congress told us to do eight things with the
10 water above and below the federal projects.

11 And as Mr. Remus said, flood control has
12 been the No. 1 priority of the Corps for the past
13 13 months on this basin. So there's nothing that
14 was going to prevent that. Even if -- I would just
15 add, even if flood control were the only authorized
16 purposes for these six projects and they were all
17 empty, this event still would have occurred.

18 As Mr. Remus said in his testimony, the
19 meteorological event that came in that put water on
20 top of snow on top of frozen ground quickly went
21 into the tributaries, and frankly just overwhelmed
22 the design capacity of the levee system below the
23 federal project.

24 So, ma'am, there's nothing preventing from
25 a legislative standpoint from our operations, nor is

1 there any inhibitions in the Master Manual, any
2 changes to the Master Manual that would have
3 prevented this event from occurring.

4 SENATOR ERNST: Thank you. And I
5 know that you just brought up the Master Manual,
6 General, so I'll ask Mr. Remus, the Master Manual
7 which dictates the Corps' management of the Missouri
8 includes eight of those congressionally-authorized
9 purposes. You named a number of those, including
10 flood control, navigation, recreation and fish and
11 wildlife.

12 So when making those river management
13 decisions, does the Corps view these as equally
14 important? For instance, a lot of concern that I've
15 heard from a number of the residents in this stretch
16 of the river is that fish and wildlife seem to have
17 a higher priority at times than does maybe flood
18 management.

19 So could you maybe talk through that
20 situation? I also heard a comment that when a flood
21 is imminent, that the flood management takes
22 priority, but let's talk those eight different
23 functions and where the priorities are there.

24 MR. REMUS: Thank you, Senator.

25 We have eight authorized purposes; we do

1 not have eight priorities. As I said, during high
2 runoff years like 2018 or the high -- a significant
3 event like what we just experienced, flood control
4 is the priority from there.

5 We are what we call a runoff drainage
6 system, which means what comes into the system, goes
7 out. We don't carry flood water over in our flood
8 zone every year, so we set our releases based on the
9 runoff, the water we see on the ground.

10 We had a high runoff year, flood control
11 has that. We project that, we make a forecast every
12 month and we try to start evacuating water before
13 the water gets there in some cases, which is not
14 this year because the water came very quickly. So
15 we only -- we have eight authorized purposes, our
16 priorities are such runoff, and during high runoff
17 years, flood control is there.

18 We've been in flood control operations for
19 the last 13 months; we will probably be in flood
20 control operations for this entire year and probably
21 even into the next couple as the system adjusts to
22 this.

23 SENATOR ERNST: With those functions,
24 I know, General Spellmon, we talked about these in
25 my office in Washington, D.C., and it's different

1 functions that we -- you did say that there really
2 are no priorities with those functions; is that
3 correct?

4 MAJOR GENERAL SPELLMON: Ma'am, that
5 is correct. We'd like to say that our No. 1
6 priority is life and public safety, and when we have
7 these type of hydrologic conditions on the basin,
8 flood risk is obviously the No. 1 priority.

9 I would just add to that this basin has
10 also seen periods of drought. And in those
11 hydrologic conditions, the life and public safety
12 turns to water supply. So that's just an example of
13 how this can turn very, very quickly, and so we saw
14 that between the years 2011 and 2012, where flood
15 risk is no longer the priority; it becomes water
16 supply.

17 SENATOR ERNST: I do know -- and this
18 will go back a number of years to the 2011 flood
19 event, and I know there's been some concern with
20 this flood event. Two very different situations or
21 circumstances, but during that first flood event in
22 2011 or that one just a few years back, I was
23 working with Iowa National Guard in this area as a
24 liaison officer, and so many of the comments we
25 heard were focused on how (inaudible) and five-leaf

1 clover, and that seemed to be a priority with the
2 federal government, less on flood control and
3 management.

4 So I know some of those concerns have been
5 echoed with this flood event as well, but
6 understanding that flood management needs to be a
7 priority with that.

8 And my time has expired, so I will turn
9 next to Senator Gillibrand for her questioning.

10 SENATOR GILLIBRAND: Thank you,
11 Madam Chairwoman.

12 So I'm somewhat concerned with the
13 testimony because I've heard a couple of things in
14 response to Senator Ernst's questions.

15 First, Major General, you said that even
16 if the flood -- even if the flood control's in
17 place, that this event overwhelmed the design
18 capacity. So you're saying that the design for
19 flood mitigation and flood protection isn't
20 adequate.

21 And you just said, Mr. Remus, that you
22 have to accommodate drought as well as floods, so
23 when I'm looking at your annual runoff from a
24 Sioux City, Iowa, graph, you've got actual periods
25 and drought periods. The drought periods are your

1 very light gray and your historic -- those are the
2 historic drought periods, and then your flooding is
3 the dark, dark black.

4 So you can see through the history of this
5 region that flooding follows droughts, so what I'd
6 like to know is how come we don't look proactively
7 and actually change the design strategy?

8 And given the fact that the last was 2007
9 and we had the flooding in 2011, why wouldn't we
10 create a different design that can accommodate this
11 massive amount of melting and runoff, knowing that
12 we are now in a cycle where extreme weather is
13 coming faster and quicker.

14 And just the facts of what we know, the
15 impacts of global climate change are so significant
16 that we see these massive weather events all across
17 the country. As you just testified, the -- the
18 flooding's not just in Iowa. It's in California,
19 it's in Willamette Valley, it's all across the
20 country.

21 So perhaps what we really need to do is
22 have a stronger vision for how we protect our
23 farmlands and protect our communities from these
24 massive flooding events, understanding that, yes,
25 there will be times of drought between them.

1 We'll take those to General Semonite and
2 certainly Assistant Secretary James, and we want to
3 bring those to the region for consideration again.

4 SENATOR GILLIBRAND: Okay. So I
5 couldn't agree more because people die in these
6 flood events, they do, and people's livelihoods are
7 lost. Farmers, they'll go out of business because
8 they can't recover from these events. And it is --
9 it's devastating for communities across the country.

10 And one of the things in your testimony
11 that equally disturbed me is that the decision was
12 made at some point to not maintain permanent flood
13 control structures, that it was going to be
14 temporary and then took them down because they
15 didn't meet certification.

16 So, General Spellmon, does the Corps
17 follow up to build and maintain permanent flood
18 control structures at locations where you build
19 emergency protections during the flood? Because it
20 seems to me that we already know that places are
21 going to flood.

22 MAJOR GENERAL SPELLMON: Ma'am,
23 that's a great question and thanks for that.

24 So we're talking about the City of Hamburg
25 that put up a temporary levee during the 2011 event

1 that withheld that particular storm and then was
2 taken down.

3 There -- I would just start out by telling
4 you there are many Hamburgs, situations like that --

5 SENATOR GILLIBRAND: Across the
6 country.

7 MAJOR GENERAL SPELLMON: -- across
8 the country.

9 SENATOR GILLIBRAND: I understand
10 that.

11 MAJOR GENERAL SPELLMON: It's not
12 just here. So I'll start out by telling you that
13 the nation has a \$98 million backlog of water
14 resources infrastructure, about a third of that is
15 in flood risk projects.

16 I want to thank congress. Congress is
17 helping immensely. We've had two record civil works
18 appropriations for the court in '18 and '19, and we
19 had a record Storm Supplemental Bipartisan Budget
20 Act of '18. That is going a long way to helping us
21 get after that backlog.

22 And it's not just dollars. Congress has
23 authorized us some specific tools to help
24 communities like Hamburg, and I'll refer to the
25 Water Infrastructure Finance and Innovation Act.

1 Specifically on Hamburg, yes, we do. We
2 did a -- federal regulations and federal law require
3 temporary levees to come down. A temporary levee is
4 temporary.

5 SENATOR GILLIBRAND: Thank you.
6 General Spellmon. My time is expired. I just want
7 to make a point.

8 This is not new. Our communities have
9 been suffering for a very long time. And global
10 climate change is not only real, but it is urgent
11 and it is creating crises across the country, and so
12 I just want to be on the record that when
13 President Trump cuts the Army Corps budget, as he
14 did in his last budget, it results in suffering. We
15 have to take this backlog that you just talked about
16 seriously, and protect our communities.

17 (Audience clapping.)

18 SENATOR GRASSLEY: I thank
19 Senator Gillibrand for bringing up Hamburg. It was
20 an example that I knew was through some of the Corps
21 people I talked to a month ago about how he worked
22 for two or three years to get the Corps to leave
23 that alone.

24 I said common sense dictates what
25 difference does it make to leave it there, and if it

1 had been left there, it would have helped Hamburg to
2 some extent this time. And so it's just
3 one example.

4 Now, you folks from the Corps in front of
5 us, I want to emphasize that you aren't part of the
6 problem, there's an institutional problem here, but
7 you're people in place that can do something about
8 it right now.

9 So I'm going to ask my very first question
10 based upon what I said during my opening statement.
11 Prior to 2004, the master -- the Master Manual
12 stated that the No. 1 priority was flood control and
13 you still say it's the No. 1 priority. I'd like to
14 have you convince the (inaudible) about that.

15 Changes to the manual in 2004 changed the
16 priority of the Corps, and that they must balance
17 the purposes of the river; however, there has been a
18 dramatic increase in flood frequency, and the
19 river's flood carrying capacity has been reduced.

20 There were not any natural events before
21 2011 that could have caused these changes. Should
22 the safe -- life safety and property be the No. 1
23 priority of the Corps and the management of the
24 Missouri River? I know you've said yes. I say that
25 people have a different concept of that. And if

1 there's other priorities, why? And I guess you
2 mentioned one, that was drought, but during periods
3 of drought, we still had floods.

4 MR. REMUS: Thank you, Senator, and
5 we -- we -- just so everybody knows, we went through
6 an extensive process of updating the Master Manual
7 from 1989 to 2004, and then we looked at a number of
8 alternatives.

9 That included more flood control and less
10 flood control storage, and the analysis indicated
11 that the flood control storage that we have,
12 16.3 million acre feed, which has remained the same
13 since the system filled in 1967, was really kind of
14 the optimum there.

