

**Minutes of the  
118<sup>th</sup> Quarterly Meeting  
of the  
Upper Mississippi River Basin Association**

**May 17, 2011  
Rock Island, Illinois**

UMRBA Chair Mike Wells called the meeting to order at 9:40 a.m. Participants were as follows:

UMRBA Representatives and Alternates:

Gary Clark	Illinois Department of Natural Resources
Rick Mollahan	Illinois Department of Natural Resources
Pat Boddy	Iowa Department of Natural Resources
Harold Hommes	Iowa Department of Agriculture and Land Stewardship
Mike Wells	Missouri Department of Natural Resources
Dru Buntin	Missouri Department of Natural Resources
Robert Stout	Missouri Department of Natural Resources
Jim Fischer	Wisconsin Department of Natural Resources

Federal UMRBA Liaisons:

Troy Daniell	Natural Resources Conservation Service
Charles Barton	U.S. Army Corps of Engineers, MVD
Tim Henry	U.S. Environmental Protection Agency, Region 5
Bill Franz	U.S. Environmental Protection Agency, Region 5
Charlie Wooley	U.S. Fish and Wildlife Service, Region 3
Dave Bornholdt	U.S. Geological Survey, Midwest Area

Others in Attendance:

Olivia Dorothy	Illinois Lieutenant Governor's Office
Steve Shults	Illinois Department of Natural Resources
Bernie Schonhoff	Iowa Department of Natural Resources
Walt Popp	Minnesota Department of Natural Resources
Tom Crump	U.S. Army Corps of Engineers, MVP
Jeff DeZellar	U.S. Army Corps of Engineers, MVP
Chuck Spitzack	U.S. Army Corps of Engineers, MVR
Ken Barr	U.S. Army Corps of Engineers, MVR
Marv Hubbell	U.S. Army Corps of Engineers, MVR
Karen Hagerty	U.S. Army Corps of Engineers, MVR
Hank DeHaan	U.S. Army Corps of Engineers, MVR
Lamar McKissack	U.S. Army Corps of Engineers, NWK
Ryan Aylesworth	U.S. Fish and Wildlife Service, Region 3
Kevin Foerster	U.S. Fish and Wildlife Service, UMRS Refuges
Bob Clevensine	U.S. Fish and Wildlife Service, UMRS Refuges
Rick Nelson	U.S. Fish and Wildlife Service, RIFO
Jon Duyvejonck	U.S. Fish and Wildlife Service, RIFO
Mike Coffey	U.S. Fish and Wildlife Service, RIFO
Amber Andress	U.S. Fish and Wildlife Service, RIFO
Mike Jawson	U.S. Geological Survey, UMESC

Steve Kalkhoff	U.S. Geological Survey, Iowa Water Science Center
Steve Sletten	Atkins
Michael McGinn	Cardno ENTRIX
Chris Kline	Cardno JFNew
Gary Loss	HNTB
Brad Walker	Izaak Walton League
Tom Boland	MACTEC
Cecily Smith	Prairie Rivers Network
Elliot Brinkman	Prairie Rivers Network
Don Powell	SEH Inc.
Paul Rohde	Waterways Council, Inc.
Barb Naramore	Upper Mississippi River Basin Association
Dave Hokanson	Upper Mississippi River Basin Association
Kirsten Mickelsen	Upper Mississippi River Basin Association

### **Minutes**

Pat Boddy moved and Jim Fischer seconded a motion to approve the minutes of the February 15, 2011 meeting as written. The motion carried unanimously.

### **Executive Director's Report**

Barb Naramore expanded on her written Director's report as follows:

- Naramore continues to participate as a member of the 8-person Steering Committee for the Mississippi Watershed Initiative (MWI). The group has been working for the past year, following the June 2010 America's Inner Coast Summit meeting, to develop a draft vision statement and call to action for the Initiative. The draft documents emphasize the need for cross-sector collaboration on a wide range of water resource issues at the full Mississippi River Basin scale. The Steering Committee has invited people representing a range of institutions, disciplines, interests, and sub-basins to provide input on the Committee's initial work at a July 11-12, 2011 meeting in Kansas City. Naramore emphasized that this small, representative group is simply being asked to provide preliminary feedback prior to a broader outreach effort.
- Naramore reported that she has been providing monthly financial statements to Ken Vandermeer following his February 2011 election as UMRBA Treasurer. She noted that Vandermeer's Treasurer's statement is included with the written Executive Director's report, along with a Profit and Loss Statement and Balance Sheet for the period July 1, 2010 through May 2, 2011. As of May 2, year-to-date ordinary income and expenses were \$594,556 and \$558,983, respectively.

Jim Fischer moved and Pat Boddy seconded a motion to accept the Profit and Loss Statement and Balance Sheet dated May 2, 2011. The motion carried unanimously.

