

**Minutes of the
Upper Mississippi River System
Environmental Management Program
Coordinating Committee**

**February 28, 2002
Winter Quarterly Meeting**

**DoubleTree Hotel
Bloomington, Minnesota**

Charlie Wooley of the U.S. Fish and Wildlife Service called the meeting to order at 8:05 a.m. on Thursday, February 28, 2002. Other EMP-CC members present were Steve Cobb (USACE), Scott Stuewe (IL DNR), Kevin Szcodronski (IA DNR), Steve Johnson (MN DNR), Gary Christoff (MO DOC), Terry Moe (WI DNR), Leslie Holland-Bartels (USGS), and Al Fenedick (US EPA). A complete list of attendees follows the minutes.

Minutes of the November Meeting

Terry Moe moved and Steve Johnson seconded a motion to approve the draft minutes of the November 15, 2001 meeting as written. The motion carried unanimously.

Program Management

FY 02 Fiscal Performance

Roger Perk reported that the EMP has expended \$2.241 million through the first quarter of FY 02. This is 13 percent of the program's \$17.303 million in scheduled expenditures for the year. Perk said this is a fairly typical pattern, noting that expenditures should accelerate in the spring and summer construction season.

Terry Moe asked about the possibility for recovering savings and slippage in FY 02 and putting it toward FY 03 deliverables. Perk said the prospects for recovering FY 02 savings and slippage are not good. Because most projects in the Corps' construction general account are strapped for cash, few projects will be turning back money and competition will be extremely tight for any funds that are available. Scott Whitney added that, even if savings and slippage is available, the EMP could not seek those funds with the intention of carrying them forward to FY 03. Programs are penalized if they do not fully expend recovered funds in the year they are recovered.

In response to a question from Holly Stoerker, Perk explained that the "scheduled to complete" figures on the district spreadsheets reflect the estimated federal costs to complete

projects currently on the books. He noted that these numbers are particularly uncertain for projects that are only at the fact sheet stage. Charlie Wooley emphasized the importance of all partners delivering a consistent message regarding budget needs. Wooley asked Perk to refine the estimates to the extent possible and distribute the revised numbers to the partnership. Kevin Szcodronski stressed that the scheduled to complete number merely reflects currently identified projects and should not be misinterpreted as an estimate of remaining habitat needs. Steve Cobb agreed that it is important to describe the EMP as a continuing program.

ITRC, PCA Template, & Public Involvement Plan

Perk reported that MVD's implementation plan for the Independent Technical Review Committee (ITRC) is under review in Washington. Perk said the Corps is still accepting nominees for the ITRC. Suggestions should be provided to Greg Ruff or Perk.

According to Perk, the proposed project cooperation agreement (PCA) template and the EMP public involvement plan are also under review at Corps Headquarters. Perk said he expects a response on the PCA template by April or May. He reported that initial steps to implement the public involvement plan are already underway. This includes an effort to inventory previous public involvement efforts. Perk said the Corps plans to include an EMP table at the upcoming navigation study public meetings.

HREP Planning Process

Perk said MVR staff recently attempted to apply the draft HREP planning guidance to the Fish and Wildlife Interagency Committee's five new HREP proposals. Perk said this trial application confirmed that the Habitat Needs Assessment (HNA) will be a very useful tool. However, he said Corps staff also concluded that additional information is required for several of the projects in order to apply the project planning guidelines. In addition, the Corps' initial application of the guidelines indicates that it will be difficult to evaluate projects that are divided into many stages or phases. Perk said MVR staff will consult with other FWIC members regarding the technical issues identified in the trial application. In addition, Perk said MVR will revise the draft HREP planning guidance based on previous partner comments.

Moe noted that the draft guidelines call for ranking projects and asked how those rankings will be used. Perk said the rankings will give some sense of appropriate sequencing, but emphasized that the Corps will not automatically proceed in strict order of the rankings. He said deviations from the rankings would be discussed first with project partners. Steve Johnson voiced concern that the ranking process will not reflect the unique characteristics of each project. Perk said he is aware of this concern, but said he believes the rankings will provide a good starting point. Mike Thompson reiterated that relative rankings will not be the absolute determining factor regarding project prioritization. Barb Naramore noted that the trial application was a bit unusual in that only Corps staff were involved. Perk confirmed that actual planning under the guidelines will be done collaboratively among all program partners.

