

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

**May 26, 2005
Quarterly Meeting**

**Radisson Riverfront Hotel
St. Paul, Minnesota**

Charlie Wooley of the U.S. Fish and Wildlife Service called the meeting to order at 8:00 a.m. on Thursday, May 26, 2005. Other EMP-CC representatives present were Charles Barton (USACE), Rick Mollahan (IL DNR), Mike McGhee (IA DNR), Tim Schlagenhaft (MN DNR), Janet Sternburg (MO DOC), Gretchen Benjamin (WI DNR), Linda Leake (USGS), and Bill Franz (USEPA). A complete list of attendees follows these minutes.

Minutes of the February Meeting

Tim Schlagenhaft moved and Janet Sternburg seconded a motion to approve the draft minutes of the February 24, 2005 meeting as written. The motion carried unanimously.

Program Management

FY 05

Roger Perk reported that, as of March 31, 2005, the EMP had expended 37 percent of its \$15.6 million FY 05 allocation. According to Perk, this is a typical expenditure rate for the EMP heading into the summer construction season. He said the program is on track to expend fully this fiscal year, with all three districts and the LTRMP reporting good progress. MVP and MVR have transferred a total of \$900,000 to MVS for contractor payments on Calhoun Point.

Don Powell explained that construction on the Spring Lake, Wisconsin project is consuming the largest share of MVP's HREP resources this year. He estimated that Spring Lake is between 30 and 40 percent complete at this point. MVP would like to award the Pool Slough contract this fiscal year and initiate construction in the fall. Powell described Pool Slough as a relatively small project, with estimated costs of \$200,000. Iowa DNR is a cost-share sponsor on the project. Unfortunately, initial bids were well above estimates and were deemed unreasonable. Powell said MVP will make some modifications and re-advertise the project. Pool 8 Phase III and Long Meadow Lake are in the design phase, and each of these projects will probably cost less than \$500,000. MVP also has Harpers Slough, Capoli Slough, Conway Lake, and Lake Winneshiek in planning.

Powell reported that MVP is working with its partner agencies to test a new matrix designed to facilitate and document the HREP selection process. According to Powell, the matrix provides

for consideration of the habitat needs assessment (HNA), pool plans, and both ecological and non-ecological criteria in selecting projects. MVP will be asking its partners to test the matrix by having each agency independently run some sample projects through the matrix and identify needed improvements.

Perk said MVR's major construction project in FY 05 is Pool 11 Islands Stage 2. With regret, he informed the partners that a worker on the Pool 11 Islands construction crew died in a on-site accident approximately three weeks ago. Work on the project is currently suspended pending completion of the accident investigation. Reports should be out soon for the Rice Lake and Fox Island HREPs. The Lake Odessa DPR has been finalized and is being sent to MVD. MVR and its partners have agreed to defer the Smith Creek project indefinitely. Perk explained that the benefits from the proposed project are simply not as substantial as previously estimated.

Mike Thompson reported that work under the EMP on Stone Dike Alterations and Schenimann Chute has been deferred. These projects are now being addressed through NESP. The Stump Lake and Swan Lake HREPs are in the close out process, which includes finalizing their O&M manuals. Thompson explained that the Calhoun Point contractor accelerated its progress and had about \$1.8 million in billings on the project. The \$900,000 transferred from MVR and MVP has reduced the balance due, but MVS is still short of funds to continue work. The contractor will demobilize in June and probably resume work in August or September. Thompson also reported that MVS is undertaking bio-response monitoring at Swan Lake.

FY 06

Perk reported that the House approved its FY 06 energy and water appropriations bill (H.R. 2419) on May 24. The House measure includes \$33.5 million for the EMP, the amount requested by the President. Perk said he was uncertain about the fate of proposed House language that would restrict the Corps' flexibility in transferring funds among projects and issuing multi-year contracts. The Senate subcommittee has not yet marked up its energy and water spending bill, according to Perk. [See attached slides, showing potential district work plans under a full funding scenario.]