### **2011 Spring Flooding**

#### *USACE Response*

Charles Barton briefly described the history of the Mississippi River and Tributaries (MR&T) project, a program of levee construction, channel stabilization, tributary improvements, and floodways that Congress authorized in response to the devastating 1927 flood on the Lower Mississippi River. The MR&T includes three major floodways, in addition to other backwater areas. He explained that the MR&T is not yet completed and is unlikely to meet its current 2031 completion schedule. However, the

\$13.6 billion invested thus far has prevented an estimated \$370.3 billion in damages, according to Barton.

This year's flooding followed record precipitation in parts of the basin, with some areas receiving 600 percent of their average rainfall. River forecasting, sand boils, and residents' reluctance to evacuate were among the challenges faced by the Corps and other agencies involved in flood response, according to Barton. In addition, operation of the Birds Point-New Madrid Floodway was the subject of considerable controversy and public interest. In his capacity as President of the Mississippi River Commission, MG Walsh ordered activation of Birds Point on May 2, with the river having reached record stage at Cairo. The inflow section was detonated the evening of May 2, with two downstream outflow sections opened in the following days. River levels at Cairo were down significantly by the morning of May 3. Because water levels are expected to stay high in the floodway for an extended period, Barton said sand boils will be an ongoing concern. Current estimates are that it will be 45 to 60 days before most water is out of the floodway, with another 20 days or so required to dry pockets of standing water.

Barton explained that USACE acquired flooding easements on land in the Birds Point-New Madrid Floodway in 1932 and 1972. These real estate rights allow the Corps to operate the floodway when so ordered by the MRC President, while preserving landowners' rights to build on their land. Barton explained that the Corps no longer takes this approach when acquiring flooding easements and instead negotiates a prohibition on new structures as part of the easement. Under the terms of the Birds Point easements, Barton said the Corps is liable to restore land if floodway operations leave "excessive amounts of sand and gravel" on the land.

Barton overviewed operations and flood impacts elsewhere on the MR&T system, including operation of the Bonnet Carre and Morganza Spillways. He noted that this was the first time in the MR&T's history that the system's three major floodways have been activated at the same time.

As it works with other federal and state agencies on flood recovery efforts, Barton said MG Walsh and USACE will emphasize collaboration and keeping the long-term vision for the Mississippi River Basin in focus.

### *Open Discussion*

Mike Wells said flood damage in southeast Missouri is extensive, with much of the Bootheel under water. He said the state and landowners are counting on the Corps' assistance in dewatering and restoring land in the floodway. He noted that activation of the floodway will have a significant economic impact in Missouri, explaining that farmland in area is among the state's most productive. According to Wells, state and federal agencies participated in town hall meetings beginning last week to answer questions and connect residents and business owners with various forms of assistance. Dru Buntin said the state is also actively working on issues related to transportation, pumping capacity behind levees, and debris disposal. Wells expressed appreciation for USGS's excellent work in monitoring flood conditions, noting that the agency deployed monitoring equipment prior to activation of the Birds Point-New Madrid Floodway.

Pat Boddy and Harold Hommes said Iowa has been relatively fortunate this year in terms of flood damages thus far. However, Hommes and Wells both noted that upper portions of the Missouri River Basin have near-record snowpack still on the ground. USACE has increased reservoir releases on the system to provide storage capacity for snowmelt, but there is significant potential for Missouri River flooding this year.

Gary Clark said this year's flooding in Illinois has required a major response effort at all levels of government. For example, he noted that the Illinois State Patrol made more than 1,000 boat rescues. Clark said activation of the Birds Point-New Madrid Floodway was critical to avoiding devastating flooding in the city of Cairo. Even with this, flood damages in Illinois will be extensive, though it is

still too earlier to estimate the damages to structures, levees, and farmland. He estimated that state staff will be heavily engaged in flood recovery efforts for the next two to three years. Clark stressed the critical roles of USGS in river gaging and the National Weather Service in river forecasting, and emphasized the importance of investing in the data and science that underpin these critical governmental functions.

Dave Bornholdt thanked Clark and Wells for their comments regarding USGS efforts. He said staff in Water Science Centers throughout the affected region have been working very long hours. Charlie Wooley reported that Fish and Wildlife Service staff who are certified boat operators have assisted extensively with search and rescue operations. Wooley said there is considerable damage to refuges downstream of Memphis.

Troy Daniell reported that the State Conservationists in Missouri, Arkansas, and Louisiana have initiated assessments under the Emergency Watershed Protection (EWP) program. Daniell said there will undoubtedly be structures and practices that need to be addressed, and Soil and Water Assessment Tool (SWAT) Teams will begin their work as water levels come down. Daniell added that NRCS is prepared to participate in an Interagency Levee Task Force for the flood-affected states, similar to the one convened following the 2008 flooding in the UMRB.