EMP-CC Membership Changes

Barb Naramore reported on the following changes involving EMP-CC representatives:

1. Dave Carvey has retired from the Natural Resources Conservation Service. While NRCS never formally named Carvey as its EMP-CC representative, he functioned in that capacity for several years.
2. George Garklavs has accepted a liaison assignment to the Fish and Wildlife Service and is no longer heading USGS's Water Resources Division office in Minnesota.
3. USGS has decided to consolidate its representation on the EMP-CC. Leslie Holland-Bartels will serve as USGS's member. Naramore explained that USGS's dual representation on the EMP-CC was a carryover from the time when the National Biological Service was a separate agency within the Department of the Interior.

Gary Christoff suggested that the U.S. Forest Service might be an appropriate participant from the USDA, rather than the NRCS. He noted that the Forest Service has expressed increasing interest in the UMR. Holly Stoerker stressed the need to decide what role the EMP-CC wants the USDA to play on the committee before seeking a representative. Naramore noted that NRCS was encouraged to become involved years ago in an effort to strengthen connections between the habitat program and the NRCS's watershed work. At Charlie Wooley's suggestion, the group agreed to defer a decision regarding USDA representation until the issue can be explored further.

Holland-Bartels emphasized that she will be representing all of USGS, not merely the Biological Resources Division, on the EMP-CC. She characterized USGS's decision to have a single representative as a positive development.

FY 03 Funding

Roger Perk reported that the President has requested \$12.2 million for the EMP in FY 03. He directed people's attention to p. C-1 of the agenda packet, which shows the Corps' proposed allocation at this funding level. Perk then described the likely impact of such a funding level on the HREP component. Specifically, if the FY 03 EMP appropriation is \$12.2 million and it is allocated under the Corps' proposed plan, then there would be a reduced level of effort for the following HREPs:

		HREPs with Reduced Level of Effort in FY 03		
		District		
		MVP	MVR	MVS
Phase	Planning		Smith's Creek New DPR Start	Stone Dike Alterations Salt Lake/Ft. Chart SC Pool 25/26 Reds Landing Establishment Chute Ted Shanks Turner Island/Chute
	Design	Harpers Slough	Pool 12 Overwintering Pool 11 Islands Stage II Lake Odessa Rice Lake	Batchtown Phase III
	Construction	Spring Lake Islands	Pool 11 Islands	
	Evaluation	Performance Evaluations USFWS Coordination	Bioresponse Monitoring Performance Evaluations USFWS Coordination	Baseline Monitoring Bioresponse Monitoring Performance Evaluations USFWS Coordination

In addition, the following projects would not be pursued at all in FY 03 (these are projects that would be pursued at roughly a \$20 to 22 million EMP appropriation):

		HREPs Dropped in FY 03		
		District		
		MVP	MVR	MVS
Phase	Planning	New Planning Start		
	Design	Pool 8 Islands Phase III	Smith's Creek	Reds Landing Stone Dike Alterations Salt Lake S.C. Schenimann Chute
	Construction	Harpers Slough Long Meadow Lake Pool 8 Islands Phase III	Rice Lake	Calhoun Pt. Phase I Calhoun Pt. Phase II Schenimann Chute
	Evaluation	Biological Monitoring		

In response to a question from Kevin Szcodronski, Perk explained that the FY 03 funding transfer to the Fish and Wildlife Service would be lower under a \$12.2 million scenario given the reduced overall level of HREP activity. However, there would not be a straight percentage reduction. Instead, each district would determine what specific tasks it needs under the reduced program.

Keith Beseke observed that budget constraints may require phasing project construction in ways not previously anticipated. Perk, Don Powell, and Mike Thompson said contracts will be structured to provide the necessary flexibility. Thompson also noted that the three districts will transfer money to one another if needed to keep the overall HREP program on track.