In response to a question from Holly Stoerker, Perk said he has no further information on OMB's February directive concerning EMP planning. That language called on the Corps to develop a 10-year aquatic ecosystem restoration plan, using \$3 million of the President's \$33.5 million FY 06 EMP request. In response to a question from Linda Leake, Perk said OMB's renaming of the EMP as "Upper Mississippi River Restoration" does not seem to be catching on. Congress is continuing to refer to the program as the EMP. The Corps is using both names in its documents to ensure that all involved understand that they are one and the same program.

Public Involvement and Program Advocacy

Perk praised Sharonne Baylor and others at the Fish and Wildlife Service for their efforts in establishing the Mud Lake kiosk on Pool 11. He said the display does an excellent job informing the public about the work underway at the site. Baylor said the kiosk has been well-

received. She noted that the Service will develop a different, more interpretative display for use after the project is completed.

Gretchen Benjamin reported that engineering students from Germany recently toured Pool 5, including the Spring Lake, Wisconsin HREP. Tim Yager said the students were interested in the EMP's efforts to combine biology and engineering principles in developing projects.

Perk reported that the Mississippi River Citizen Commission will be hosting another Congressional briefing on June 6.

Organizational/Administrative Issues

Confirming Status of EMP-CC Representatives

Roger Perk indicated that, since the February 2005 meeting, he has received a letter naming Mike McGhee as Iowa DNR's EMP-CC representative. Perk said he will be sending a letter to the NRCS concerning that agency's future participation on the EMP-CC.

Roles and Expectations for EMP-CC and A-Team

Perk distributed an issue paper that he developed in consultation with Linda Leake and Gretchen Benjamin. The paper addresses the roles and expectations of the EMP-CC and A-Team and comes in response to the state EMP-CC members' February request to explore these issues. Perk explained that the issue paper draws heavily from the EMP-CC/A-Team joint charter that was drafted and considered in 1998-1999, but ultimately not adopted. He briefly reviewed the contents of the issue paper. He emphasized that the current objective is not to execute a charter, but rather to have the partners confirm whether this description corresponds with their understanding of the two groups.

Benjamin said the issue paper is responsive to what she was asking for in February — i.e., it outlines the roles of the two groups quite clearly. She noted that such a paper, assuming it has the partners' concurrence, would be very helpful in introducing new members to either body. Moreover, she said existing members would be well-served by referencing it when either group starts drifting from its course. Benjamin stressed the importance of the EMP-CC clearly defining any tasks it wants the A-Team to perform, with explicit timelines, expectations, etc. She observed that the EMP-CC has not always communicated effectively with the A-Team, leading to confusion concerning expectations on specific issues.

In response to a question from Tim Schlagenhaft, Perk said the A-Team has not yet reviewed the roles and responsibilities issue paper. Because it was developed in response to the state EMP-CC members' request, the paper is being presented first to the EMP-CC, explained Perk. He emphasized that he is not seeking any EMP-CC decision or endorsement today. Instead, he would like members' comments.

Charlie Wooley asked Perk, Leake, and Benjamin what they envision as the ultimate product of this effort. Perk said he anticipates developing a brief document outlining the two groups' roles and responsibilities. Leake concurred, saying that the clarity and focus such a document would bring would serve both groups well.

Schlagenhaft observed that the A-Team is comprised of people with scientific and technical expertise. In reality, however, the A-Team members have been asked to devote much of their attention to budget-related matters. Schlagenhaft encouraged the EMP-CC to help the A-Team return to a scientific/technical focus by reducing the budget issues on the team's agenda.

Perk asked each EMP partner agency to provide its consolidated comments on the paper to him by the end of June [note: subsequently changed to July 7]. Perk urged each EMP-CC member to consult directly with his/her agency's A-Team member in preparing comments — i.e., the A-Team will not be asked to comment separately as a group.

IA Concept Paper

Barb Naramore recalled that, at its February 2005 meeting, the EMP-CC expressed interest in submitting joint comments on the Navigation Study-related Institutional Arrangements (IA) proposal. Thus, at the EMP-CC's request, UMRBA staff drafted a set of potential comments and questions concerning the April 2005 IA Concept Paper. The document was based on the EMP-CC's February 2005 discussions, as well as additional input from individual members after release of the IA Concept Paper.