Bill Franz explained that EPA's flood response work is focused primarily on impacts to drinking water and wastewater treatment plans. Franz said that EPA, prior to this year's flooding, had already initiated a research and development project looking at opportunities to reconnect the Mississippi with its floodplain in ways that make economic sense (e.g., cultivate flood-tolerant crops). He invited people to let him know if they would like to join a series of webinars EPA is hosting on the topic.

Barb Naramore noted that the states have issued joint statements through UMRBA following past major flood events, including in 1993 and 2008. These statements addressed various policy issues related to flood response and recovery. In response to a question from Naramore, Board members expressed interest in exchanging further information regarding this year's flooding at their August 16, 2011 meeting and considering the possibility of developing a new joint statement.

### **USACE Project Review**

Barb Naramore recalled that USACE presented information about the Corps' new project review requirements at the November 2010 quarterly meeting series. These review requirements integrate long-standing practices with new provisions stemming from the Water Resources Development Act (WRDA) of 2007, including standards for conducting independent external peer review (IEPR). According to Naramore, additional discussion at the February 2011 EMP-CC and NECC meetings left state members of these groups concerned with some aspects of the new project review requirements. In particular, while WRDA 07 established several specific triggers for IEPR (e.g., projects of significant controversy and projects costing more than \$45 million), the Corps' implementation approach is to require virtually all projects to either conduct an IEPR or receive a waiver from Corps Headquarters. Naramore said this implementation approach appears to be adding unnecessarily to the duration and cost of project planning.

According to Naramore, several state EMP-CC and NECC members suggested developing a joint letter conveying the states' concerns with how the new project review requirements are being implemented. She emphasized that the point of the letter would not be to try to circumvent the WRDA 07 requirements, but rather to seek to ensure that they are implemented in a reasonable and efficient manner. Board members directed UMRBA staff to draft such a letter for their consideration. Jim Fischer suggested that the letter go not only to Corps leadership but also to members of the authorizing committees.

## **Water Quality**

### *Mississippi River Basin Initiative*

Troy Daniell distributed pre-publication copies of the Mississippi River Basin Healthy Watershed Initiative's (MRBI's) 2010 report. He also reported that NRCS received a total of 23 MRBI proposals this year, of which he anticipates 21 will be approved. Daniell noted that this is a significant decrease in project proposals from last year, though he observed that the quality of the MRBI and Conservation Innovation Grant (CIG) proposals had improved. In combination with long term baseline data, Daniell expressed optimism that edge-of-field monitoring at some MRBI projects will allow NRCS and its partners to draw conclusions about effectiveness and outcomes.

Daniell said MRBI funding for next year is something of a concern, explaining that the issue relates to interpretation of rules governing the Cooperative Conservation Partnership Initiative (CCPI), under which MRBI is funded. If CCPI funding is not available for MRBI next year, Daniell said one option would be to shift MRBI over to the Environmental Quality Incentives Program (EQIP).

Daniell also reported that NRCS Chief Dave White has formed a Drainage Water Management Group that is working with federal, state, and local units of government as well as stakeholders. The group is focused on water quality concerns, rather than promoting increased drainage. Daniell said the group is planning a summit this fall to discuss opportunities to manage agricultural drainage systems in ways that promote water quality objectives.

### *Nutrient Workshops*

Dave Hokanson reported that UMRBA will be hosting two nutrients-related workshops prior to the close of federal FY 11. He explained that these workshops are one of the projects funded jointly by the five states under the American Recovery and Reinvestment Act (ARRA). The workshops are designed to facilitate cross-programmatic dialogue concerning nutrients issues on the UMR. While considerable planning remains to be done, Hokanson said he anticipates the two workshops will be largely similar in content, with one held in a more northerly location and the other held further downstream to facilitate participation. Possible topics include monitoring, CWA standards development, incentive-based non-point controls, local nutrient impacts, Gulf hypoxia, and statewide nutrient reduction strategies. Hokanson stressed that the workshops are intended for a broad range of potential participants, extending well beyond federal and state water quality staff to include NRCS and state agriculture departments, agriculture interest groups, water suppliers, environmental NGOs, and resource managers and scientists.

In response to a question from Mike Jawson, Hokanson explained that the workshops are designed to complement the states' other ongoing water quality work by focusing on UMR-specific nutrient issues and encouraging discussion across sectors and agencies. Pat Boddy observed that Hokanson had identified a wide range of potential topics. She suggested articulating an overarching framework for the workshops and then allowing that framework to determine the agenda's specific areas of focus. Boddy also suggested asking presenters to emphasize key concepts and important areas of innovation to help ground the discussions.

Hokanson also briefly updated the status of other UMRBA water quality activities and encouraged Board members and others to contact him with any questions.