John Sullivan cautioned that longer construction periods for individual projects present increased risks, including an extended time during which the project area may be vulnerable to floods. Kevin Szcodronski observed that, given fiscal constraints, the only other option would be to defer work on most projects and concentrate construction on only one or two projects. Szcodronski expressed support for the Corps' approach of keeping more projects

moving in both the planning and construction phases, noting that this provides the flexibility necessary to respond to unanticipated events and opportunities. Steve Cobb said keeping multiple projects underway helps maintain the EMP's high fiscal performance. Cobb cautioned that failing to execute the program fully would affect future funding levels.

Charlie Wooley asked the other EMP-CC members whether they were comfortable with the Corps' approach of continuing to work on multiple projects and extending construction time as necessary. Gary Christoff echoed Szcodronski's support. Terry Moe said Wisconsin needed to consider the question more fully. Beseke cautioned that HREPs such as Spring Lake and Pool 11 have strong public constituencies that will not be pleased to learn of additional project delays. Cobb said it is important for the interested stakeholders to understand the ramifications of the current budget request.

Steve Johnson asked for clarification regarding the Administration's statement that its FY 03 budget for the Corps does not include any new starts. Gary Loss explained that the President's budget assumes there will be no new contract awards or construction starts in FY 03. However, Loss stressed that this does not necessarily mean there is a policy precluding new awards or starts, particularly for a multi-project program like the EMP. Loss said the question will be clarified in the fall, when the FY 03 work allowances are issued. While the Administration assumed no new starts for purposes of preparing its budget, Cobb stressed that Congress may well take a different approach.

Johnson asked how the Administration arrived at its \$12.2 million request for the EMP. Cobb explained that OMB gave the Corps a \$1.4 billion ceiling for its construction general account nationwide. This was one-half the amount the Corps originally requested. Corps Headquarters then allocated the \$1.4 billion among its divisions based on pending projects, schedules, etc. Divisions were directed to prioritize projects that can be completed in FY 03 and then allocate the remaining funds among other pending projects. Cobb said this resulted in a funding cut of approximately 40 percent to construction projects that are not slated for completion in FY 03.

Johnson suggested deviating from the traditional 1/3 LTRMP, 2/3 HREP allocation formula in FY 03. He noted that such a deviation is within the Corps' authority and would insulate the LTRMP from the impacts of what could be a one-year funding anomaly. Perk said the Corps considered modifying the allocation, but decided that it would be best to stay with the standard formula. Perk and Cobb observed that insulating the LTRMP would result in deeper HREP cuts, threatening the Corps' ability to maintain a balanced habitat program. Cobb also emphasized that federal budget priorities have shifted dramatically. As such, it is impossible to know whether the Administration's FY 03 request represents a one-year dip or the start of low funding for several years.

Johnson stressed the difference between delaying HREP construction and losing a year of LTRMP data collection, warning that a year of lost data can never be regained. Scott Stuewe said the states place great importance on the LTRMP data, particularly in light of the on-going navigation feasibility study. Moe requested specific information on what HREPs will be lost under likely funding scenarios. Perk said he would provide the best information possible, but said he cannot promise a particular project at a specific funding level.

Szcodronski also called for caution, stressing the need to avoid Congressional earmarking of funds for individual projects.

Leslie Holland-Bartels explained that USGS will have two basic alternatives if the LTRMP budget is reduced by 40 percent:

1. reduce the spatial extent of sampling, or
2. reduce or eliminate sampling intensity and rigor.

Holland-Bartels emphasized that the current sampling design is efficient, with reforms having already eliminated excess sampling. In consultation with field station team leaders, USGS has identified four alternatives to illustrate general strategies that might be employed to accommodate a 40 percent, or approximately \$2 million, cut. Holland-Bartels explained that the alternatives are conceptual at this point and have not been fully detailed. Once the House and Senate Appropriations Committees act on their measures, UMESC will start to explore its likely options in more detail.