Naramore explained that UMRBA staff confined the draft comments and questions to those issues directly related to the EMP, leaving the individual partner agencies to address broader issues through other means. Naramore then highlighted major elements of the draft, asking EMP-CC members to offer comments and questions on each item as she described it. Those major elements and any subsequent discussion by the EMP-CC are detailed below:

1. **If there's no NESP, the EMP-CC questions the need for the proposed IA changes.**
Gretchen Benjamin expressed skepticism about making any adjustments in the absence of a NESP authorization, noting that the current approaches and groups are working well for the existing programs. Janet Sternburg concurred, and stressed that the partner agencies already have enough with which to contend without more meetings and more groups. Linda Leake said USGS firmly believes that the groups in place have been perfected over the years and work well. While there may be opportunities for tweaking, she said there is no need for major changes in the absence of NESP. Tim Schlagenhaft agreed, but said that some adjustments to existing groups might be in order, even if NESP is not authorized. He cited increasing NGO involvement and integrating the Science Panel and the System Ecological Team as examples of potential improvements.
2. **Any modifications to current arrangements must ensure that the EMP's needs are met.** No discussion on this item. Members expressed concurrence.
3. **In broadening stakeholder involvement, care should be taken to ensure that the RMC and RMTs can function effectively.** No discussion on this item. Members expressed concurrence.
4. **The concept paper does not provide sufficient detail to understand how the different elements proposed would actually work together from a practical standpoint.**
Schlagenhaft asked whether Corps staff had more specifics to offer regarding

implementation and connections among the proposed groups. Rebecca Soileau said she does not envision a significant departure from current practices, but rather a broadening of the EMP-CC. Benjamin said the Volunteer Team with which the Corps consulted in developing the IA Concept Paper did not get into detailed questions such as how the A-Team would relate to the new structure. Holly Stoerker agreed, and emphasized her view that the Volunteer Team was identifying potential options, but was not making specific recommendations. While the Volunteer Team's discussion was good, Stoerker said that participating in it does not give her a sense of ownership of the Concept Paper proposal. Sternburg concurred, explaining that she saw the Volunteer Team's discussions as a preliminary visioning exercise. Sternburg said she participated with the expectation that there would be considerable additional input from the agencies and stakeholder groups. With specific reference to Schlagenhaft's question, Sternburg said that the connection between the A-Team and the Science Panel has not been adequately addressed. She expressed concern with the potential for duplication of effort between the two groups. Mike Thompson suggested crafting detailed roles and responsibilities descriptions for the different proposed groups. Soileau said Corps staff are in the process of developing this detail. Schlagenhaft expressed concern with the Corps' proposed implementation target, saying that too much remains to be done to begin implementation in early FY 06. Chuck Spitzack assured the EMP-CC members that the Corps will adjust the implementation schedule if needed.

5. **The EMP-CC's roles and functions are not adequately addressed in the Concept Paper and must be adequately preserved.** Charlie Wooley cautioned that the management agencies cannot delegate their authority and accountability to nongovernmental entities that do not share their statutory responsibilities. As such, he said the implementing agencies must be very careful about the policy and management roles proposed for an RMC that is composed of both agencies and NGOs. Wooley suggested that the RMC's primary function would more appropriately be advisory than managerial.
6. **It is important to preserve flexibility within system goals.** Ken Barr emphasized that the Science Panel would work cooperatively with the System Ecological Team to develop tools for the RMTs' use in project selection. Benjamin stressed the importance of retaining flexibility within the system goals in recognition of the differences between river reaches.
7. **The EMP-CC has a variety of questions and concerns regarding the Science Panel's role and composition.** Benjamin noted that three of the Science Panel slots are reserved for federal agency employees from the Corps, USGS, and Fish and Wildlife Service. She expressed concern that this could introduce an institutional bias to the group that could also influence its scientific perspectives. Benjamin urged abandoning this "dedicated slots" approach in favor of recruiting the most talented members possible who will bring the right range of expertise. She also stressed that not all members need to be UMR experts, as long as some members know the river and all members bring high caliber technical expertise to the group. She suggested that the membership of the Science Panel might change over time as the mix of needed expertise evolves. Wooley said the Fish and Wildlife Service would be comfortable with this approach. Sternburg said the Concept Paper is not clear on who will task the Science Panel and determine what they will discuss and evaluate. Barr said he views the proposal for the Corps and USGS to co-chair the Science Panel as key, noting that USGS will help ensure a linkage between the panel and the LTRMP. He emphasized

