

DEAD RECKONING: NAVIGATING THE NEW MISSOURI
RIVERSCAPE

Missouri River Conference: BIOP Forum
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I hope this brief talk spurs some discussion later: maybe over the coffee pot, possibly later at the bar. I don't plan to say anything outrageous enough to cause violent disorder. But when the head of the most controversial federal agency in the Missouri Basin envisions the future of America's most debated river, you never know.

The history of discussions about the Missouri resembles the river itself: replete with whirlpools, eddies, and hidden snags. Gloves come off pretty easily whenever two or more people gather to debate such boring Missouri River issues as endangered species and biodiversity, the Army Corps and US Fish and Wildlife, tribal rights and state sovereignty.

So, yes, I hope to provoke some conversations.

But just for a minute, before I keep talking, be still, listen.

Not to me, but to the ghosts in this room.

We do not gather here alone in Nebraska City. Rather, we add our voices to those of Missouri Basin folk who have been talking almost forever about this great river. For a century and a half, maybe for over two hundred years, other bureaucrats and scientists and consultants and colonels have met in conferences too numerous to count, from St Louis to Silver Bow, all talking about this river.

We talk because we think. And we think about the river because we care -- deeply, often passionately and because we know, as the Scots Philosopher David Hume observed 250 years ago, that “truth springs from argument amongst friends”.

For nearly 20,000 years, people have been living along the Missouri and its tributaries, large and small. Just like us -- though we often pretend we don't actually NEED that river -- those earliest river users depended on the Missouri's waters. Ancestors

of some of the Indian people here today first discussed how they should properly use, celebrate, and – I suspect – curse the waters that both gave and took life, depending on the season and the situation.

In the very tongue of the Omaha people, the name by which they call themselves reflects the same double-barreled dilemma that brings us here today: dependence on the river's power fused with commitment to the river's embrace. "O-Mah-Hah" roughly meant, "people living against the water." And by "against," the old ones meant "pulling upstream against its current," probably from their older homeland downriver. Upstream they walked, perhaps paddled or poled, struggling hopefully toward their farther horizon, their new native home of hope, along and above the mouth of the Platte.

In the spirit of those ancient people, let us respect the hard work being done by all of our comrades, friends, neighbors, and even peaceful adversaries: all of us are pulling upstream at some time, trying to figure out what the Missouri means to us, what it

can do for us, what it could do TO us if insufficiently respected, understood, and handled.

Today, folks like us – whether we wear army camo and crewcuts or biologist flannel and beards -- are actually latecomers to what I'll call “the Great Ongoing Missouri Conversation.”

No doubt, differences divide us today. I'm a lawyer. I used to be a politician. I know that sometimes even our laws, which are supposed to capture our consensus and celebrate our compromises, conspire to pit us one against another, this interest group versus that, locked in a formally defined wrestling match that seems to encourage division over decision.

Most of us came here today activated by a common impulse: we seek to understand the river's capacity to grow and nurture life. But not all of us agree on exactly WHICH life forms matter most, which deserve the pluper's share of our limited supplies of compassion, zeal, and obligated funds. Yes, even you biologists and ecologists can spar, often furiously, about managing life –

usually non-human life – to benefit our own interests. They don't call it "peer review" and "scientific debate" for nothing!

But I want to stress, from EPA's perspective, debate is good. It's healthy. Even disagreements can and should stimulate wisdom and insight. I want to go out on a limb, probably one hanging precariously over an eroding sandbank along the river, and suggest that this conference's motto should be: "no progress without struggle."

Because we struggle with our opponents does not mean we should disdain them, trivialize their arguments, denounce their methods. That we do – all of us – face skepticism, or resistance, or even opposition to our preferred outcome should not dismay or dishearten us. Carl Jung, the great Swiss psychiatrist once said: "The most intense conflicts, if overcome, leave behind a sense of security and calm that is not easily disturbed. It is just these intense conflicts and the conflagration they ignite which are needed to produce valuable and lasting results."

Taking the long view, as a historian should, I suggest that the presence of diversity, the crackle of dissent, the clamor of discord, are all signs of a healthy riverine human community.

It's when the voices of doubt and the quieter skeptics have been absent, or actually silenced by powers entrusted to ignore or overawe discord, that the Missouri has been most mishandled and misunderstood.

I call those periods "authoritative consensus." And because they are so different from today's climate of vigorous, open conversation, I want to explore them a bit.

Now I represent EPA, a federal agency that has always drawn its fair share of abuse – and then some. So I enjoy a little bit of room to criticize the federal government. Although it temporarily employs me, and I am deeply honored to serve as the President's appointee to manage EPA's work in the vast region that composes the lower Missouri Basin, the federal government has not always encouraged discussion or welcomed debate.

Authoritative consensus reached its apex during the two decades linking the Great Depression to the Cold War, roughly from 1934 through about 1960. First to fight the Depression and then to promote mass prosperity, Congress instructed the Army Corps of Engineers and the United States Bureau of Reclamation to do two basic jobs: First, run the river into reservoirs. And second, release its flow on precise schedules.