## **Demand for Fracking Sand**

Jim Fischer provided a brief overview of hydraulic fracturing (aka hydro fracking) explaining that technological advances are enabling energy companies to exploit previously inaccessible oil and natural gas deposits found in shale formations. The operation involves injecting a slurry of water, chemicals, and sand into the formations under high pressure to extract the oil or gas. While the deposits currently

being explored and tapped are outside of the UMRB, Fischer explained that Ottawa sand found extensively in this region has particularly attractive properties for use in fracking operations. Specifically, the Ottawa sand is quite pure and very spherical in shape. The superior quality of the sand more than offsets the transportation costs associated with moving it to the fracking operations, resulting in increased interest in sand mining. To illustrate this increased interest, Fischer displayed a map of Wisconsin showing 3 long-term sand mining sites statewide, 6 recent sites, and 4 proposed sites. Three of the 4 proposed new sites are located in counties bordering the St. Croix or Upper Mississippi Rivers. Fischer explained that the region's desirable sand deposits are found at varying depths, with mining practices therefore including underground, open pit, and bluff top removal. In Wisconsin, responsibility for regulating siting and operations falls to local government as a zoning matter. The state's regulatory authority extends only to water and air pollution controls and reclamation requirements.

Fischer reported that public interest in the sand mining issue is increasing, with citizen groups forming to oppose several existing and proposed mining sites and articles running in several local papers. At this point, Fischer said there does not appear to be any interest at the state level in Wisconsin in modifying the regulatory regime governing sand mining. However, he said he does anticipate that public concern with mining operations is likely to grow as the number of active mines and the level of production grows. He noted that aesthetics are a very significant public interest issue on the UMR. Fischer said he does not have any specific recommendations to offer regarding potential UMRBA action on the issue, other than asking staff to continue monitor developments and keep the Board apprised.

Pat Boddy said the federal government's America's Great Outdoors (AGO) Initiative appears to have some potential to support non-regulatory blufflands protection. She suggested considering whether this might include efforts to encourage best mining practices. Charlie Wooley cautioned that AGO is not currently funded, but noted that the refuge system could offer a means to protect specific areas from mining impacts through acquisition, assuming there is a willing seller. Wooley and Dave Bornholdt reported that senior Interior Department leaders will be meeting with the region's Governors in the coming days and will certainly be interested to hear the states' concerns and ideas related to sand mining and river protection.

In response to a question from Robert Stout, Bill Franz said USEPA and the Congress are both currently examining questions related to the impacts of shale extraction. In response to a question from Mike Jawson, Boddy emphasized that the states fully understand the importance of domestic energy production and simply want to ensure that it is carried out in a reasonable way that considers environmental impacts appropriately. In addition to sand mining, Mike Wells noted that shale extraction consumes large amounts of water. He said increased shale extraction in North Dakota could present regional concerns to downstream water users.

Wells directed UMRBA staff to continue to update the Board on issues of regional interest related to sand mining and shale extraction. He also asked each state to inform UMRBA staff as they take actions on these issues that may be of interest to the other states.

## **Ecosystem and Navigation Updates**

### *Partner Updates*

Paul Rohde observed that the current budget climate offers both challenges and opportunities. Overall, he said, it is clear that domestic agencies at the federal level will be facing significant cuts. Within this larger environment, Rohde said the *ad hoc* coalition of industry, NGOs, and the states continues to work on behalf of both NESP and EMP. He noted that both The Natural Conservancy and Waterways Council, Inc. (WCI) have visited with many members' offices this spring. In addition, the coalition worked with Representatives Schock's and Carnahan's offices to draft and circulate a joint letter to Assistant Secretary of the Army for Civil Works Jo-Ellen Darcy. With 29 signatories, the April 4, 2011 letter encouraged ASA Darcy to support both NESP and EMP. Rohde said he views the 29 signatures,

including some from members outside of the basin, as a tremendous show of support. He reported that Representatives Schock and Carnahan were also interested in spearheading a “Dear Colleague” letter to the appropriators, but were unsuccessful in their efforts to craft language consistent with the earmarks ban and thus had to abandon that effort.

Rohde reported that WCI and others in industry continue to work with Congress to address revenue shortfalls in the Inland Waterways Trust Fund (IWTF). He said WCI is urging committee leadership in the House and Senate to include the capital development plan endorsed by the Inland Waterways Users Board (IWUB) in any Water Resources Development Act measure that moves forward. He characterized prospects for WRDA action in the current Congress as remote, but not non-existent. Rohde noted that ASA Darcy testified before the Senate Environment and Public Works Committee recently and was criticized from both sides of the aisle for the Administration’s failure to work effectively with industry to resolve the IWTF situation. During office visits this spring, Rohde said members applauded industry’s willingness to support a fuel tax increase.

Rohde said WCI and others are also working with the President’s Export Council to demonstrate the infrastructure investment that will be required to meet the President’s stated goal of doubling exports.

