

July 25, 2006

Mr. Jeff Benedict  
U.S. Army Corps of Engineers  
William S. Morehead Building  
1000 Liberty Ave.  
Pittsburgh, PA 15222-0059

Re: Ohio River Mainstem System Study Comments

Dear Mr. Benedict:

The undersigned submit these comments regarding the U.S. Army Corps of Engineers' (Corps) Ohio River Mainstem System Study (ORMSS).

We are very pleased that the Corps has agreed that adequate capacity exists in the current Ohio River navigation system to handle all delays and traffic growth they forecast through 2070. This decision is the first time the Corps has changed its opinion regarding the need for expansion of the auxiliary (back-up) locks. In addition to saving billions in taxpayer funds, approximately 10 acres of river habitat are spared from destruction. We commend the Corps for this decision and we believe it to be a step in the right direction.

In prior reports, the Corps had been suggesting that lengthening Ohio River back-up locks was needed to address traffic delays and growth traffic projections. In this report the Corps now agrees that operation and maintenance and non-structural measures can be employed to handle these issues and any new construction benefits would not outweigh the \$2 billion taxpayer expense.

However, while we commend the Corps for changing its opinion on the need for expanding the auxiliary locks, we are disappointed that that it does not recommend any actions be taken now at the locks and dams to improve the ecology of the river, even though it identifies specific measures (Table 6-5) that could and should be taken. Those remedial measures that are related to Corps projects and operations should be listed in Table 6-6 (Environmental Sustainability Strategies Under the Navigation Stewardship Program). The identified measures will mitigate impacts at the locks and dams now and do not require funding under the authorized Ohio River Ecosystem Restoration Program. Importantly, it is not the intent or design of that Program to fund mitigation projects or measures. For the Corps to suggest otherwise would be an abrogation of its legal responsibility to mitigate for impacts caused by any of its projects or operations.

As detailed in section 8.5.2, legal authority exists for the Corps to institute mitigation measures now; notwithstanding that they should have been implemented at the time of construction at existing facilities – where no mitigation has yet occurred.

By its failure to recommend what mitigation actions should be taken, the Corps fails to understand that by unwittingly avoiding its legal mitigation responsibilities it will be undermining the efforts of thousands of Ohio River valley citizens. Ohio River communities are trying to promote themselves as business, recreation, and tourist attractions, but unless the ecology of the river improves they will be at a competitive disadvantage to other communities in the United States. Those other communities have made the conscious decision that there are tangible and intangible benefits to having healthy rivers.

Since enactment of the Clean Water Act 35 years ago, the overall health of the Ohio River has improved; however, the Corps' continued reluctance to take action to mitigate for negative impacts from its operations continues to endanger further recovery and continues to suppress the local economies of many Ohio River communities, boat and recreation revenue, citizen quality of life, and the overall health of the river.

If the public is to believe that the Corps is, in fact, committed to being a responsible steward of the Ohio River, and mitigate for negative environmental impacts from its operations, it must demonstrate that intent by not delaying any further mitigation measures. To do otherwise is an abrogation of the public trust.

We look forward to following and participating in any further discussions regarding this matter. The health and vitality of the river and its communities depend on it.

Respectfully submitted,

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Judith Petersen, Executive Director Kentucky Waterways Alliance, Inc. Greensburg, KY	Mark N. Beorkrem Upper Basin Program Director Mississippi River Basin Alliance Minneapolis, MN	Pamela S. Dillon, Executive Director American Canoe Assoc. Springfield, VA
Jack Lewis, President & CEO Tradewinds Marine, Inc. Aurora, In.	Saundra R. Stehlin, Conservation Chair OH-PA Division of the American Canoe Association Cincinnati, Ohio	Sherry Timms, Executive Director, Rising Sun/Ohio County Tourism Rising Sun, Indiana
Beverly Braverman, Executive Director	Tami Farrill, member Inland Yacht Club	Karol Dietrich Corbett, Oregon

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