that the individuals currently on the panel are there for their expertise, not their institutional affiliation. Schlagenhaft urged that the linkage between the Science Panel and the SET be explored in detail at the next IA meeting. He also said the A-Team should be asked for its perspectives on the potential for the Science Panel and SET to further systemic goals.

8. **It is important to start focused discussions regarding the interrelationship between EMP and NESP.** Naramore noted that the UMRBA discussed this issue at its May 25 meeting and decided to address it in detail at its upcoming August meeting. No discussion on this item. Members expressed concurrence.

Naramore briefly summarized a series of more specific questions regarding the April Concept Paper. EMP-CC members indicated that the comments described above as well as these more specific questions reflected their joint perspectives. Wooley thanked UMRBA staff for its assistance to the EMP-CC in developing the draft. It was agreed that UMRBA staff would transmit the comments and questions, as written, to Chuck Spitzack on the EMP-CC's behalf.

Angela Anderson asked about plans for fostering the dialog and additional thinking needed to answer the questions the EMP-CC and others are raising. Wooley said it would be a mistake to let the proposed schedule force premature action. He emphasized the need for additional dialog and debate. Schlagenhaft requested written answers to the EMP-CC's questions. Soileau said the answers to many of these questions must come from the partners themselves — i.e., the participating agencies and stakeholders must decide what approach they want to take. Benjamin said the stakeholders meeting planned for July will be an important opportunity for further discussion. Spitzack said the comments the Corps received on the Concept Paper will help in shaping that July discussion.

EMP Strategic Planning

Roger Perk briefly summarized the EMP-CC's previous strategic planning discussions. At the November 2004 meeting, Corps staff recommended preparing an EMP strategic plan and presented a potential outline. At the February meeting, other EMP-CC members expressed a variety of reservations concerning the outline and the timeliness of a full-scale strategic planning exercise. They expressed potential interest in a more narrowly focused undertaking and agreed to identify the top issues for their state or agency.

Perk presented a consolidated list of the strategic planning priorities that the EMP-CC members had submitted following the February meeting. Perk observed that the partners' priorities generally fell into one of three categories — i.e., overall program, HREP, and LTRMP. He also noted that some of the issues submitted (e.g., "continue the EMP" or "fully fund the LTRMP") are valid goals, but are not really strategic planning issues.

After some discussion, EMP-CC members tentatively agreed upon the following overall program planning priorities:

1. Better integration of HREP and LTRM. Develop indicators to describe critical amounts of habitats and water quality. Link monitoring results to improve designs and measure results.

2. Roles of EMP and NESP. Focus on maintaining the aspects of EMP through separate or combined programs.
3. Develop metrics for measuring/documenting program success.

Under the HREP category, the most commonly cited priority issue was to improve, enhance, and streamline the tools used for evaluating project merit and success. However, several EMP-CC members said they were reluctant to establish final priorities because they were just seeing Perk's consolidated list for the first time. Gretchen Benjamin said the members should have an opportunity to reflect upon the list and consult with others within their agency or state. In particular, she stressed the importance of consulting with the A-Team before establishing LTRMP strategic planning priorities. She proposed asking the A-Team, as a body, to identify its top three LTRMP strategic planning priorities from the consolidated list. After receiving this A-Team input, each EMP-CC member would then provide Perk with their top two or three planning priorities in each category. The other EMP-CC members endorsed this approach. [Note: The A-Team was ultimately asked to provide its consolidated LTRMP priorities by June 30, with EMP-CC members asked to identify their state/agency priorities in all three categories by July 7.]

[NOTE: The balance of these minutes consists of summaries of the remaining discussion, as described in the "Highlights and Action Items" distributed June 6, 2005.]