15 That's because what comes in, must go out.
16 So if we created more flood storage, we're still
17 going to have to let that water out, so that
18 priority has never changed, or that -- the way we
19 operate for flood control has never changed from one
20 Master Manual to the other.

21 As General Spellmon said earlier, there
22 was no -- no Master Manual we've ever had on any
23 operations from our projects that could have
24 prevented this particular flood.

25 SENATOR GRASSLEY: What about

1 evidence of endangered species that's come into it
2 recently?

3 MR. REMUS: We have the -- we must
4 comply with all of the laws -- the federal laws,
5 including the Endangered Species Act, and those
6 actions that we have along the river have -- you
7 know, need to take place. They also have to take
8 place without impacting other project purposes.

9 SENATOR GRASSLEY: There sure is a
10 feeling that all of these other things come into
11 consideration more so than flood control. I want to
12 ask you what administratively, as opposed to
13 legislatively, can be done to operate the
14 Missouri River with the No. 1 priority being flood
15 control, especially as it relates to these other
16 considerations beyond the endangered species that
17 you talk about.

18 MAJOR GENERAL SPELLMON: Sir, I will
19 just reiterate that we have been operating for flood
20 control for the past 13 months, since March of last
21 year, and as we've outlined, this event is still
22 under (inaudible) here on the basin.

23 If I could just go back to what Mr. Remus
24 said, if -- if we're -- if you want to create
25 additional flood space in the projects on the main

1 stem, if you want to create, say, for example,
2 another 5 million-acre feet of space for flood
3 control, that's 5 million more acre feet of water
4 that we have to evacuate every year and put onto the
5 lower basin, which again increases flood risk.

6 SENATOR GRASSLEY: I will simply stop
7 by saying the changes to the flood capacity of the
8 rivers were made to try to help endangered species.
9 I think that puts animals above people when those
10 considerations are taken into consideration.

11 SENATOR ERNST: Thank you.

12 Senator Moran.

13 SENATOR MORAN: Chairwoman, thank
14 you. I appreciate you (inaudible) General Spellmon
15 about increased appropriations. I'm a member of the
16 appropriations committee. We work to increase the
17 circumstances that you have the resources that
18 better enable you to do your jobs.

19 We have seen, despite the increase in
20 federal flood -- excuse me, funds, that money coming
21 to the lower basin and the projects in the lower
22 basin is, in my view, lacking. And the issue that
23 is in response to that issue that's given to me is
24 cost-benefit analysis. It's perceived that there's
25 places that the money can be spent that create a

1 greater benefit under that analysis.

2 But following this event, we anticipate at
3 least \$3 billion in county and damages, hundreds of
4 thousands of acres lost farm ground, devastated
5 communities, clearly the need for the benefits of
6 flood control projects on the lower portion of the
7 river below Gavins Point is required.

8 My question is maybe twofold. One, is
9 there anything that can be done now, in a sense
10 today, that will affect flooding that will occur as
11 a result of snow -- snowpack melt and spring rains?
12 So is where we are today where we will be despite
13 what we know is going to come in the next several
14 months?

15 And then secondly, what are the Northwest
16 Division's plans for the tributaries in the lower
17 basin in a more general or longer term plan?

18 MAJOR GENERAL SPELLMON: Sir, what
19 I'll do is I'll start and I'll start talking about
20 levee -- additional levee repairs, and I'll hand to
21 Mr. Remus to talk about operations for the coming
22 snowmelt.

23 SENATOR MORAN: Thank you.

24 MAJOR GENERAL SPELLMON: Sir, as I
25 mentioned, of the 32 systems between Council Bluffs

1 and Kansas City that overtopped, it created
2 114 breach locations in those systems. And the cost
3 to repair those -- each of those breach sites is
4 anywhere from tens of thousands of dollars to tens
5 of millions of dollars.

6 Had an opportunity over the last couple of
7 days to see those. They're -- these breaches are
8 anywhere from several hundred meters wide and in
9 some cases upwards of 70 feet deep. So we have
10 enough funding in our flood control and coastal
11 emergency's account to get started.

12 We know in the Omaha District of four
13 immediate repairs that we need to do on the levee
14 system to stop the inflow from the river to help
15 evacuate the water that's impounded back out.

16 And I'm happy to go into more detail with
17 you on those, but there's four critical ones that we
18 have to get done now. We let the first contract
19 today on the first one, and in the coming days we'll
20 let the remaining four. And so let me -- Mr. Remus
21 just talk about operations.

22 MR. REMUS: Thank you, Senator.

23 Just a little bit for the system status.
24 The Plains snowpack in North Dakota and South Dakota
25 came off, and that ran into our lower two storage

1 reservoirs, Lake Oahe in Central South Dakota, and
2 Fort Randall, which is just in the southern part of
3 South Dakota.

4 And those reservoirs rose very quickly and
5 entered what we call the exclusive flood control
6 zone. The snowstorm we had last week is continuing
7 to bring some fairly high runoffs into those
8 reservoirs, so we are to trying to evacuate some
9 room in there to give us some flexibility to respond
10 to large rainfall events maybe in the lower basin,
11 or even in the upper basin.

12 This mountain snowpack is about average,
13 just a little bit above average, as we checked in as
14 of yesterday. We have room in the upper reservoirs.
15 The mountain snowpack runs into Fort Peck and
16 Garrison, which are in Montana and North Dakota.

17 We have plenty of room to capture that and
18 let it out slowly over the years, so I don't -- I
19 feel very confident we're not going to have any more
20 snowpack runoff flooding in the system.

21 As you know, it rains all over the basin,
22 and we really need to get some room in those lower
23 basins so -- or lower reservoirs, so we can respond
24 to those events as best we can.

25 SENATOR MORAN: What prevents the

1 Corps from allowing levees to be built where they
2 should be and not just where they were or are?

3 MAJOR GENERAL SPELLMON: Sir, so in
4 all of our levees projects or any flood control
5 projects, each year the recommendations that we take
6 to General Semonite and then later to Assistant
7 Secretary James, we essentially use five criteria
8 when we write and order the projects that we would
9 like to see from the new corridor.

10 No. 1 is always life safety. So there's a
11 number of dam safety projects that are on that
12 backlog that I mentioned that we want to always put
13 to the forefront. That's the first criteria.

14 The second one, we have legal mandates
15 that we have to -- that we have to be in compliance
16 with around the country. Some projects that fall
17 within the realm of potential national security.
18 That was always a criteria used. Then we get into
19 economic and environmental returns, and that might
20 be the benefit-to-cost ratio that I know all of you
21 are familiar with.

22 And, sir, the last one is we always want
23 to finish what we start. If congress gives us money
24 to begin a project, we don't want to stop and start
25 that. We want to get it done and get it completed.

1 So that's the five criteria that our team
2 uses, when we take our recommendations to the chief
3 and to the assistant secretary.

4 SENATOR MORAN: Thank you,
5 Madam Chairwoman, for that additional conversation.

6 SENATOR ERNST: We'll do one more
7 round with our guests from the Corps, and what we'd
8 like to do is talk about some -- some of what I
9 witnessed during this flood event as well, and that
10 was dealing with communication, making sure we have
11 communication with local officials.

12 And in meetings that I had with
13 constituents, especially at the very beginning of
14 the flood event, I was down in Sydney at the
15 emergency operation center there right after the
16 storm came through, and one of the complaints that I
17 heard from a number of the stakeholders was -- was
18 about the lack of communication during the initial
19 period of that flood event.

20 I know the Corps was flying the levees,
21 they were doing that, and -- but some of the levees
22 sponsors said they were relying on private citizens
23 with drones for up-to-date information about the
24 breaches and the overtops. So I actually was able
25 to view some of that footage here in Mills County --

1 or excuse me, Pottawattamie County as well.

2 So can you explain maybe the Corps'
3 protocols for communicating with levee sponsors and
4 those that were actually in harms way.

5 MAJOR GENERAL SPELLMON: Yes, ma'am.

6 The protocol varies. So we have
7 43 districts and 9 regional commands across the
8 country, and each one is a little bit different, the
9 protocols, but they generally fall into three
10 buckets.

11 In some states, the state prefers that the
12 Corps district talks directly to the state emergency
13 operation center, and from that note, information is
14 disseminated. That's on one extreme. The other
15 extreme, the expectation is the district talks to
16 individual levee district owners. And then there's
17 various ones in between.

18 So, ma'am, I will tell you, we take this
19 criticism as constructive and seriously. We heard
20 this following the 16 inches of rainfall that fell
21 very rapidly on the city of Houston in 2017. We're
22 hearing it again on this basin; again, a very rapid
23 event that was on us.

24 We can never do this well enough and we
25 want to get better, so this is something

1 General Helmlinger and I have talked about with
2 regional commander, along with both district
3 commanders, and they're going to conduct an
4 after-action review on how we can do better next
5 time.

6 And Joe (inaudible) and (inaudible), we
7 have all of our regional commanders and all
8 43 district commanders in Washington, D.C., here in
9 a couple of weeks, and this is on our agenda to talk
10 through again, so how do we further improve our
11 communication protocols.

12 SENATOR ERNST: I appreciate that
13 because this -- this event happened so quickly and
14 we've seen so much damage because there just wasn't
15 the time to prepare, and then the water just kept
16 coming.

17 So communication is key, not only for us
18 to safeguard property, equipment, but also the lives
19 of some of the folks. We want to make sure that
20 everybody is protected, so however we can work on
21 that, it is absolutely needed, and communication is
22 key.

23 And then working further on that question,
24 about communication and the local governments and
25 the states, what ability do the states in the region

1 have to take on a larger role in the recovery from
2 and the prevention of flood events? How can we
3 partner together to do that?

4 MAJOR GENERAL SPELLMON: That's a
5 great question, and we do believe that there is a
6 greater role for states to play in all of this
7 discussion, so sometimes budget and our practice
8 drives behavior, right.

9 So individual projects are funded and then
10 our Corps district and our project teams deal
11 directly with levee districts in the implementation
12 of that project. In many cases, there's not a
13 clearly defined role for the -- for the state.

