

**FEDERAL POSITION ON SEDIMENT MANAGEMENT
MISSOURI RIVER RECOVERY, SHALLOW WATER HABITAT CREATION
DOWNSTREAM OF GAVINS POINT DAM**

**10 JANUARY 2011
(SUPERSEDES THE 14 FEBRUARY 2008 POSITION)**

The signatory federal agencies support creation of shallow water habitat (SWH) in furtherance of the requirements to mitigate habitat losses, as specified by the U.S. Fish and Wildlife Service Missouri River Biological Opinions¹, and in accordance with their respective statutory responsibilities. Federal agencies recognize the importance of receiving-water characteristics (i.e., the natural, chemical and physical condition of each specific waterbody and the associated water quality requirements of its resident aquatic life) in relation to the Clean Water Act. The National Academies² provided recommendations to the U.S. Army Corps of Engineers for improved sediment management and adaptive processes in association with the Missouri River Recovery Program, including SWH creation projects. In creating SWH, and specifically at sites where sediment contribution to the Missouri River is likely, the signatory agencies shall:

- 1) Continue to ensure decisions are formulated to enhance and protect native species, aquatic life, and designated beneficial uses. The Missouri River Biological Opinions raised awareness regarding the return of sediment to the Missouri River to support endangered native species. Creation of SWH is for the purpose of benefiting native species adversely affected by the loss of historical physical habitat, loss of natural riverine processes, and reduced alluvial sediment load. The U.S. Army Corps of Engineers has chosen SWH creation methods (dredging, side-cast, etc.) that favor restoration of natural processes to support endangered native species, with regard for pre-project site characterization through soil, water, and elutriate tests, while also maintaining all authorized purposes (e.g. the 1944 Flood Control Act) and compliance with the Clean Water Act.
- 2) Monitor representative SWH sites to answer key questions such as effects and or benefits of SWH creation on water quality and primary productivity. Recommendations from the National Academies, which stress the importance of learning over time, will be considered when developing monitoring plan(s) and adaptive processes for SWH creation.
- 3) Continue to implement project activities in compliance with all laws, for example the Clean Water Act (including permit compliance and Section 401 Certification), Fish and Wildlife Coordination Act, Endangered Species Act, National Environmental Policy Act, Water Resource Development Act, Flood Control Act, River and Harbor Act, Wild and Scenic Rivers Act, and Data Quality Act.

¹ U.S. Fish and Wildlife Service (USFWS). 2003. Amendment to the 2000 Biological Opinion on the Operation of the Missouri River Main Stem Reservoir System, Operation and Maintenance of the Missouri River Bank Stabilization and Navigation Project, and Operation of the Kansas River Reservoir System.

² National Research Council (NRC). 2010. Pre-publication Copy. Missouri River Planning: Recognizing and Incorporating Sediment Management. Washington, D. C. National Academies Press.

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SIGNATORY AGENCIES

U.S. ARMY CORPS OF ENGINEERS



Commander, Northwestern Division

1/10/11
Date

U.S. FISH AND WILDLIFE SERVICE



Regional Director, Region 3

1/10/11
Date



Regional Director, Region 6

1/10/11
Date

ENVIRONMENTAL PROTECTION AGENCY



Regional Administrator, Region 7

1/6/11
Date

NATIONAL PARK SERVICE



Regional Director, Midwest Region

1-11-2011
Date