In the interim, however, Holland-Bartels has implemented hiring restrictions and other measures to minimize FY 02 expenses while maintaining the flow of quality products. In response to a question from Moe, Holland-Bartels said she must notify the states and universities by August if there will be changes in their FY 03 cooperative agreements. However, because of the offset between state and federal fiscal years, Holland-Bartels said the states really need to start making adjustments earlier.

Moe asked about impediments to restarting elements of the LTRMP that might be eliminated if the FY 03 budget falls substantially below the \$4.981 million FY 02 baseline figure. Holland-Bartels said some cost-cutting measures are more conducive to restarting than others. For example, she said the fisheries and water quality components would be more difficult to reintroduce than the bathymetric and invertebrate components. In general, the ability to restart an activity depends, in part, on the ability to retain at least some of the key talent.

Moe observed that it is easier to document the impact of budget cuts on HREPs than on the LTRMP. He stressed the importance of demonstrating what LTRMP products will be lost. Holland-Bartels said UMESC will do this, but not until more specific budget information is available. Until that time, the four conceptual alternatives illustrate the general nature of the impacts. Gary Wege said reductions in the LTRMP will affect almost every management activity on the river, including the navigation study, dredged material management, and pool planning.

Dan McGuinness said the President's EMP request makes it very difficult for some people to support navigation system improvements. He said the reduction undermines the collaborative process that the Corps is trying to foster in the navigation study. Greg Ruff said he shares McGuinness' frustration. However, rather than giving up on the collaborative navigation study effort, he urged McGuinness and others to consider how the navigation study might be used to bring attention to the importance of the EMP in achieving UMRS sustainability. As an example, Ruff said the findings of the Interim Report may influence the Administration's FY 04 budget request.

Johnson asked how the LTRMP would be affected if the Corps exercised its authority to transfer 20 percent of funding from the habitat program to the LTRMP. Holland-Bartels said this would make a dramatic difference. Combined with the increased efficiencies from changes in the monitoring program, USGS could avoid closing any field stations. While term and temporary personnel would still be lost, the basic talent pool would remain intact.

Wooley asked for the Corps' reaction to the idea of insulating the LTRMP from cuts in FY 03. Perk said one of the Corps' reservations is that the FY 03 cuts may not be a one-year problem. He asked whether partners would want to continue to shield the LTRMP if the EMP faces similar constraints in FY 04 and beyond. Perk expressed concern that the EMP will lose its focus on restoration work and become exclusively a monitoring program. He said habitat restoration is key to the program's support among the Corps, Congress, and general public. Johnson agreed that insulating the LTRMP from cuts would not be sustainable if funding did not rebound in FY 04. He also stressed that the states and others need to work hard to increase the FY 03 appropriations level and to build on-going support for the program within the Administration and in Congress.

Holly Stoerker asked whether LTRMP cuts might be absorbed by continuing monitoring work while deferring data analysis. Holland-Bartels said she would not support such an approach because analysis is essential to making the data useful. Without analysis, according to Holland-Bartels, the program is not serving anyone's needs. Moe added that deferring the analysis will result in the loss of the staff who do that work. These are people who cannot be replaced easily. Holland-Bartels also explained that UMESC does not have any staff who work exclusively on the LTRMP. Thus, a 10 FTE reduction within the LTRMP could result in 15 to 20 people no longer being available to the program.

Moe said Wisconsin supports funding the LTRMP at the \$4.9 million baseline level in FY 03 and recognizes that this will increase the impacts on the HREP program. Moe said Wisconsin recommends delaying the Pool 11 Islands project. Gary Christoff said Missouri agrees with Moe's proposal to maintain LTRMP funding at the baseline level in FY 03. Christoff said he understands Perk's concerns with the possibility that the FY 03 request may not be an anomaly, but was encouraged by Ruff's observation that the navigation study Interim Report may help make the case for an increased budget request in FY 04. Stuewe and Johnson expressed concurrence with Missouri and Wisconsin's position. Szcodronski said Iowa also supports keeping the LTRMP at the baseline level in FY 03. However, if the FY 04 funding situation is not substantially improved, Szcodronski said the program partners will need to redesign the EMP.