14 But I think the -- what we heard recently
15 from the governors of Missouri, Iowa and Nebraska,
16 we welcome that. We welcome that engagement. We
17 certainly want that energy and that passion, because
18 that's only going to help us make this system even
19 better.

20 SENATOR ERNST: Okay. I do
21 appreciate that. Representative (inaudible) and I
22 have been speaking about what is a better way for
23 (inaudible). Does it need to be a regional
24 management system? Does it need to still rely on
25 individual levee managers?

1 What is a better way of working through
2 these situations? We've heard of some levees that
3 hold, those that are well maintained, and there may
4 be others that are more vulnerable, and then how do
5 we work as a region, the type of damage that we're
6 seeing in this situation.

7 MAJOR GENERAL SPELLMON: So, ma'am,
8 we have a very active -- active levee safety program
9 in the Army Corps of Engineers. Some levee
10 districts choose to participate in that, where we
11 team with them on inspections and on recommendations
12 to further improve the resiliency of that particular
13 levee system or structure.

14 And then there are other levee districts
15 that choose not to participate in that program for
16 their -- for their own reasons.

17 So I think there was a program out there
18 that can get after the goals of exactly what you're
19 describing, ma'am. It's just -- again, it's up to
20 the local levee districts of whether or not they
21 would like to participate, but, again, possibly
22 (inaudible) for states here in this decision.

23 SENATOR ERNST: Thank you,
24 General Spellmon.

25 Next we'll go to Senator Gillibrand.

1 SENATOR GILLIBRAND: Thank you.

2 So I'm kind of concerned because I've been
3 hearing -- we had some storms in my state. It was
4 devastating, children lost their lives. It was a --
5 it was -- it was a heart-wrenching experience for
6 our state, and I've heard the excuses continuous
7 since then.

8 And so for anyone sitting in this
9 audience, I'm sure you're wondering, you know, these
10 two men seem extremely sincere, the panel of
11 senators seem extremely sincere and everybody wants
12 to stop and fix and make it better the next time.

13 You said we're gonna do better next time.
14 I've heard that for the ten years I've been in the
15 U.S. Senate. You hear it over and over, and it is
16 so frustrating to me. So let me explain to us
17 what's actually going on so you know where the
18 indifference lies.

19 So there's this thing, it's called a
20 ratio, a benefit-to-cost ratio, okay. Let's
21 understand what's actually happening. This
22 benefit-to-cost ratio is something that OMB, the
23 Office of Management and Budget, decides when the
24 Army Corps says this region has a billion dollars of
25 backlog of authorized projects, projects that we in

1 congress say this is what our communities need,
2 authorized projects that don't get funded, and do
3 you know who doesn't fund them? OMB.

4 Now, OMB decided in 2009 to change the
5 formula, okay, about which projects get funded based
6 on cost and benefit. And you know what, I don't
7 think they're thinking about us when they talk about
8 the benefit.

9 They're not actually thinking about the
10 farms and the ranchers and the families and the
11 homes and the communities and the people who are
12 suffering. They're not actually thinking about what
13 these projects would do to protect people.

14 So General Spellmon, you guys have a
15 backlog of a billion dollars for authorized but
16 unfunded projects here locally. These projects, if
17 constructed, can help mitigate flood damages in
18 events like this.

19 Last congress, the senate and the house
20 pushed for more transparency to this benefit-to-cost
21 ratio used by the Corps prioritizing these projects.

22 I am very concerned that after the Corps
23 prioritizes these projects, the Office of Management
24 and Budget applies its own cost-benefit analysis
25 that further restricts the funding of these

1 projects, virtually eliminating your ability to
2 construct more life-saving initiatives, especially
3 in rural communities like Iowa.

4 So my question is could you speak to the
5 impact that the cost-benefit analysis has on your
6 ability of the Corps to construct flood protection
7 projects in rural areas such as this?

8 (Audience clapping.)

9 MAJOR GENERAL SPELLMON: So, ma'am,
10 I'll just -- I'll quickly reiterate that I've been
11 in the Army 32 years, I've made recommendations to
12 senior leaders that have difficult decisions to make
13 with limited resources. Sometimes your
14 recommendations are taken, sometimes they are not.

15 So I understand the position that the
16 administration is with many competing priorities
17 across the nation for flood risk management and
18 other water resources infrastructure.

19 Again, quickly, the five criteria that we
20 use when we form our recommendations that we send to
21 the assistant secretary: No. 1, life safety; No. 2,
22 legal mandates. There are a number of those
23 throughout the Corps we have to remain in legal
24 compliance with.

25 Some projects have a national security

1 component; we factor that in. Then we look at what
2 you're referring to, ma'am, as the BCR, the economic
3 or environmental returns. That's a component.

4 And last but not least, we always want to
5 finish what we start. Where congress has given us
6 money to start a project, we want to finish it.
7 Ma'am, that's how we put together our
8 recommendations that we run up to the administration
9 for adjudication.

10 SENATOR GILLIBRAND: Can you identify
11 any other obstacles beyond funding that congress
12 should be looking at?

13 MAJOR GENERAL SPELLMON: Ma'am, on
14 funding, congress has been, as I mentioned, very
15 generous. Record civil works appropriation two
16 years in a row, would be Fiscal Year '18 and '19,
17 with the record storm supplemental in between the
18 Bipartisan Budget Act of 2018.

19 As I've highlighted earlier, we have a
20 number of compromises in this levee system, and when
21 the water is down and we can get out and do the
22 detailed assessment, ma'am, we will be working with
23 the chief and the assistant secretary and setting
24 our estimates of what we will need to repair this
25 system.

1 SENATOR GILLIBRAND: And what about
2 the best measures? And I understand you are
3 responding as quickly as you can to what's actually
4 occurred, but I'm equally disturbed that we don't
5 aggressively prevent event impacts.

6 We know these severe weather events are
7 going to happen over and over again, so what can we
8 do? What impediments do you have to actually -- if
9 we'd done a permanent levee, if we'd chosen to do a
10 permanent levee here in Iowa, we might have
11 prevented the loss in this instance.

12 How long does it take to get approvals to
13 do a permanent levee? Could you have not done it
14 more quickly? You said you were working on and
15 planning for this over 18 months, so couldn't we
16 have done that in that amount of time?

17 MAJOR GENERAL SPELLMON: Ma'am,
18 absolutely. It's all a function of where you get
19 funds to move forward on projects. Yes, we can do
20 this more quickly, but, again, I'll just go back --
21 I don't want to make the backlog an excuse, it's
22 just a fact that we are working our way through a
23 lot of very important projects around the nation.

24 SENATOR ERNST: Thank you,
25 Senator Gillibrand. I'm going to take time, I am

1 the chairwoman, so I just want to make an editorial
2 comment.

3 The BCR is established by the office of
4 management and budget. It is not established by the
5 Corps.

6 And we saw devastating floods in Eastern
7 Iowa in 2008 as well, and the Cedar Rapids flood
8 mitigation project there took us ten years to fund
9 because they did not have a high enough BCR.

10 So -- so --

11 SENATOR GILLIBRAND: That's right.

12 SENATOR ERNST: Yes. And what we
13 see, a large part of that funding formula is based
14 upon property values, and so you will look at our
15 east and west coasts, and they typically get their
16 projects funded more so than what you will find in
17 the Midwest because their property values are so
18 much higher than what we have here.

19 So this is a battle we have been fighting
20 for a numbers of years. We did finally get the
21 funding for Cedar Rapids. Senator Grassley and I
22 worked very heavily on that project this past year,
23 but it is something that we need to address.

24 That BCR comes in in between the Midwest
25 and so many of the very vitally important projects

1 that we have. So we should be able to work on this.

2 I think we're all in agreement here at this table.

3 So Senator Grassley.

4 SENATOR GRASSLEY: I want to follow
5 up where Senator Gillibrand left off about the
6 comments about OMB and cost-benefit analysis. We
7 need to continue to work on this through the state
8 of Iowa.

9 Since the states are interested in taking
10 a more active role in, pardon me, to rebuild these
11 levees stronger and better, what types of
12 coordination such as engineering or permits can we
13 start working on today to be prepared to rebuild
14 these levees since we have to cooperate?

15 MAJOR GENERAL SPELLMON: Yes, sir, so
16 I will tell you, both the Omaha and Kansas City
17 districts are already receiving from the levee
18 sponsors their project information reports that
19 outline the extent of damages, and then we will work
20 through those levee sponsors to get our team to help
21 in the field to help definitize those estimates of
22 what we would need to repair. That is already
23 happening, sir.

24 SENATOR GRASSLEY: What are the
25 Corps' -- what has the Corps done since the

1 2011 floods to improve flood risk management? And
2 are there things the Corps intended to do, but
3 hasn't had a chance to get done yet?

4 MAJOR GENERAL SPELLMON: Yes, sir.
5 So following the 2011 flood, that was the -- that
6 was the third iteration where Corps leadership
7 attempted to resurrect some of the
8 97 recommendations following the '93 flood.

9 And, sir, that's the conversation that we
10 would like to have within the Corps and within the
11 region again.

12 The solutions to further reduce flood risk
13 on the upper basin and lower basin are not new.
14 They're on the books. It's simply a matter of
15 getting alignment with the competing interests on
16 the upper basin and lower basin, industry, 29 tribes
17 and everyone else that has a stake in water on this
18 basin.

19 So, sir, that's the conversation that we
20 want to start again. As I mentioned earlier, we
21 welcome your energy and your passion, as well as
22 those that we're seeing from some of the governors
23 to get after this issue.

24 SENATOR GRASSLEY: We want that
25 conversation within the Corps. I hope you'll

1 include congress in that as well.

2 MAJOR GENERAL SPELLMON: Yes, sir.

3 SENATOR GRASSLEY: Are there -- now,
4 this is an opportunity to say if you've done
5 anything wrong. Are there things the Corps has done
6 since the 2011 floods that have been harmful to the
7 flood risk management, and if so, what? What and
8 why?