Now these jobs were enormous, and the Corps and Reclamation deserve due credit for accomplishing them as well as they have. Gigantic engineering and management challenges were overcome. But the agencies' orders were issued by a fairly small cross-section of the Missouri Basin's people. Congress essentially ordered the agencies to manage this new creation – what I'll call the dammed Missouri – according to needs dictated by a small subset of this vast complex basin: barge operators, grain shippers, water plant managers, and utility executives.

Congress, in the 1944 Flood Control Act, empowered this authoritative consensus. Really for the last time in the 20th

century, Congress decreed the fate of the river. The Missouri henceforward was to provide transport for cargo, hydropower, for cities and irrigation for agriculture. By its action, Congress essentially overrode local, state and Tribal autonomy. For a quarter-century after 1945 these various sub-federal political jurisdictions became silent, often resentful, partners.

States, Tribes, and the River itself, lacked an effective voice or solid platform from which to speak. The ethos of the New Deal, expressed in authoritative consensus, made the river subservient to the nation's drive for economic power. Congress essentially ignored all the river's biological functions and those cultural functions which lacked economic value.

The Corps and the Bureau followed Congress's orders, briskly, efficiently, and with a minimum of fuss. That's how engineers back then liked their day: quiet, orderly, predictable, and productive as hell.

Of course customers grumbled. Bureaucratic kerfuffles spawned memos. Political debates sounded fearsome to the

combatants and witnesses. But by and large, Congress had decreed a limited suite of river purposes to benefit those groups with the political clout to get the politicians' ears.

An Indian on a Dakota reservation, a biologist with a state wildlife agency, a farmer who didn't see why he now had to join an irrigation district or drainage board – well, they might just as well have been invisible.

In 1948 a contract enforced against Ft. Berthold's three Affiliated Tribes drowned their land for Garrison Dam. In tears, Council Chairman George Gillette "consented" to this legal coercion. He said, "The truth is, as everyone knows, our treaty of Fort Laramie...and our Constitution are being torn to shreds by this contract." Muzzled by authoritative consensus, little heeded amid the contented murmur of Progress, as defined by General Pick and Administrator Sloan and Senator Gurney and their boosterish ilk, dissident voices were also submerged, just like the Affiliated Tribes.

And if local people were muzzled or ignored, even less consequential were the voices and views of 120 million Americans living outside the Basin, but paying billions in taxes to build those dams and employ those engineers. The Missouri obviously belongs to that small category of rivers too big to ignore. It's firmly entrenched in the constitutional category of "interstate waters" subject to national authority. Yet during the days of authoritative consensus, its managers tended to define their constituents as their customers and vice versa.

Now this authoritative consensus began to fracture over a generation ago. No one who cares about the river – none of us who gather to talk about its fate - now believes a tight cabal of senators, colonels, and federal engineers can – nor should – run the river. No one any longer defines the Missouri's sole purpose in purely economic terms.

In fact, over the past five years, Congress has essentially conceded the demise of authoritative consensus and more or less tossed up a jump ball. After WRDA of 2007 and MRAPS of 2009

a new paradigm has replaced the black and white days of authoritative consensus. I'll suggest a new label for the digitally colored world we now inhabit: "competitive fluidity."

Some might say Congress has largely abdicated its responsibilities. Some might go so far as to say that Congress has gone AWOL on the Missouri. But what I think Congress did in authorizing a Missouri River Recovery Implementation Committee and directing a Missouri River Ecosystem Restoration Plan was to acknowledge reality: lots of people have many different visions about the future of the river, and this complex and exciting brew needs to steep for a while before it's ready to be captured in a single authoritative legislative framework.

Now the point I want to leave you with is: not all Missouri River negotiations are inherently fluid and unpredictable. Not all participants in the Great Conversation have the same chance of being heard. Part of that is history's legacy: the Corps and other federal agencies literally define the shape of the river by virtue of managing of the dams and irrigation projects. General McMahon

deserves his gold star in Portland: the decisions he and his people make literally determine how the river works.

But what's hopeful about now is that Congress has indeed thrown up the jump ball. We here help decide how to accommodate the multitude of interests, whether they be based on economic, cultural or natural systems.

In recent times, the past 150 years or so, many people have come before us to Missouri River meetings. At innumerable conferences, symposia, and hearings, they have talked, and listened, and argued, and compromised. You know, words can wound as deeply as swords and bullets and people have said some really harsh things about this river, and about other people who were saying different things about the river.

Our political, and administrative, and military predecessors have called the river a monster that must be tamed, a scourge that menaces honest men and women, a boundary that defines only a state of confusion, and a resource of unlimited potential that can only be tapped if a certain group or interest or political party would

just either see reason and go with the flow, or get the hell out of the way of Progress.

The Missouri has been all of these things. But in a truer sense, the river is none of these things. It is its own thing. For too long we have treated it as an object. But it is really a subject. We must always remember: this river lives. In the 5th century BC Heraclitus said, “No man ever steps in the same river twice, for it’s not the same river and he is not the same man.” For to live is to change, and to become better means to have changed often – a lesson this river can teach us as we live in a world where the only constant is change.

Let’s look to the Missouri as a teacher. Let’s participate in this conference, not just to learn ABOUT the river, but to learn FROM the river, just as the Omaha people living on its banks long ago must have. It could teach us many things – about biology and ecology – vital lessons to be sure. But today, at this conference, I suggest we learn what the river can teach us about ourselves and

our all-too-human ways of talking and listening and learning to work together.