In response to a question from Mike Wells, Barb Naramore said ASA Darcy has not responded to UMRBA’s July 2, 1010 letter, in which the states emphasized the need to resolve the IWTF situation and move forward with capital investment through NESP. She noted, however, that ASA Darcy’s December 21, 2010 letter to Representative Oberstar could be construed as something a blanket response to those urging action on the IWTF. In that letter, ASA Darcy expresses the Administration’s substantial reservations concerning the IWUB-endorsed plan, dismissing its recommended cost sharing changes, describing the recommended fuel tax increase as inadequate, and raising the possibility of requiring industry to cost share navigation system O&M.

#### *EMP and NESP Updates*

Marv Hubbell reported that EMP has not received its final FY 11 allocation number following passage of the Full-Year Continuing Appropriations Act of 2011, but said he expects the program to receive between \$19.0 (the Senate mark) and \$21.15 million (the President’s request and House mark). He briefly reviewed how funding in this range would be allocated among EMP’s major elements and also highlighted EMP’s funding history, which has ranged around the \$20 million annually in recent years.

Hubbell briefly reviewed the series of 2008-2010 Congressional directives calling for an EMP/NESP Transition Plan and described the Corps’ efforts thus far to respond to these directives. He reported that MG Walsh submitted a draft EMP/NESP Transition Plan to Corps Headquarters on December 22, 2010. Hubbell said the draft is still undergoing HQ review and he has been told that HQ will provide comments within two weeks. Hubbell said he is not expecting extensive comments, given the level of vertical coordination that took place prior to formal transmittal of the draft to HQ.

Hubbell reported that EMP Report to Congress (RTC) was submitted on schedule to MVD on December 1, 2010. MVD has since forwarded the RTC to HQ, where the report is currently undergoing review. This is the EMP’s third RTC since the program’s 1986 authorization. The current report highlights the program’s accomplishments and addresses the potential issue of EMP/NESP transition. Hubbell said he expects HQ comments on the RTC in the near future.

Hubbell also reported that this spring’s high water has delayed work on habitat projects in all three districts. Maintaining EMP’s overall fiscal performance will require diligence and favorable water levels over the remainder of federal FY 11. In other developments, Hubbell said he will be working with USGS, the states, and other EMP partners to increase transparency and coordination in setting LTRMP priorities. He explained that increased efficiencies in implementing the LTRMP baseline monitoring program have increased the amount of staff time available at UMESC and the field stations

to support other program priorities. Hubbell said he wants to ensure there is a clear process of identifying and prioritizing that additional work.

Barb Naramore asked expressed surprise at the time required for HQ to review the draft Transition Plan, given that the draft was coordinated extensively prior to its submittal. She asked whether the continued delay indicates that HQ has concerns with the draft, or simply reflects staff overload. Charles Barton said he is unaware of any specific concerns with the draft Transition Plan and observed that HQ-level review is taking considerable time for many projects and products. Naramore emphasized that EMP and NESP partners have gone out on a bit of a limb with Energy and Water Subcommittee staff, asking for their patience as the Corps completes work on the Transition Plan. She said this message is becoming increasingly awkward as the delays mount.

Chuck Spitzack reported that, like EMP, NESP has not yet received its FY 11 funding allocation. Spitzack said he anticipates that NESP funding for the year will be approximately \$1 million. Under that funding scenario, NESP will have to halt further work on the program for FY 11 because the funds will have already been fully expended. Staff are focusing on bringing projects to a point where work can be resumed efficiently when the program receives further funding. This shutdown effort primarily involves documenting current status and next steps for each project. In response to a question from Jim Fischer, Spitzack said USACE staff will discuss the possibility of transferring some projects from NESP to EMP once final FY 11 allocations have been determined.

### **Announcements**

Mike Wells reported that Bill Franz will be retiring from EPA in early June. He noted that Franz has served with EPA since 1972 and has been Region 5's lead on UMR water quality and restoration issues since 1997. Wells highlighted several of Franz's contributions to UMRBA and related interagency efforts on the UMR, including his efforts on UMRBA's Water Quality Task Force. On behalf of the Board, Wells presented Franz with a certificate of appreciation. Franz said he has greatly enjoyed his time working on the UMR and believes interagency collaboration on the river is tremendously important.

Pat Boddy announced that this is also Mike Wells' final UMRBA meeting, as Wells is retiring from Missouri DNR effective June 1, 2011. Boddy shared several highlights from Wells' career, including his military service, 34 years with the Natural Resources Conservation Service/Soil Conservation Service, and his work with Missouri DNR since 2001. She noted that Wells has represented Missouri on UMRBA's Board since 2001, serving three times as Chair. Boddy stressed Wells' invaluable contributions to the Association through his wise counsel and leadership. On behalf of the Board, Boddy presented Wells with a certificate of appreciation. Wells said he has very much enjoyed his 10 years working with UMRBA and said he could not have asked for a better career than he enjoyed with USDA and Missouri DNR.