9 MAJOR GENERAL SPELLMON: Yeah, sir,
10 sir, I think I would go back to the point on
11 communication. We heard this, as I mentioned,
12 following the 16 inches of rainfall that fell
13 rapidly on the city of Houston in 2017. We heard
14 the issue of communication following the 2011 flood,
15 and here we are again in 2019 hearing some of the
16 same concerns from our -- from our stakeholders.

17 So we will -- we're going to take that
18 back again to further improve and look at our
19 protocols and see where we can improve to ensure
20 that we are effectively communicating with all our
21 stakeholders on the basin.

22 SENATOR GRASSLEY: Thank you.

23 SENATOR MORAN: General Spellmon --
24 thank you, Chairwomen.

25 General Spellmon, on the topic of

1 cost-benefit ratio, I agree with the challenges that
2 were outlined and what happens when OMB analyzes
3 projects that occurs, so I tried to point out in my
4 lower basin, were not getting the dollars as the
5 analysis occurs, the priorities are elsewhere, but
6 now that we have this flood damage, how will the CBR
7 analysis apply to the restoration of the structures
8 from this flood?

9 Will there be a problem in restoring what
10 we have as a result of the cost-benefit ratio?

11 MAJOR GENERAL SPELLMON: Sir, for all
12 the repairs, we will have to go back to the
13 administration with a benefit-to-cost ratio, so that
14 will be part of the analysis that we will -- that we
15 will take forward as we look at the cost of these
16 repairs and the order in which we do them, yes, sir.

17 SENATOR MORAN: Will you turn -- I
18 raised this topic with you, General Spellmon, before
19 the hearing began. I drove up from Manhattan
20 yesterday. I had a town hall meeting in Marysville,
21 Marshall County, Kansas, the last county before you
22 cross into Nebraska, and I was not expecting the
23 conversation about flood damage that far from the
24 Missouri River, but it was a significant topic of
25 conversation.

1 The issue is the Blue River. The Blue
2 starts in the middle of Nebraska and comes down,
3 connects at about Manhattan, Kansas, with the
4 Kansas River, which then flows into the Missouri,
5 and on that river basin is the Tuttle Creek
6 Reservoir.

7 And the issue here is that water is not
8 being let out of the reservoir in a sufficient
9 fashion to prevent flooding now upstream.

10 So in -- in keeping water from getting, I
11 guess, from Kansas to Missouri, water is not being
12 allowed to flow, and the resulting consequence is
13 flooding up the basin, to which thousands of acres
14 are now under water where you wouldn't expect it.

15 And I would just ask that you would commit
16 to me to work with the stakeholders and farmers and
17 landowners in that river basin in Kansas, as well as
18 those down river as -- and the issue I want to
19 highlight -- and the reason I want to highlight this
20 is that this is an issue now that we need to reduce,
21 not enhance if you can make the right decision about
22 water flows from Tuttle Creek.

23 MAJOR GENERAL SPELLMON: Yes, sir.
24 We will -- I'm not familiar with the details, sir,
25 that you've outlined. We will dig into that.

1 I would just say a flood -- that our
2 Kansas City district team, there's a series of
3 18 reservoirs in Kansas that they're responsible
4 for, and they have been fighting--to use Army
5 parlance--those reservoirs to keep additional flows
6 away from the Missouri, but, sir, we'll dig into
7 that and we'll follow up.

8 SENATOR MORAN: My point there is a
9 consequence.

10 MAJOR GENERAL SPELLMON: Yes, sir.

11 SENATOR MORAN: A conversation you
12 always have with landowners in these circumstances,
13 why don't we get the water out of the system earlier
14 prior to flood season? I would like to compliment
15 the Kansas City folks, they work well with us and
16 we're very appreciative of that relationship.

17 MR. REMUS: Thank you.

18 SENATOR ERNST: Senator Grassley,
19 follow-up question?

20 SENATOR GRASSLEY: I had one -- I had
21 one minute left.

22 I heard you say the necessity to follow
23 the law and the Endangered Species Act, but I still
24 have this question: Taking that into consideration,
25 have items begun to change the river to help

1 endangered species contributed to flooding in the
2 lower basin?

3 MAJOR GENERAL SPELLMON: So, sir, we
4 know that we have -- this question is before
5 Judge Firestone in court of federal claims. We have
6 an initial ruling on the Ideker litigation where she
7 has ruled, I believe there were 44 test properties
8 of the 400-plus in that case.

9 She has ruled a number of those that are
10 operations for endangered species has been the
11 causation of flooding. There have been some that
12 she's ruled have not been the causation.

13 So the -- where the -- where the
14 plaintiffs received a favorable ruling, my
15 understanding is that it will now move into a second
16 phase of the trial, where she will determine whether
17 or not there has been a compensable taking by the
18 federal government of property.

19 The scope and schedule I understand
20 have -- for that second phase, sir, has not yet been
21 set. We say we don't have a final ruling, nor has
22 the judge ordered us to, directed us to change any
23 of our operations in the interim. So we'll get
24 ready for the second phase of the trial, sir, to
25 answer your question.

1 SENATOR GRASSLEY: As long as the
2 judge has made a decision that farmers have been
3 hurt, why doesn't the government quit fighting it
4 and just pay up?

5 SENATOR GILLIBRAND: Yes.

6 (Audience clapping.)

7 SENATOR ERNST: Thank you,
8 General Spellmon. Thank you very much, Mr. Remus.
9 Thank you very much for your time today. We
10 appreciate your time, your comments, your concern.
11 Obviously this is a very, very difficult issue, and
12 it is a very personal issue for so many of us that
13 have lived with this.

14 So I look forward to the conversations
15 that you intend to have with various stakeholders.
16 We do need to talk through this, figure out what is
17 the proper course of action moving forward, and that
18 will be a very long-term discussion. So I
19 appreciate your time and attention this morning.

20 Right now we will go ahead, we will swap
21 out our panel and if -- again, thank you, gentlemen,
22 very much for being here today.

23 If our second panel would come forward,
24 please, and we'll get situated.

25 (Second panel is seated.)

1 SENATOR ERNST: Thank you. Go ahead
2 and be seated. If you'd please be seated.

3 (Audience discussion
4 continuing.)

5 SENATOR ERNST: Okay. Thank you,
6 everyone. We'll go ahead and start our second
7 panel. And today we have joining us Cathy Crain.
8 She is the mayor of Hamburg, Iowa.

9 We also have Leo Ettleman. Leo is a
10 farmer and community advocate from Fremont County,
11 Iowa.

12 We have Joel Euler, which is an attorney
13 from Doniphan County, Kansas.

14 And we also have joining us Blake Hurst,
15 who is a board member, coalition to protect the
16 Missouri River, Atchison County, Missouri.

17 And I do want to thank our witnesses here
18 today, and I understand that they have been through
19 some very, very difficult times.

20 Mayor Crain, I want to commend you for
21 your leadership. This has been a very difficult
22 flood event, one that's very different even than
23 from 2011, and I hope you're able to express not
24 only to the folks that we have at this table today,
25 but also for the members of the audience, the

1 difficulties that you have had in leading a
2 community that has been devastated by flood, not
3 just once, but many times over in our recent
4 history.

5 So we will start with Mayor Crain.
6 Mayor Crain, your full written testimony will be
7 made part of the official record for today. And for
8 all of the panelists, again five minutes for your
9 opening statements, and then we will have time for
10 questions.

11 So Mayor Crain, please, go ahead and
12 proceed.

13 MAYOR CRAIN: Fifty-three levee
14 breaks along the Missouri River, five miles away
15 stood our five-foot federal levee built to protect
16 us from Ditch 6. It was not designed to protect us
17 from the Missouri, because, as it had been said, it
18 could never happen, but it has happened twice in
19 eight years.

20 We didn't have a chance and we knew it.
21 On March 17th, we needed the 13-foot emergency levee
22 that kept our town dry in 2011. It held over
23 12 feet of water for 120 days. But we had to tear
24 it down when we couldn't raise the \$5.6 million
25 required to meet federal levee certification.

1 We went up the federal ladder asking for
2 preventive funding. When denied or ignored, we
3 posted a flash mob video asking Americans for less
4 than a latte, save a town.

5 We didn't raise enough, so we were
6 required to tear down the levee that cost
7 8.6 million to build, and spend another 675,000 to
8 remove.

9 Our fears were realized when over 11 feet
10 of water captured our town. 169 of 560 homes,
11 88 percent of our businesses, and two-thirds of our
12 town were under water.

13 We had evacuated our lowest elevations
14 earlier, but this time the devastation went where
15 flood water had never been, and its velocity toppled
16 a section of the nearly 2-mile HESCO barrier wall we
17 and the Corps had built for more protection.

18 It was 3 a.m., when our senior housing was
19 evacuated. This congenial group that played Bingo
20 every afternoon at 2 p.m., were wrestled out of bed.
21 They had cooked their meals, raised their kids,
22 helped raise their grandkids, sold their homes and
23 taken their most favored items to one- and
24 two-bedroom apartments.

25 Our volunteer firemen carried them out in

1 their nightgowns and pajamas, leaving their walkers,
2 scooters, wheelchairs and treasures. It's all in
3 the curbside waiting for debris pickup. Our people
4 are scattered amongst their family, friends and
5 shelters, and are living in their car, and it's
6 Day 31.

7 We had no water. We lost the water plant,
8 wells, the station, natural gas and city equipment,
9 and immediately we met to plan Hamburg 2.0. All the
10 while, our people went to work finding and helping
11 each other, starting a relief center and cooking
12 meals for the town, while a Unity church service was
13 organized.

14 Four of the five churches are under water.
15 Only the ConAgra plant and our electrician can open.
16 No restaurant, gas station, hair salon, barber shop,
17 parts store, drug store, grain elevator, insurance
18 office, bank, motel or farm implement dealer can
19 open.

20 There are no dry buildings for our
21 businesses to move to. They are under water, and
22 City Hall is housed at the grade school with laptops
23 and cell phones.

24 As our farmers haul water from miles away,
25 the volunteer fire department pumped water to the

1 water tower and we drilled an emergency water well.