Habitat Rehabilitation and Enhancement Projects

- The System Ecological Team (SET) met at the end of April to discuss the eight system criteria it is proposing to employ in fulfilling its responsibilities under the HREP planning and prioritization framework. **SET members are currently working, along with members of the Science Panel, to evaluate the criteria, determine how they will be employed, etc.** The SET plans to start using the system criteria in assessing HREP proposals from the District Ecological Teams (DETs) this summer.
- One member of the SET has not been able to attend either of the group's first two meetings. Corps staff will confirm this member's ability to serve effectively, or will find another person to serve in her place.
- **The HREP workshop will be held August 17-19 in Davenport, and a draft agenda will be available soon. Part of the workshop will be devoted to obtaining input on the draft HREP Design Manual, which will be released in advance.**
- **Corps staff plan to release a beta test of the web page access to the new HREP database on June 30, with a goal of receiving partner input by August 31. The Corps would like to have the database up and running by the close of FY 05, with refinements on an ongoing basis thereafter.**

Long Term Resource Monitoring Program

- All LTRMP products due in the second quarter of FY 05 were completed and delivered to the Corps on schedule. **All third quarter products are currently on schedule, and**

USGS does not anticipate any delays. The 10-year component report for water quality was completed on schedule in April. The fisheries 10-year report remains on schedule for web posting on June 17.

- The coordination process to determine the FY 06 additional program elements (APE) projects is ongoing. Based on the A-Team's rankings and subsequent consideration by USGS and the Corps, an initial list of 41 project proposals has been reduced to a short list of 19, some of which require additional refinement to remain under consideration. **The Corps and USGS believe there are some gaps among the APE proposals received and thus plan to solicit additional proposals on specific topics. USGS will obtain A-Team input on any additional proposals received in response to this solicitation. Reviewers for all projects on the revised short list will be recruited in June, with the initial study plans reviewed in July and final study plans due September 1. The Corps and USGS will do the final project selection shortly thereafter, prior to the start of FY 06.**
- Development of the Status and Trends Report is on schedule. **May 27 is the deadline for figures with text bullets and the rough draft report should be completed by July 29. The refined draft is slated for September 30.**
- Several EMP-CC members expressed interest in holding a workshop to better understand existing LTRMP data and its potential management applications. However, it was agreed that the purpose and scope of the workshop would need to be better defined before considering it for funding as an FY 06 APE project. Therefore, **the EMP-CC is asking the A-Team to articulate a specific proposal (purpose, scope, etc.) for such a workshop by June 23.**
- If the EMP receives full funding in FY 06, careful consideration will need to be given to scoping the LTRMP work plan. The Corps would be willing to consider proposals to expand monitoring efforts, but any additional monitoring would need to be justified as a one-year effort under the APE portion of the program.

Report to Congress

- All of the comments from Corps Headquarters staff concerning the EMP Report to Congress (RTC) have been addressed. **The RTC is expected to be transmitted to the Assistant Secretary's office in the near future.**
- EPA's regional staff have been following up internally on the RTC recommendation for EPA and USGS to jointly lead a science planning process for the UMR. Specifically, they have presented the idea to Gerald Brown of EPA's Office of Wetlands, Oceans, and Watersheds, where it is now under consideration. **Regional staff are not, however, optimistic that EPA Headquarters will provide funding and leadership to support the RTC recommendation.**
- **The Senate Water Resources Development Act reported out of committee in April (S. 728) includes a provision (Section 3108) that would permit nongovernmental organizations to serve as non-federal sponsors of HREPs.**

- UMRBA staff met with Fish and Wildlife Service leaders in March to emphasize the UMRS refuges' need for increased HREP operation and maintenance funding through the Service's own budget. The UMRBA also emphasized this point in its written testimony on the Service's FY 06 budget.

Other Business

- On behalf of Colonel Gapinski, Gary Loss presented John Sullivan with a Commander's Coin in recognition of his service to the A-Team.
- The upcoming quarterly meeting schedule includes EMP-CC meetings on August 17, 2005 in the Quad Cities; November 17, 2005 in the Twin Cities; and February 23, 2006 in St. Louis.

With no further business, the meeting adjourned at 12:25 p.m.