### **Missouri River Authorized Purposes Study**

Lamar McKissack briefly described the standard Corps planning process that will govern the Missouri River Authorized Purposes Study (MRAPS), noting that the study is still in the initial stage of specifying problems and opportunities. He emphasized that study progress beyond FY 11 depends on the receipt of additional funding. MRAPS did not receive any FY 11 funds and is thus currently working with prior year carryover money. As a result, work during FY 11 will be limited.

Following release of its draft Scoping Summary Report, USACE held a series of feedback sessions in March and April. This included seven public and eight tribal sessions. Common messages from the feedback sessions included the need to articulate the decision criteria the Corps will use at the end of Phase 1, the importance of considering the full range of connections between the Missouri and Mississippi Rivers, and recommendations to bolster state and stakeholder engagement strategies.

McKissack explained that the feedback period ended on April 30. The study team will be posting scoping feedback comments on the MRAPS web site by the end of May and plans to release its final scoping report in July. Any progress on MRAPS beyond that is dependent on receipt of additional funding.

McKissack described the draft Scoping Summary Report's provisions related to agency and tribal engagement. The report proposes to forego the Executive Council proposed by the Osprey Group in its Situation Assessment. Instead, USACE would form a Cooperating Agency Team (CAT) and a Cooperating Tribal Team (CTT), consistent with NEPA requirements and guidelines. McKissack said formation of the CAT and CTT is dependent on additional funding. If MRAPS is funded, then the Corps will informally announce formation of the teams through the study's newsletter and web site and will send formal letters asking the states and tribes to name representatives to the CAT/CTT. Recognizing that the breadth of MRAPS makes it difficult for one person to represent the full range of a state's interests in the study, McKissack said he anticipates states would be permitted to name additional CAT observers. USACE will not reimburse CAT participation expenses. However, McKissack stressed that the Corps fully appreciates the constraints of state budgets and the demands of other basin coordination needs. He said the team will use webinars and other measures to the extent possible to reduce the time and expense of CAT participation.

### **Great Lakes Mississippi River Interbasin Study**

Barb Naramore reported that Dave Wethington was unexpectedly unable to attend today's meeting and had sent his regrets. She briefly overviewed the Great Lakes and Mississippi River Interbasin Study (GLMRIS), explaining that Congress directed the Corps to conduct a feasibility-level analysis of options and technologies to prevent the exchange of Asian carp and other aquatic nuisance species (ANS) between the Great Lakes and Mississippi River Basins. The directive came in WRDA 07, and provides for the study to be conducted at full federal expense, with a current completion target of 2015. Though GLRMIS focuses primarily on the Chicago Area Waterways (CAWS), the authorization explicitly extends to other aquatic pathways between the two basins.

Naramore reported that UMRBA submitted comments during the GLMRIS scoping period, which ended on March 31, 2011. Major points from UMRBA's comments included the need to address multiple pathways and species throughout the basin and the importance of carefully evaluating the likely impacts and efficacy of various prevention options under consideration. Naramore said UMRBA also highlighted the need to augment prevention efforts with investment in physical, chemical, and biological controls for ANS that are effective, affordable, and safe. In addition, the states emphasized that ANS management efforts should focus on preventing spread within, as well as between, the two basins. Finally, the states called for effective engagement of the states and stakeholders in the study process. As an example, Naramore said UMRBA's comments calls for all mainstem Mississippi River states to be invited to participate on the GLMRIS Steering Committee.

Jim Fischer expressed appreciate for UMRBA staff's work in developing the scoping comments. He emphasized that Asian carp and other ANS are a priority issue for Wisconsin. Fischer said Wisconsin is quite concerned with ANS transfer in both directions between the Great Lakes and Mississippi River Basins. Gary Clark observed that the issues associated with potential hydrologic separation of the two basins are tremendously complex and require careful analysis. Clark said the issues posed by GLMRIS are the sort on which UMRBA can be of great help to its member states. He said the Association's comments articulated the states' common perspectives on important issues quite well.

### **Report from Ad-Hoc Hydropower Group**

Kirsten Mickelsen reported that, at its May 2010 meeting, the UMRBA Board directed staff to form an *ad hoc* hydropower group to facilitate coordination among state and federal agencies with various review and permitting roles. The group now has 28 members, representing all five states, USACE, USFWS, USEPA, and NPS. She noted that state resource and water quality staff are participating, as is the Minnesota Department of Transportation.

Thus far, the group's work has focused on 1) exchanging information about pending projects and 2) developing a list of common study and information needs to help guide license applicants and to use as agencies review projects. Near-term priorities for the group include refining the list of common study needs, addressing questions related to Section 401 Clean Water Act certification, communicating concerns to FERC regarding lack of attention to cumulative effects, and following particular project proposals. Mickelsen said water quality staff are particularly interested in learning how issues of adaptive management and monitoring are being addressed in 401 certifications for hydro projects on other large rivers. On the question of cumulative impacts, Mickelsen said group members would like to encourage FERC to consider options such as developing a single environmental impact statement for the UMR that would consider impacts from all proposed projects.