2 On Day 19 the DNR says we can shower, do
3 laundry and flush.

4 Now we talk about rebuilding the levee,
5 and, once again, we need to sign another contract
6 with the United States of America for a temporary
7 levee. All this and we're back where we started.
8 The only difference is we're destroyed.

9 We must have a permanent levee solution.
10 Make flood prevent the No. 1 priority. We never saw
11 Missouri River water from 1952 until 2011, until the
12 politics changed.

13 Two, take a deep dive into your levee
14 certification laws. Use our local guys to assist.
15 The system is in desperate need of practicality.

16 Three, when we asked in 2012 to keep our
17 levee, there was no -- there was no funding for
18 prevention. Just emergency. Make one.

19 Four, change Line 2B in USA's contract for
20 tearing down emergency levees. Give small towns a
21 chance to survive. We're the town you want to work
22 with, we're responsible. 31 days ago, the city owed
23 \$56,000. We have untapped potential, we house the
24 industry for our county, and are slated for future
25 growth. We get along with others.

1 2011 as well, so, Leo, please proceed.

2 MR. ETTLEMAN: Thank you, Senator.

3 Thanks for giving me this opportunity to speak. I
4 speak for thousands of stakeholders who have been
5 affected by the catastrophic flooding caused by
6 their own government that began in 2007 and
7 continues due to the adopting of the Missouri River
8 Recovery Program, MRRP.

9 In my opinion, the 2019 flooding and all
10 flooding since 2004 has been caused by the Corps'
11 change in the way it manages the river pursuant to
12 the MRRP for the purpose of benefiting the basin
13 ecosystem and fish and wildlife, while
14 deprioritizing flood control.

15 I'm very familiar that the basin has
16 flooding. I'm a life-long farmer, and president of
17 Responsible River Management, and member of the
18 Missouri River Recovery Implementation Committee,
19 and was appointed by General John McMahon to the
20 Missouri River Flood Task Force following the
21 2011 flood.

22 I'm also a plaintiff in the Ideker
23 versus -- and others versus USA, the fifth amendment
24 taking case which seeks just compensation for
25 damages caused by the Corps' change in the

1 management -- river management policy.

2 I first will address the Corps' flood risk
3 management once the 2019 flood levee became
4 imminent. I will then briefly address the Corps'
5 change in long-term flood management with the
6 implementation of the MRRP in 2004 that led to the
7 2019 flooding, as well as all of the flooding in the
8 basin since 2004.

9 During the past flooding -- during the
10 past (inaudible), the Omaha District of the United
11 States Corps of Engineers stayed in close
12 communication with levee sponsors and community
13 leaders, which played a major role in protecting
14 human life and limiting property damage; however,
15 that was not the case in 2019.

16 That flooding happened quickly and was
17 essentially without warning to the stakeholders from
18 the Omaha District. Moreover the information
19 received was outdated and not reliable.

20 As a result, stakeholders were not able to
21 make timely, informed decisions to protect human
22 life, property such that millions of dollars in
23 equipment and stored grain were lost, as well as
24 other private property.

25 In the future, the Omaha District of the

1 Corps of Engineers must do a much better job of
2 communicating with stakeholders, levee sponsors, so
3 as to not unduly endanger human life and property.

4 The 2000 -- in 2004, the Corps adopted the
5 Missouri River Recovery Program, which resulted in
6 significant changes in the overall river management
7 policy.

8 I believe those changes to MRRP changed --
9 have played a significant role in causing an
10 increase in the frequency and severity of flooding
11 since 2004, including the flood of 2019, flooding
12 that would not have been as frequent or severe but
13 for those changes.

14 As such, the determination of whether the
15 (inaudible) Risk Management contributed to the cause
16 of the 2011 flood cannot be done by looking at
17 2019 alone. The community should view the
18 2019 flooding and all flooding since 2004 as being a
19 continuous flooding caused by the Corps'
20 implementation of the MMRP (sic).

21 The Corps' implementation of the MRRP
22 caused two fundamental changes in how the management
23 of the river. There were system changes that
24 changed how the Corps operated the reservoirs
25 involved (inaudible) the volume and timing of water

1 stored in and releases from the system, and, two,
2 the BSNP, Bank Stabilization Navigation Program,
3 changes, that changed how the Corps operated and
4 maintained the BSNP river control structures
5 involving the 19 -- 19 wing dikes, a line of wing
6 dikes to degrade and reestablishing natural chutes.

7 The system changes affected the volume in
8 water in the channel. At any given time that had to
9 be managed, but the BSNP change affected how that
10 water was managed.

11 So regardless of whether increase in
12 volume of water in the channel comes from above or
13 below the system dams, the Corp's management of the
14 river with respect to the system for the BSNP plays
15 a major role in whether that water will result in
16 flooding and the severity and duration.

17 The system changes continue to cause
18 increased flooding because during the years --
19 flooding since 2004, they led to an increase in the
20 volume of water in the river's channel at critical
21 times, generally post-MRRP, to benefit fish and
22 wildlife.

23 The Corps began retaining more water in
24 the system reservoirs earlier in the year, lessening
25 the available storage that led to water, later

1 releases, greater volume than would have been
2 necessary without the system changes.

3 These avoidable releases led directly to
4 flooding that would not have occurred without system
5 changes acting in concert with BSNP changes. The
6 BSNP changes contributed to the cause, increase in
7 flooding since 2004 because regardless of the source
8 of the increased volume of water, the channel that
9 had to be managed by the river control structures,
10 those changes would have caused -- caused water to
11 be slowed down and directed into the floodplain
12 during high water events rather than downstream.

13 The BSNP changes were intentionally
14 designed to benefit these basin ecosystem fish and
15 wildlife by reconnecting the river to the
16 floodplain, resulting in flooding that would have
17 not occurred but for those changes.

18 That is the reverse of what the Corps did
19 pre-MRRP to provide flood control, disconnecting the
20 river from the floodplain by directing the water
21 away from the floodplain, downstream with greater
22 velocity during high water times.

23 This committee should look at the role of
24 both MRRP system and BSNP changes to determine the
25 role -- the true role of the Corps' changes in the

1 flood risk management under MRRP is causing the
2 flooding since 2004, including 2019.

3 The implementing (sic) the MRP (sic)
4 that Corps needs to prioritize flood control and
5 river management purpose, that MRRP flood control
6 was given a first priority in the Corps' management
7 of the river at all times, meaning that they'll make
8 a decision when operating the system, operating and
9 maintaining the BSNP, the Corps erred on the side of
10 flood control, even if it meant predictably harming
11 other river interests, including those of fish and
12 wildlife.

13 This was preemptive prior of flood
14 control. Post-MRRP, however, the Corps only gives
15 flood control first priority when flooding
16 is imminent, a reactive priority of flood control,
17 which means -- which comes too late to prevent times
18 of catastrophic flooding that flood the basin for
19 the last 12 years.

20 The changes in priorities have been
21 significant factors causing an increase in the
22 frequency and severity of the flooding since 2004.
23 As such, unless the Corps is mandated by congress to
24 restore the preemptive flood control, the
25 devastating plagues that flood the basin will

1 continue. Thank you.

2 SENATOR ERNST: Thank you,
3 Mr. Ettleman.

4 (Audience clapping.)

5 SENATOR ERNST: Mr. Euler.

6 MR. EULER: Greetings. My name is
7 Joel Euler, and I'm an attorney with offices located
8 in Troy, Kansas. Troy is located ten miles west of
9 St. Joseph, Missouri.

10 As part of my general law practice, I
11 represent six drainage ditches located in Missouri
12 and Kansas, along the stretch of the river which
13 begins at the Kansas-Nebraska line, and ends just
14 north of Atchison, Kansas.

15 I've assisted these districts with
16 regulatory, operation and maintenance, flood fight
17 and related activities, starting with the -- what we
18 call the Great Flood in 1993, and including the
19 events of 1998, 2009, 2011 and 2019.

20 Districts I read are -- represent are
21 primarily agricultural in nature; however, two
22 districts, the Elwood-Gladden Drainage District and
23 the South St. Joseph Drainage and Levee District are
24 what I refer to as hybrid or combination districts.

25 These districts contain agricultural and

1 industrial/commercial and residential interests.
2 Recent estimates value of the assets protected by
3 these structures to be in excess of \$2.7 billion,
4 with an estimated input into our economy of
5 \$100 million.

6 I've been invited to visit with you today
7 regarding flood risk management and flood recovery
8 efforts in the Missouri River basin as it pertains
9 to the 2019 flood event. In that regard, I would
10 like to speak about four areas which I believe are
11 directly related to the event in question.

12 The first one is the Missouri Main Stem
13 Reservoir Master Control Manual; the second is the
14 Missouri River Recovery Program; the third is
15 policies and procedures relating to the repair and
16 improvement of the existing levee structure, of
17 existing levee structures; and, fourth, Corps of
18 Engineers' involvement in the 2019 flood event.

19 The Missouri River Main Stem System Master
20 Control Manual governs the retention release of
21 water in the Missouri River reservoirs. The purpose
22 for operating the system can be found in
23 Section 1944 Flood Control Act and are as follows:
24 Flood control, navigation hydropower, water supply,
25 fish and wildlife, irrigation, water quality

1 control, and recreation.

2 The Master Manual is designed to
3 facilitate the uniform operation of all reservoirs
4 on the -- Missouri River mainstream (sic). The
5 Master Manual is necessary as each river has -- as
6 each reservoir has its own Operations Manual, and
7 the Master Manual provides for the operation of each
8 reservoir in conjunction with the other.

9 The Corps of Engineers retains the
10 authority to revise the Master Manual pursuant to
11 Engineering Regulation 1110-2-240, which indicates
12 that water control plans will be revised as
13 necessary to conform with changing requirements
14 resulting from developments in the project area
15 downstream -- and downstream, improvements in
16 technology, improved understanding of ecological
17 response and ecological sustainability, new
18 legislation, reallocation of storage, and new
19 regional priorities.

