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Better balance needed

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The U.S. Army Corps of Engineers' reputation for focusing more on regulations than common sense was reinforced recently by a federal judge's ruling that the agency was responsible for recurring flooding along the Missouri River.

Judge Nancy Firestone's recent ruling in Washington, D.C., cited river management changes initiated by the Corps of Engineers starting in 2004, including efforts to aid endangered fish and birds, that led to damages estimated to exceed \$300 million in four states: Missouri, Kansas, Nebraska and Iowa.

It's because the Corps manages the Missouri River's system of dams and locks and decides when and how much water is released from reservoirs into the span of the river.

In her 259-page ruling, the judge wrote that flooding "was caused by and was the foreseeable result" of the Corps' management of the river.

The lawsuit, filed in 2014, contended the Corps unconstitutionally deprived people of their land, essentially taking it without compensation.

Firestone found in favor of the plaintiffs in five of the six years in which flooding was blamed on Corps management, disallowing flood claims in 2011.

The ruling, not surprisingly, has elected officials and others calling for changes in the way the Corps goes about its business. Consider, for example, the comments by U.S. Sen. Roy Blunt, a Missouri Republican: "I hope this decision is the first step in a new direction for the Corps. I look forward to working with my colleagues to ensure the river is managed in a way that prioritizes flood control, while balancing other interests."

Farmers and landowners along the river understand the need for balancing interests, including protection of fish and birds. The problem is that — as the lawsuit contended — the Corps made a management shift in 2004 that downplayed flood control while emphasizing restoring ecosystem and habitat creation for threatened and endangered species.

The court ruled that practices such as notching of dikes and reopening of chutes worsened the flood risk.

The lawsuit also cited the Corps' practice of releasing threatened and endangered species from reservoirs, even when river levels below the dams were high. And, it cited increasing reservoir storage as a factor in the recent floods.

There will be monetary damages awarded to those affected, but the real benefit of this suit will be if the ruling results in a more properly balanced approach by the Corps in going about its work.

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