ST. PAUL DISTRICT (MVP)

FY06 HREP Potential Work Plan

MANAGEMENT

PLANNING

- Capoli Slough
- Conway Lake
- Harpers Slough
- Lake Winneshiek
- **McGregor Lake**

DESIGN

- Harpers Slough
- Pool 8 Isl. Phase III Stg 2

CONSTRUCTION

- Ambrough Slough
- Pool 8 Isl., Ph III, Stg 1
- Long Meadow Lake
- Pool Slough
- **Pool 8 Isl. Phase III Stg 2***

EVALUATION

- FWS
 - Performance Evaluations
 - Baseline Monitoring
 - **Biological Monitoring**
- *Award

ROCK ISLAND DISTRICT (MVR)

FY06 HREP Potential Work Plan

MANAGEMENT

PLANNING

- Smith Creek
- **New Start(s) (1 or 2)**

DESIGN

- Lake Odessa Stg 2
- Rice Lake
- **Pool 12 Overwintering**

CONSTRUCTION

- Rice Lake
- Lake Odessa Stage 1*
- **Pool 12 Overwintering**
- **Lake Odessa Stage 2**

EVALUATION

- Baseline Monitoring
- Bioresponse Monitoring
- Performance Evaluations
- FWS

ST. LOUIS DISTRICT (MVS)

FY06 HREP Potential Work Plan

MANAGEMENT

PLANNING

- Establishment Chute
- Salt Lake/Ft. Chart SC
- Pool 25/26
- Wilkerson Island
- Ted Shanks
- Kaskaskia Oxbow**
- Godar Refuge**

DESIGN

- Pool 25 & 26
- Swan Lake

CONSTRUCTION

- Calhoun Point Phase II
- **Batchtown Phase III**

EVALUATION

- Baseline Monitoring
- Bioresponse Monitoring
- Performance Evaluations
- FWS

**EMP-CC Attendance List
May 26, 2005**

Charles Barton	U.S. Army Corps of Engineers, MVD
Charlie Wooley	U.S. Fish and Wildlife Service, Region 3
Linda Leake	U.S. Geological Survey, UMESC
Rick Mollahan	Illinois Department of Natural Resources
Mike McGhee	Iowa Department of Natural Resources
Tim Schlagenhaft	Minnesota Department of Natural Resources
Janet Sternburg	Missouri Department of Conservation
Gretchen Benjamin	Wisconsin Department of Natural Resources
Bill Franz	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
Mike Thompson	U.S. Army Corps of Engineers, MVS
Gary Loss	U.S. Army Corps of Engineers, MVR
Ken Barr	U.S. Army Corps of Engineers, MVR
Roger Perk	U.S. Army Corps of Engineers, MVR
Hank DeHaan	U.S. Army Corps of Engineers, MVR
Don Powell	U.S. Army Corps of Engineers, MVP
Tom Novak	U.S. Army Corps of Engineers, MVP
Jeff DeZellar	U.S. Army Corps of Engineers, MVP
Chuck Spitzack	U.S. Army Corps of Engineers, MVP
Rebecca Soileau	U.S. Army Corps of Engineers, MVP
Larry Shepard	U.S. Environmental Protection Agency, Region 7
Tim Yager	U.S. Fish and Wildlife Service, Region 3
Sharonne Baylor	U.S. Fish and Wildlife Service, UMR Refuge
Rick Nelson	U.S. Fish and Wildlife Service, Rock Island Field Office
Jon Duyvejonck	U.S. Fish and Wildlife Service, Rock Island Field Office
Mike Oetker	U.S. Fish and Wildlife Service
Barry Johnson	U.S. Geological Survey, UMESC
Jeff Stoner	U.S. Geological Survey, MN WRD Office
John Pitlo	Iowa Department of Natural Resources
John Sullivan	Wisconsin Department of Natural Resources
Dan McGuinness	Audubon
Angela Anderson	Mississippi River Basin Alliance
Mark Beorkrem	Illinois Stewardship Alliance
Holly Stoerker	Upper Mississippi River Basin Association
Barb Naramore	Upper Mississippi River Basin Association