20 The manual also indicates that the goal
21 was to maintain flexibility that is required for
22 effective operation of the system. The
23 Master Manual also outlines various considerations
24 taken into account when the control plan is
25 developed or modified and indicated that input from

1 external agencies, entities and stakeholders which
2 will be affected will be taken.

3 Further, the manual indicates that the
4 projects owned and operated by the Corps will be
5 developed in concert of all basin interests which
6 may be impacted or influenced by project regulation.

7 While there are eight authorized purposes
8 for operation, there is not any stated
9 prioritization made between those purposes. As
10 such, at times there's question among downstream
11 stakeholders as to the motive for operation of the
12 system.

13 I believe it would be wise to prioritize
14 the eight purposes in a fashion which places
15 emphasis on flood control and thereafter prioritize
16 the remaining seven purposes.

17 This would give certainty to the
18 stakeholders as relates to the basis for operation
19 of the system. I believe by doing this, the system
20 would be operated in a matter which would ensure
21 that events of the type which have recently occurred
22 and had occurred in the past would be greatly
23 reduced.

24 I also understand that operation in this
25 fashion may reduce the effectiveness of the system

1 to facilitate the other purposes; however, it would
2 seem that the resources saved from continual repair
3 have resulted from high water events could be
4 diverted to facilitate those other purposes.

5 The Missouri River Recovery Program is
6 used by the Corps of Engineers to purchase real
7 estate which lays between a levee structure and the
8 banks of the Missouri River. The program was
9 initially conceived to assist in the protection of
10 federally listed species, piping plover, interior
11 least turn and pallid sturgeon and address concerns
12 which were caused by the Corps of Engineers Bank
13 Stabilization and Navigation Project.

14 After acquisition of the real estate, it's
15 used to create chutes, backwaters, shallow water
16 habitat, emergent sandbar habitat and cottonwood
17 management plans to ensure the survival of the
18 aforementioned species as well as other life-forms
19 located in the Missouri River basin.

20 It would appear that an unattended
21 consequence of the program is that it causes
22 degradation in the foreshore area. That's the area
23 between the levee structure of the river bank, which
24 acts to impede the flow of water during a flood
25 event.

1 When the levees were initially designed,
2 the goal was to move the water downstream as quickly
3 as possible. This was aided by having little or no
4 substantial impedance in the foreshore area. This
5 allowed the water to travel at a high rate of speed,
6 which reduced both flooding and extended flood
7 events.

8 The Missouri River Recovery Program has
9 modified the foreshore area in that it allows growth
10 of cottonwood trees and underbrush, which is -- and
11 has created other structures which slow water during
12 a flood event.

13 As the water slows, it allows the deposit
14 of silt, which increases the height of the foreshore
15 and reduces the protective capability of the levee
16 structures, in addition, slows the speed with which
17 the flood water can leave the effected area, thereby
18 extending the flood fighting efforts and increasing
19 the chance of a breach or overtop of the levee
20 structure.

21 It should be noted that the Corps of
22 Engineers recently modified the Master Manual to
23 remove the spring rise and reservoir imbalance. It
24 has been -- it is yet to be seen what effect these
25 decisions will have on the ability to control water

1 flow past Gavins Point, but I believe these are
2 steps in the right direction.

3 It also should be noted that the Corps of
4 Engineers is not the only agency with the programs
5 of this type. The NRCS engages in wetland preserve
6 programs, as well as emergency watershed easement
7 programs, which when placed in the foreshore had the
8 same effect as discussed above.

9 Policies and procedures relating to the
10 repair of existing levee structures.

11 In July 1993, the Elwood-Gladden drainage
12 district was overtopped and subsequently failed.
13 After the failure and in May of 1995, the Corps of
14 Engineers, at the request of the drainage district,
15 conducted a reconnaissance study to determine the
16 federal and local interest in improving the
17 structures.

18 The reconnaissance study was completed in
19 1996, and recommended that further study be
20 conducted; thereafter, in May of 1999, a study to
21 determine the feasibility of making improvements to
22 the levee structure was commenced. The feasibility
23 study was completed in 2006, and approved by the
24 Corps of Engineers in 2007. At this time, the cost
25 estimate for the repair was \$32 million.

1 In 2009, the Corps of Engineers and a
2 local sponsor executed a design agreement. In
3 2014, a project management plan was executed, and at
4 this time it was estimated that the project cost
5 would be approximately \$66,833,000. In January
6 2017, the final cost estimate for the project was
7 \$70,700,000.

8 A period of 22 years elapsed between the
9 reconnaissance study to determine the interest of
10 making an improvement in the levee structure and the
11 2017 funding of the project. During that time, I
12 believe the process was slowed by the failure of the
13 federal government to adequately fund its portion of
14 the project.

15 Ultimately the funding shortage and time
16 delays resulted in an increase in the overall cost
17 of the project by approximately 50 percent.

18 The process of repair and upgrade of an
19 existing flood control project is the same process
20 used to determine whether or not a new flood control
21 project should be constructed and the construction
22 of the same. Part of this process includes a
23 cost-benefit analysis to determine whether or not
24 the project has enough benefit to justify the
25 expenditure of funds.

1 This, along with other environmental and
2 comment requirements, extends the time between when
3 a decision is made to repair or upgrade an existing
4 structure and the time that the repair can be made.

5 It would seem that if a project already
6 exists, it would be feasible to do away with a
7 number of prerequisites for construction. This
8 would allow for a streamlining of the construction
9 progress and effectuate repairs, upgrades to the
10 existing flood control projects in a more timely
11 fashion.

12 Further, it would make sense to apply
13 funds used in the repair of damages arising from
14 flood events to activities which would prevent
15 future flood events.

16 In other words, it does not seem rational
17 to continue to repair a structure which will not
18 protect at the necessary levels because there are
19 prerequisites to construction which adversely affect
20 the maintenance and upgrade of the existing
21 structures.

22 Finally, I want to comment on the effort
23 of the Corps of Engineers during the March 2019 high
24 water event. I speak specifically to the
25 Kansas City District because all of the districts I

1 represent are in that.

2 First, to put that in perspective, it is
3 necessary to understand what I believe has been a
4 transition of the Corps of Engineers from a
5 hands-off advisory branch to that of a working
6 partner in both flood fight activities as well as
7 flood repair and improvement activities.

8 In 1993, the river was at 27-foot flood
9 stage and on the side of the Elwood-Gladden levee
10 structure for a period in excess of 90 days, as a
11 result of overtopping and subsequent breach of the
12 levee structure.

13 During the weeks that led up to that, the
14 Corps of Engineers was difficult to reach and
15 offered little or no assistance with regard to flood
16 fighting efforts, levee monitoring or river level
17 determination.

18 In fact, on the date that the levee
19 overtopped and breached, the only advice that we
20 received from the Corps was to stay off of the
21 structure.

22 After the breach, the water began to
23 infiltrate, and we ended up with a teacup situation,
24 and in that situation we attempted to locate Corps
25 of Engineers for advice, and we couldn't find

1 anybody. Now, subsequent to that, the Corps of
2 Engineers increased its contact with our district
3 and began to become more involved with the
4 assistance of levee operations.

5 It's conducted instruction courses in sand
6 bagging and other flood fighting operations, as well
7 as the instruction relative to levee maintenance.
8 With each subsequent high water event, the Corps has
9 increased its knowledge base and improved its
10 service to provide the districts that I represent.

11 In short, during high water events, the
12 Corps has gone from a necessary evil to an
13 invaluable partner in defending against potential
14 flooding. In both 2011 and 2019, the Corps provided
15 around-the-clock assistance through its emergency
16 operations office on an individual basis.

17 On more than one night during the recent
18 event, calls were made to Corps staff at all hours
19 of the night. Each call was taken and each question
20 was answered.

21 In addition, the Corps had a member of
22 two staff -- had a minimum of two staff members
23 daily on each of the structures that I represent for
24 this flood event.

25 At the r-471-460 and l-455 structures,

1 where they felt overtopping was imminent and there
2 was an imminent -- and there was a risk to life,
3 they stationed personnel at the local emergency
4 operation center around the clock for 36 to
5 48 hours. The presence gave a sense of confidence
6 to the flood --

7 SENATOR ERNST: Mr. Euler, end your
8 comments.

9 MR. EULER: Yes, ma'am.

10 SENATOR ERNST: Mr. Hurst.

11 Thank you. Good morning. My thanks to
12 each of you for participating in today's field
13 hearing. It's extremely healthy -- helpful that
14 you're here to listen to those affected by this
15 year's flooding and see some of the damage
16 firsthand.

17 My name is Blake Hurst, and I'm a family
18 farmer from Tarkio, Missouri, about an hour south
19 and east of here. We raise row crops and operate a
20 commercial greenhouse operation.

21 Our county has about 70,000 acres under
22 water. I'm here as a member of the Coalition to
23 Protect the Missouri River and as president of
24 Missouri Farm Bureau.

25 For the past several weeks, we have

1 watched our friends and neighbors in Iowa, Missouri,
2 Kansas and Nebraska suffer from the impacts of
3 historic Missouri River flooding.

4 We've experienced severe winter weather,
5 bomb cyclone, leaving the record river stages, a dam
6 failure and scores--well over a hundred--of levee
7 breaches. To make matters worse, there was little
8 warning for residents to move personal property,
9 equipment and stored crops.

10 In Northwest Missouri, we've got
11 187,000 acres under water. This is the most
12 productive farmland in our state with yields far --
13 normally far above the state average. None of these
14 acres will be planted this growing season.

15 We estimate the value of the crops lost at
16 well over a hundred million dollars, and that
17 doesn't include the crops that were stored in bins
18 and lost to the flood waters.

19 We've heard a lot said about this event
20 very eloquently this morning, including criticism
21 directed toward the U.S. Corps of Engineers. While
22 there will be plenty of time to analyze if anything
23 could have been done better, we're thankful for the
24 Corps' efforts on several fronts, including
25 positioning flood control gates at Gavins Point Dam

1 to allow it to hold over two feet of extra water,
2 and stopping releases from reservoirs in Kansas,
3 Osage River and Fort Randall Dam. These
4 extraordinary measures undoubtedly present --
5 prevented future further damage.