In response to a question from Moe, Wooley said the Fish and Wildlife Service basically agrees with the states regarding allocation of FY 03 funding. Wooley said the Service is concerned with the impacts on refuge habitat projects, but also understands the importance of protecting the integrity of long-term data sets. All Fenedick emphasized the importance of maintaining the baseline monitoring. He observed that the data have broad applications far beyond the EMP. Fenedick said EPA supports a balance between information and restoration, but said that the LTRMP data collection is more immediately pressing.

Cobb said the Corps will consider the positions of the states and the federal agencies regarding how to allocate FY 03 funding. Cobb said he is very concerned with how the proposed EMP budget cut would affect the goal of an environmentally sustainable navigation system. He urged all concerned not to let the EMP funding issue undermine their resolve to participate in the collaborative navigation study process.

Wooley summarized the consensus of the five states, the Service, and EPA, stating that all recognize the need to increase FY 03 funding for the EMP. However, if FY 03 funding is not increased, they recommend keeping the LTRMP at its baseline level of \$4.981 million and acknowledge that this would result in even deeper cuts to the HREP component. Wooley stressed the importance of maintaining the integrity of the LTRMP's long-term data sets and the irretrievable loss of expertise that would occur if permanent state and federal LTRMP staff are cut. However, Wooley also emphasized that the states and federal agencies realize their recommended approach could not be sustained if a low FY 03 funding level is repeated in FY 04 and beyond.

Long Term Resource Monitoring

Leslie Holland-Bartels noted that the yearlong review of the fisheries component culminated in the modifications agreed to at the November 2001 EMP-CC meeting. Since then, UMESC has consulted with field team leaders regarding how much staff time will be freed up in FY 02 by these changes and how that time should be redirected. The field stations' estimates of available time ranged from 18 to 73 days. Based on input from the field stations and UMESC staff, Holland-Bartels said she has asked the A-Team to comment on a range of options for redirecting the available time. In addition, she provided the following general guidance for redirection of FY 02 effort:

- The time should not be used to initiate new field efforts in FY 02.
- Look for opportunities to combine efforts across field stations.
- Give priority to completing existing analyses, particularly those with systemic value.
- Focus on distinct products.

Holland-Bartels said she will present a plan for redirecting the available staff resources at the May EMP-CC meeting.

John Sullivan presented a report on behalf of A-Team chair Tom Boland. Sullivan conveyed the team's thanks to Ken Brummett, who recently completed his term as A-Team chair, and to UMESC staff for their thorough analysis of the fish component. Sullivan said the review of the fish component should serve as a good model for considering other monitoring components. While the A-Team has expressed its consensus support for the fish component changes, Sullivan said there is some concern that we do not know what is being lost. In particular, Sullivan said Iowa and Wisconsin are concerned with dropping night electrofishing. Sullivan also expressed the A-Team's concern regarding potential budget cuts. He stressed the importance of LTRMP data for river management and the need for program continuity. Sullivan said the A-Team will also be considering how it can perform its functions more efficiently.

EMP HREP Workshop

Roger Perk reported that the February 20-21 EMP HREP workshop was successful. He said participation was good, with about half of participants from agencies and organizations other than the Corps. Proceedings will be available on-line and on CD. Mike Thompson said one recommendation stemming from the workshop was for an HREP design manual. Terry Moe said Wisconsin's participants found the workshop to be very helpful.

Report to Congress

Scott Whitney summarized guidance governing preparation of the EMP Report to Congress. While WRDA 99 requires submittal of the RTC by December 31, 2004, MVD has directed that the report be submitted to Corps Headquarters by December 2003, in order to allow its recommendations to be considered in WRDA 04. Whitney explained that this change came in response to Congressional complaints that the last RTC was submitted too late to be useful in the WRDA cycle.