Dru Buntin asked whether there has been a definitive answer on the question of which state has primary jurisdiction under Section 401. Mickelsen said she did not know whether this question had been resolved. Jim Fischer said Wisconsin takes the position that if a project's outflow affects state waters, Wisconsin has certification authority. Under this approach, more than one state could assert certification authority. Buntin said he had heard FERC would either require certifications from both states or certification by one state and concurrence by the other. Robert Stout said the issue may not ultimately be resolved until the issue is tested through the licensing process for a particular project.

Fischer said Wisconsin has filed motions to intervene on all projects on its stretch of the Mississippi River. He said the state is very concerned with the question of how the proposed projects might affect the Corps' dam operations on the UMR. In particular, he asked how ecosystem management and restoration will rank relative to hydropower generation when it comes to managing water levels. Fischer said that both of these uses are clearly secondary to maintaining the 9-foot channel, but said it is unclear how the Corps will weigh other authorized uses against power generation.

Buntin reported that USACE has proposed a nationwide permit that would apply to small hydrokinetic facilities of the type Free Flow Power is proposing. Emphasizing the number of site-specific issues posed by such projects, Buntin said he does not think they are a good fit for a nationwide permit.

In response to a question from Charlie Wooley, Fischer said he does not believe nongovernmental organizations have intervened in the UMR hydro proposals to any great extent. Pat Boddy asked whether USACE is working to answer the question Fischer raised regarding operating priorities. Mike Wells directed Mickelsen to follow-up with Corps staff on the *ad hoc* group on Fischer's question.

In response to a question from Wooley, Fischer and Walt Popp said the barge-mounted hydrokinetic facility at Hastings, Minnesota has encountered many challenges and is rarely operational. They said work documenting project impacts has been minimal.

Fischer noted that Free Flow Power is presenting three placement scenarios for each of its proposed sites. He said it would reduce the agencies' review workload if FERC and USACE could work with the applicant to eliminate any placement scenarios that are not viable.

In response to a question from Barb Naramore, Board members confirmed that they would like UMRBA staff to continue coordinating and supporting the *ad hoc* hydro group.

## **Geographic Response Planning**

Mike Coffey reported that the Fish and Wildlife Service has been working with USEPA, UMRBA, and many others to develop pool-specific response strategies for the Upper Mississippi River National Wildlife and Fish Refuge (UMRNWFR), which extends from Wabasha, Minnesota to the Quad Cities and includes approximately 240,000 acres. Coffey briefly reviewed the national and regional contingency planning framework, including the Oil Pollution Act of 1990's mandate for area and sub-area plans. This requirement led USEPA Region 5 to fund development of inland sensitivity atlases for the UMR and remainder of Region 5.

According to Coffey, there are several special challenges to spill response on the UMRNWFR, including:

- lack of levees separating the floodplain and backwaters,
- high number of transport pathways to sensitive habitats and vulnerable fish and wildlife populations, and
- limited access to many remote areas of the refuge.

The pool-specific geographic response planning (GRP) effort identified a range of customized countermeasures and tactics in recognition of these challenges, including:

- pre-identifying booming locations and methods to protect sensitive downstream habitat,
- providing the names and contact information for local response and natural resource personnel,
- promoting incident command system (ICS) training for staff, and
- creating an Incident Action Plan template to organize the early phase of a response.

Dave Hokanson described the process for developing a GRP, including identifying participants; holding workshops to identify sensitive resources and response strategies; verifying the workshop results via field assessments; and developing the digital product that consolidates the pool-specific strategies, maps, plans, and resource information. GRP uses the Inland Sensitivity Maps developed by UMRBA as its base. Hokanson explained that the GRP CD is intended to provide the key information and strategies needed during the initial phase of a response, with the expectation that it will be supplemented with direct communication between responders and resource managers, and other response tools, as the incident evolves.

Hokanson provided a brief demonstration of the Pool 7 GRP, which was completed in August 2010. A GRP for Pool 13 is slated for completion this summer. Hokanson said he anticipates that UMRBA will work with the Service and EPA to complete a GRP for another pool in the coming year.

Barb Naramore said EPA funding through its spills planning and mapping agreement with UMRBA has been absolutely critical to the work Coffey and Hokanson described. She also emphasized that the GRP approach would not have been possible in years past. Many years of cooperative interagency contingency planning and incident response were needed to bring resource managers and spill responders to the point of mutual understanding and trust required to develop a GRP. Robert Stout asked about the potential to replicate the GRP approach in other highly sensitive areas. Naramore said much of the groundwork has been done with the creation of various templates and methods. She said that information could certainly be made available to responders and resource managers in other areas. In terms of UMRBA's potential direct involvement in staffing additional efforts under its cooperative agreement with EPA, that would need to be determined.