6 The U.S. Fish and Wildlife Service, which
7 dictates much of the Corps' action, did require the
8 implementation in the past of artificial spring
9 rises, construction of shallow water habitat chutes
10 and notching of rock dikes that control the river's
11 channel.

12 Science-based species recovery efforts are
13 worthy of our support, but any planned habitat
14 construction projects that increase flood risk
15 should be discontinued immediately.

16 Going forward, government agencies and
17 stakeholders should engage in a renewed discussion
18 on how to enhance flood control throughout the
19 system.

20 While virtually all discussion has
21 centered on the mainstream Missouri River regulated
22 by dams, it is worth noting that this event
23 primarily originated in the unregulated portion of
24 the basin, which produces just less than half of the
25 average runoff into the Missouri River.

1 Any discussion in the future that has --
2 that ignores these unregulated rivers and misses
3 important source of our risk over our river basin.

4 It's time to redouble our efforts on
5 providing lower Missouri residents with an improved
6 flood control system that could better withstand
7 events and magnitude we're seeing in 2019. Flood
8 control and protection of human life and property
9 must be paramount in any decisions regarding the
10 river management.

11 We call on you and your colleagues to
12 authorize flood control as the primary purpose of
13 the Missouri management and not just in times of
14 high water.

15 Serious consideration must be given to
16 increased upstream flood control storage with that
17 being the mainstream dams or on tributary projects.
18 Any proposed change in flood control storage must
19 also keep an eye towards times of drought, which
20 Missouri River system is just as prone.

21 In addition, policy makers should take
22 into account navigation which is the other
23 congressional directed primary purpose of the
24 system, as well as water supply needs, water and
25 utilities, that we often take for granted that have

1 an enormous impact on people who live in the river
2 basin.

3 We're encouraged by the recent meeting
4 between the governors of Iowa, Missouri and Nebraska
5 and the Corps' leadership, focusing on solutions
6 protects against the future floods.

7 The governor stated they wanted to become
8 more active in Missouri River management, and it's
9 high time they have a prominent seat at the table.
10 Serious discussion must include federal, state and
11 local input.

12 We've seen a tremendous amount of
13 judgment -- destruction from this flood in terms of
14 the amount of personal suffering, but they also
15 create the chance to be more resilient in future
16 floods.

17 For the benefit of regional economic
18 development and opportunities for future
19 generations, we cannot delay these crucial
20 conversations.

21 When flood recovery is complete, we will
22 have failed if every structure is the same as it was
23 and if the management of the river has not changed.
24 To do the same things over and over again and expect
25 better results is the triumph of hope over

1 experience. We should not, we must not settle for
2 the pre-flood status quo.

3 We at the Coalition to Protect the
4 Missouri River and Missouri Farm Bureau look forward
5 to these continued conversations, and stand ready to
6 assist you and your colleagues in crafting
7 solutions.

8 Thank you for the opportunity to be here
9 today.

10 (Audience clapping.)

11 SENATOR ERNST: Thank you, all. We
12 will also start with a round of questioning. I want
13 to thank all of you, expertise at so many different
14 levels.

15 Mayor Crain, I would like to just start
16 with you. You've been through flood events with
17 Hamburg, and as their mayor, but also as a personal
18 citizen.

19 We've talked a little bit about -- about
20 the levee, and you explained that about how you
21 erected the levee to protect Hamburg, had to take it
22 down. We can get a little more into that, but you
23 expressed some different challenges that your
24 community is facing.

25 I would like you to talk a little bit

1 about some different circumstances that you have
2 witnessed with some of the citizens of Hamburg. You
3 did mention in your comments you had folks that have
4 been living in their cars, you have -- you know, if
5 you could just talk to us, tell us a little bit for
6 the record, you know, what some of your community
7 members are going through and the hardship that
8 they're enduring.

9 And, again, this is a flood event that is
10 not over yet. We have probably many, many more
11 months of flooding yet to go, not to mention actual
12 recovery. So if you could express some of the
13 hardships your citizens are facing.

14 MAYOR CRAIN: We have a lovely couple
15 from India who own the motel, and they raised their
16 children in Hamburg and we love them, and their home
17 and their motel has been -- and their business is
18 under water.

19 And it -- we are in Day 31, and they've
20 heard nothing regarding what will happen based from
21 insurance or from FEMA. And Shenandoah is a very
22 lucky community because they have moved there.

23 We -- I have business owners that I've
24 respected that can't make a phone call. They have
25 lost their business and their home and they just

1 need help. I've had to turn all the individual
2 issues over to the hospital for them to help --
3 individually help these people that immediately get
4 denied by FEMA, and then need to climb up the ladder
5 a little bit taller so that -- a little bit more so
6 maybe they can get a yes somewhere else. And they
7 need help doing that because of their trauma.

8 The fact that we -- there aren't -- that
9 the FEMA trailers have been -- the fact that the
10 FEMA trailer program has been discontinued is
11 forcing people to live in their cars and with
12 family, friends and/or moving.

13 The fact that we don't have any dry,
14 affordable housing for these people to go to, and
15 that we don't have any dry rental space for our
16 businesses, our self-employed businesses, who are
17 also denied by FEMA, and that they have no place to
18 set up shop.

19 So we have ice (sic), two pieces of ground
20 for future -- for future expansion, and one of the
21 ground does meet the requirements of the Corps' for
22 the soil samples for the million dollars' worth of
23 dirt that we need to buy to put up the levee.

24 And we are -- we are getting a \$2 million
25 drawdown so we're going to be ready whenever that

1 water is gone, so we can build the levee to protect
2 our town.

3 SENATOR ERNST: Thank you very much,
4 Mayor Crain. We appreciate that.

5 And Mr. Ettleman, if -- in your opinion,
6 what changes could be made to the river management
7 that would decrease the frequency and severity of
8 flood events? What -- what could be done?

9 MR. ETTLEMAN: Several things. I
10 think one of the things that would be felt the top
11 priority would be making flood control the dominant
12 function of the river again, as it was prior to the
13 2004 master management.

14 The other thing is the river control
15 structures, the wing dikes that have been
16 deteriorated not -- back in the day, those were --
17 those were called training structures, trained the
18 water on the self-carry system to where it kept the
19 water from -- the river beds from becoming degraded
20 and -- or aggregating, building up, raising the
21 bottom of the river. That was a very good thing.

22 Another thing is readjusting the zones --
23 the zones on the control -- on the reservoir level.
24 And this is based off of the flood of 1881, the
25 72.4 million acre feeds storage cap. In 2011, we

1 exceeded that with up to 72.4 (sic) million acre
2 feed.

3 There was a bill in the house of
4 representatives, a congressman from the state of
5 Iowa issued this bill in the house of
6 representatives to make this new benchmark, the
7 2011 flood storage the new benchmark. And the water
8 management division of the Corps of Engineers fought
9 vigorously, that bill died in the house. So those
10 are very important issues right there.

11 SENATOR ERNST: Thank you very much.

12 Now we'll have questions from
13 Senator Gillibrand.

14 SENATOR GILLIBRAND: Thank you, Madam
15 Chairwoman.

16 I just want to thank you all for your
17 testimony. I can tell you each one of you is able
18 to give me substantive information about the
19 performance we desperately needed. I want to thank
20 Mr. Ettleman for really taking us through MRRP
21 actions where we will study this and figure out what
22 needs to be done.

23 I think in terms of Mr. Euler, I thought
24 your analysis about the 22 years that has lapsed,
25 and costs have increased by 50 percent shows the

1 outrage of how inefficient the federal government
2 can be in not serving families in need.

3 And Mr. Hurst, I thought your analysis
4 about why we keep doing the same thing over and over
5 again, so simple and so profoundly true.

6 So Mayor Crain, last congress I worked
7 with my colleagues to take the emergency authority
8 to a new level. Under prior law, the Corps can
9 actually come in for 30 days at a 100 percent of
10 federal cost to assist a community with a temporary
11 measure like your levee. Now, the law allows that
12 help to continue now for 60 days, so it's slightly
13 better.

14 Would you say that we should change this
15 law even further to allow the Corps to build these
16 levees in a more permanent capacity? Should we
17 require the Corps to come back after the emergency
18 and bring the levees up to permanent code? Doesn't
19 that make much more sense since we know that the
20 levees are needed?

21 MAJOR GENERAL SPELLMON: Of course.

22 SENATOR GILLIBRAND: So for my
23 colleagues, this is an actual item that we perhaps
24 can do in this congress, and I will write the bill
25 and I will seek a republican cosponsor to actually

1 do that.

2 Because to, again, create the same
3 temporary structures as Mr. Hurst said and know that
4 they will be over- -- overcome and breached in the
5 next round of flooding is outrageous. And not to
6 spend the money now when you know it can prevent the
7 next flooding or the next hardship seems absurd.

8 MAYOR CRAIN: The -- I just want to
9 clarify --

10 (Audience clapping.)

11 MAYOR CRAIN: -- something, the
12 contract that we had to sign that forced us to take
13 the levee down --

14 SENATOR GILLIBRAND: Yes.

15 MAYOR CRAIN: -- was with the
16 United States of America.

17 SENATOR GILLIBRAND: Exactly.

18 MAYOR CRAIN: It was not with the
19 Corps of Engineers.

20 SENATOR GILLIBRAND: Yeah.

21 MAYOR CRAIN: And --

22 SENATOR GILLIBRAND: The Corps works
23 for the United States of America, so I get you have
24 to sign it with the federal government, but this is
25 a perfect example of government inefficiency. You

1 know --

2 MAYOR CRAIN: I have so many, I --

3 SENATOR GILLIBRAND: It's just
4 absurd.

5 MAYOR CRAIN: -- you won't have time.

6 SENATOR GILLIBRAND: Yeah, so I
7 agree --

8 MAYOR CRAIN: No FEMA trailers.

9 SENATOR GILLIBRAND: I hear you.

10 MAYOR CRAIN: Can't reach all the
11 United States Senators because govern- -- senate.gov
12 don't really have the right addresses. We don't
13 have time.