Whitney said the Corps will use the EMP-CC as its primary means for coordinating with program partners in developing the RTC. Workshops to allow more detailed discussions may be held in conjunction with EMP-CC meetings. Whitney presented the following schedule milestones:

- 1/23/02 – 1st scoping workshop
- 2/28/02 – 2nd scoping workshop
- 3/8/02 – assign tasks
- 2/3/03 – complete draft report
- 3/03 – begin 60-day review
- 4/03 – public comment and review
- 7/03 – MVD & HQ review
- 9/03 – Division Commander's Notice
- 12/03/03 – final report submitted to Corps Headquarters

Whitney distributed a matrix summarizing discussions at the January 23 scoping workshop. Among the workshop participants' conclusions was that the report will have a range of audiences, including Congress, the Administration, program partners and stakeholders, and the general public. Whitney said the report will likely address a range of potential program adjustments, including those requiring Congressional action, those requiring Washington-level policy and guidance, and those that are within the regional partners' management discretion.

Jon Duyvejonck asked how the EMP RTC will relate to the navigation study Interim Report. He noted that the August 2001 guidance restarting the navigation study references potential changes to the EMP. Duyvejonck expressed frustration with the apparent lack of coordination between the RTC and navigation study efforts and stressed the need for

consistency in the two documents. Steve Cobb responded that the Interim Report will identify UMRS ecosystem sustainability needs and may include recommendations for modifying the EMP. However, Cobb emphasized, the EMP RTC will be the vehicle for pursuing any changes to the EMP.

Other Business

Don Powell announced that the Minnesota Society of Professional Engineers named the Pool 8 Islands HREP to its annual list of seven wonders of engineering in Minnesota. The Pool 8 project was designed to address island loss and involved construction of over five miles of islands. The Society cited the project's innovation and uniqueness in bestowing the honor. Powell noted that the Trempealeau Refuge project was selected for the same honor last year.

Barb Naramore announced the following dates and locations for future EMP-CC meetings: May 16, 2002 in the Quad Cities; August 8, 2002 in St. Louis; and November 21, 2002 in the Twin Cities. The navigation study Governors Liaison Committee and the Upper Mississippi River Basin Association are scheduled to meet on the two days prior to each of these EMP-CC meetings.

With no further business, the meeting adjourned at 10:50 a.m.

**EMP-CC Attendance List
February 28, 2002**

Steve Cobb	U.S. Army Corps of Engineers, MVD
Charlie Wooley	U.S. Fish and Wildlife Service, Region 3
Leslie Holland-Bartels	U.S. Geological Survey, UMESC
Scott Stuewe	Illinois Department of Natural Resources
Kevin Szcodronski	Iowa Department of Natural Resources
Steve Johnson	Minnesota Department of Natural Resources
Gary Christoff	Missouri Department of Conservation
Terry Moe	Wisconsin Department of Natural Resources
Al Fenedick	U.S. Environmental Protection Agency, Region 5
Rich Worthington	U.S. Army Corps of Engineers, HQ
Greg Ruff	U.S. Army Corps of Engineers, MVD
Don Powell	U.S. Army Corps of Engineers, MVP
Gary Loss	U.S. Army Corps of Engineers, MVR
Roger Perk	U.S. Army Corps of Engineers, MVR
Scott Whitney	U.S. Army Corps of Engineers, MVR
Jan Hodges	U.S. Army Corps of Engineers, MVR
Deb Foley	U.S. Army Corps of Engineers, MVS
Mike Thompson	U.S. Army Corps of Engineers, MVS
Brian Markert	U.S. Army Corps of Engineers, MVS
Dan Stinnett	U.S. Fish and Wildlife Service, Region 3
Gary Wege	U.S. Fish and Wildlife Service
Keith Beseke	U.S. Fish and Wildlife Service
Linda Leake	U.S. Geological Survey, UMESC
Walt Popp	Minnesota Department of Natural Resources
Jerry Vineyard	Missouri Department of Natural Resources
John Sullivan	Wisconsin Department of Natural Resources
Jon Duyvejonck	Upper Mississippi River Conservation Committee
Lynn Muench	American Waterways Operators
Dan McGuiness	National Audubon Society
Holly Stoerker	Upper Mississippi River Basin Association
Barb Naramore	Upper Mississippi River Basin Association