## **Administrative Issues**

### *FY 12 Budget*

Mike Wells presented a proposed FY 12 UMRBA budget prepared by Barb Naramore and dated May 12, 2011. Pat Boddy moved and Jim Fischer seconded a motion to approve the budget as drafted. Boddy noted that the Board may find it necessary to revisit the FY 12 budget if revenue projections prove overly optimistic. The motion carried unanimously. The approved FY 12 budget is attached to these minutes.

### *Election of Officers*

Wells explained that he will be unable to complete his term as UMRBA Chair, given his retirement date of June 1, 2011. Wells said Dru Buntin is expected to replace him as Governor Nixon's UMRBA Representative and indicated that Buntin would be willing to serve as chair for the remainder of Wells' term. Rick Mollahan moved and Jim Fischer seconded a motion to name Dru Buntin as UMRBA Chair for the balance of Wells' term. The motion carried unanimously.

### *Future Meetings*

Barb Naramore reported that UMRBA's next two quarterly meetings are scheduled for August 16, 2011 in Davenport, Iowa and November 15, 2011 in Moline, Illinois. The Board set its winter quarterly meeting for February 28, 2012 in the Quad Cities.

With no further business, the meeting adjourned at 2:46 p.m.

**Upper Mississippi River Basin Association  
 FY 2012 Budget  
 Approved 5/17/11**

**Ordinary Income/Expense**

**Income**

<b>Contracts and Grants</b>	
COE (EMP and NESP)	80,600
EPA (OPA)	177,800
States (604(b) ARRA)	64,500
States (604(b) WQ baseline)	17,000
IL (106 Monitoring)	<u>77,100</u>
<b>Total Contracts and Grants</b>	<b>417,000</b>

<b>State Dues</b>	
Illinois Dues	48,000
Iowa Dues	39,000
Minnesota Dues	48,000
Missouri Dues	48,000
Wisconsin Dues	40,000
WQ Assessment	<u>51,000</u>
<b>Total State Dues</b>	<b>274,000</b>

<b>Interest Income</b>	
<b>Short Term Interest</b>	
Short Term (Savings)	800
Short Term (Sweep)	10
Short Term (CD)	<u>2900</u>
<b>Total Short Term Interest</b>	<b><u>3,710</u></b>
<b>Total Interest Income</b>	<b><u>3,710</u></b>

**Total Income** 694,710

**Expense**

<b>Gross Payroll</b>	
Salary	233,860
OPA Wages	112,370
Benefits	<u>56,710</u>
<b>Total Gross Payroll</b>	<b>402,940</b>

<b>Payroll Expenses</b>	
SocSec Company	24,980
Medicare Company	5,840
SUTA (Minnesota UC)	1,250
Workforce Enhancement Fee	<u>250</u>
<b>Total Payroll Expenses</b>	<b><u>32,320</u></b>

**Travel** 16,500

<b>Space Rental</b>	
Office Rental	38,900
Parking	<u>6,350</u>
<b>Total Space Rental</b>	<b>45,250</b>

<b>Reproduction</b>	
Copy Service	1,700
Printing	<u>3,800</u>
<b>Total Reproduction</b>	5,500
<b>Meeting Expenses</b>	17,300
<b>Supplies</b>	4,500
<b>Equipment</b>	
Equipment (Purchase)	2,500
Equipment (Maint./Rental)	<u>900</u>
<b>Total Equipment</b>	3,400
<b>Legal and Financial</b>	
Insurance	5,500
Legal and Tax Services	1,400
Bank Charges	<u>220</u>
<b>Total Legal and Financial</b>	7,120
<b>Telephone/Communications</b>	9,000
<b>Postage</b>	2,200
<b>Other Services</b>	4,200
<b>Publications</b>	2,800
<b>State Travel Reimbursement</b>	
Illinois	5,000
Iowa	3,125
Minnesota	3,750
Missouri	5,000
Wisconsin	4,167
State WQ Travel	<u>4,000</u>
<b>Total State Travel Reimbursement</b>	25,042
<b>OPA Expenses</b>	
Equipment OPA	3,800
Equipment (Maint./Rental) OPA	5,100
Travel OPA	8,400
Other OPA	<u>4,500</u>
<b>Total OPA Expenses</b>	21,800
<b>604(b) Expenses</b>	
Contractor 604(b)	30,000
Meetings 604(b)	3,000
Travel 604(b)	9,500
Other 604(b)	<u>7,250</u>
<b>Total 604(b) Expenses</b>	49,750
<b>106 Expenses</b>	
Contractor 106	40,000
Meetings 106	1,250
Travel 106	1,500
Other 106	<u>250</u>
<b>Total 106 Expenses</b>	43,000
<b>Total Expense</b>	692,622
<b>Net Ordinary Income</b>	<u>2,088</u>