14 SENATOR GILLIBRAND: Well, so,
15 Madam Mayor, I was very moved by the stories of the
16 people in your community who are suffering, business
17 owners who literally can't make a phone call.

18 You would be shocked to know that
19 Super Storm Sandy, after seven years, we still
20 haven't rebuilt all of the homes, all of the
21 businesses, and actually made people whole.

22 One of the biggest concerns I have is how
23 slow FEMA is in terms of getting money into the
24 hands of people who are desperate to rebuild. We
25 know that since your flooding, 824 applications have

1 been approved, and about \$4 million has been
2 authorized.

3 The problem is it is so slow that people
4 can't possibly rebuild. The fact that we don't have
5 housing for families to go into, the fact that
6 people are going to be homeless or living in
7 temporary places for weeks and months.

8 As a mother, I can't imagine the impact on
9 a child. Imagine the impact on children who can't
10 go to school or don't have certainty, and for any
11 business owner to not know whether they're going to
12 be able to actually get back up and running so they
13 can actually pay their bills. It is a hardship.

14 And so I just take all of the testimony
15 that you each gave us about real solutions to making
16 sure this doesn't happen again. My time is nearly
17 expired, but Mr. Hurst, I just want to leave you
18 with one question.

19 What could have been or should have been
20 done differently between 2011 and 2019 floods to
21 better protect these communities?

22 MR. HURST: I think that for this
23 instance when most of the -- most of the water came
24 below the reservoir system, improving the channel.

25 And Leo was exactly right on his

1 description of what's happening along the channel.
2 It was interesting in this event, the water was
3 11 feet above the flood stage north of Kansas City,
4 on its way to crest as it moved through Kansas City.
5 It was about two, three -- 2.3 feet above flood
6 stage, and east of Kansas City once again
7 (inaudible) flood stage.

8 That could have been happening because of
9 the differences in the bottom of the river, a
10 channel that's no longer being maintained and is
11 actually raising -- that's raising the river and
12 reducing the protection from the levee. So I think
13 that's something we really need to be thinking
14 about.

15 SENATOR ERNST: Thank you.

16 Again, thank you, Senator Gillibrand as
17 well as Senator Grassley.

18 SENATOR GRASSLEY: I'm not going to
19 ask questions, but I do want to make a few comments.

20 One would be we're well aware of the
21 housing issue. I'm told through headquarters in
22 Washington that FEMA housing program hasn't been
23 discontinued, that the state and county emergency
24 management people are working with FEMA on options
25 for housing for the county.

1 and, again, all I can say to you, whether it's
2 farmers or city people, I hope that we can keep this
3 thing from happening again, and, you know, the only
4 way to have this happen -- or not happen again is to
5 make sure that we -- we do the things that bring
6 changes to the Corps' management of the waters.
7 It's very necessary to do that.

8 You come down here three or four times,
9 I'd like to come to Fremont County once a year to
10 have my town meeting with your people. I hope I
11 never have to come back again to observe another
12 flood.

13 I yield back to Madam --

14 SENATOR ERNST: Thank you.

15 Senator Moran.

16 SENATOR MORAN: Chairwoman, thank you
17 very much. Thank you all for your testimony today,
18 particularly those affected so dramatically by
19 floods. Please know that Kansans care, a lot of
20 volunteer efforts are taking place across our state
21 to provide aid to Nebraska and to Iowa in
22 particular, and those efforts will continue.

23 We have our share of disasters throughout
24 the year, and people respond to -- from the great
25 place that you don't see in time of disaster. Not

1 necessarily the government response, but the people
2 response that makes a significant difference in the
3 lives of our friends and neighbors, people we don't
4 even know. So please know that you're in a lot of
5 care and compassion from folks back home.

6 Mr. Euler, thank you for coming from
7 Kansas to be here. Just have perhaps two or three
8 quick questions.

9 Would prioritizing flood control above all
10 other purposes at all times, not just when -- during
11 a significant runoff period occurs, in combination
12 of installing or repurposing the Missouri River
13 Recovery Plan (sic), would those be the two most
14 effective actions that we immediately admitted for
15 future flood?

16 MR. EULER: I agree with that. I
17 think we need to prioritize flood control. There
18 are other purposes, but it seems like we continue to
19 have this issue all the time and we (inaudible)
20 profile (inaudible).

21 Second, I believe that's important to take
22 another examination of the Missouri River Recovery
23 Program, and see what it's done to the way water
24 leads downstream and it slows it up, and you see
25 what we have. We have more flood events and have

1 longer duration flood events and (inaudible).

2 SENATOR MORAN: I think it was
3 Mr. Hurst who indicated that the river further down
4 the river is not being maintained, which then I
5 assume means the elevation of the river bed is
6 higher. That means water backs up easier to
7 upstream.

8 Can you explain to me what -- what
9 transpired, what occurred to cause the river basin,
10 the river channel downstream?

11 MR. HURST: Mr. Euler did a great job
12 of describing what we have. We used to have
13 training dikes, as was mentioned earlier. Those
14 have been cut, so the water is no longer trained to
15 go down the middle of the channel. (Inaudible) not
16 slit -- silt like inside the levees, which raises
17 the ground that the river travels in high water.

18 So it's all those things have reduced the
19 capacity of the river channel between the levees,
20 and in turn increase the height of the river and
21 flooding.

22 Incidentally Missouri still hasn't
23 received our federal emergency declaration, and so
24 we hope that will be coming soon.

25 SENATOR MORAN: Let me go back to

1 Mr. Euler.

2 You indicated in your testimony about land
3 acquisition under MRRP. What would be the most
4 effective application of land swap, land acquisition
5 authorities the Corps has?

6 MR. EULER: So I think what you
7 should do in MRRP is get rid of or use that real
8 estate. So what the board has (inaudible) real
9 estate on the land on the river side, then it
10 changes.

11 To me, what you should do, if you want to
12 have something of that type, you should buy real
13 estate immediately adjacent on the river side, be
14 willing to sell it and that'll allow you to move the
15 structure back which increases the -- the area that
16 the water has to come up when there's a flood event,
17 so it increases the area of water (inaudible)
18 downstream.

19 It's also interesting to note that I
20 believe that when the levee structures were
21 designed, it was primarily for flood control, and
22 then these other dynamics have been expanded on as
23 the system has gotten greater, older and priorities
24 among the public changes. And because the
25 priorities among the public changes, we no longer

1 think about flood control.

2 For me, the thing that (inaudible) the
3 thing that's most important for me is in my
4 conversation with regard to preparing 471-460
5 structures, the cost-benefit analysis is a good
6 deal, and we're getting overlooked in the central
7 part of the United States because we just don't pass
8 muster as it relates to that.

9 Another thing that you should be concerned
10 about with this flooding thing is if you're on an
11 agricultural levee and you don't pass that
12 cost-benefit, then you may not get it repaired this
13 time.

14 And I think that's a disservice to those
15 folks, because in the '50s and '60s, when they put
16 these structures up, your whole lifestyle is now
17 based on this.

18 This is a structure you've paid money for
19 your farm ground based on the structure to protect
20 it so it's got a higher price, you've made
21 improvements behind that structure, and now to think
22 that we could be affected by a cost-benefit analysis
23 and not have the repair would be a career ending and
24 generations of farm -- family farm ending.

25 So you make sure that you pay attention to

1 that. I think that you should shorten the time line
2 for a repair on an existing structure.

3 SENATOR MORAN: Thank you very much.

4 I heard General Spellmon say in response
5 to my question about cost-benefit analysis repairs
6 to those levees, go back through that process.

7 Unfortunately the answer was yes, and the
8 consequences of what we point out is people who made
9 investments based on flood controlled structures
10 being in your neighborhood may no longer have those
11 structures protecting. The consequence of the land
12 values and actual ability to earn a living on a
13 farm, keep a farm disappear if those levees go away.

14 MR. EULER: This further adds
15 credence to the reason -- to the logic that you
16 should do away with some of these prerequisites for
17 new construction when you're dealing with old
18 construction.

19 SENATOR MORAN: Thank you.

20 Thank you, Chairwoman.

21 SENATOR GILLIBRAND: Madam
22 Chairwoman, I just want to thank the witnesses for
23 their excellent testimony, but I also want to ask
24 unanimous consent to submit a statement for
25 (inaudible) member Thomas Harper to put into record.

1 SENATOR ERNST: And we have unanimous
2 consent, so that statement will be entered into the
3 record.

4 And I also ask unanimous consent that
5 written statement from Senator Hawley of Missouri
6 and comments of letters from several stakeholders
7 also be added to the record.

8 And with unanimous consent, those
9 statements will be added to the record.

10 I do want to take this time to thank all
11 of our witnesses here today.

12 Mayor Crain, thank you very much for your
13 just resolute leadership for this disaster. We look
14 forward to working with you. Many suggestions we
15 need to take back to DC, and I know that you're in
16 the hearts of many.

17 And Mr. Ettleman, thank you very much for
18 your continued efforts to make sure that our river
19 system is managed properly.

20 Mr. Euler, for those that you represent in
21 Kansas, thank you for joining us today.

22 And you as well, Mr. Hurst, coming from
23 Missouri. Thank you for your representation on the
24 panel.

25 I want to thank our United States Army

1 Corps of Engineers as well for their representation
2 in answering our questions today.

3 Governor Kim Reynolds, thank you for
4 taking the time out of your very busy schedule to
5 join us as you spent much, much time here in
6 southwest Iowa. We certainly appreciate that.

7 For our audience members, thank you so
8 much for your respect and dignity today during this
9 hearing. This will be very important as we
10 communicate back to other senators about the
11 absolute need to get our disaster supplemental
12 package done in a timely manner so that we provide
13 proper resources for our citizens here in the
14 Midwest.

15 So thank you very much for joining us here
16 today.

17 Let's see oh, yes, the hearing record will
18 be open for 30 days, so if you do have additional
19 information that witnesses would like to present
20 within that record, it will be open for 30 days.

21 And, again, I want to thank everybody for
22 your time today, and with that, this hearing is
23 closed.

24 (10:45 a.m. - Adjournment.)

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