



# Upper Mississippi River Basin Association

ILLINOIS, IOWA, MINNESOTA, MISSOURI, WISCONSIN

June 9, 2009

Brigadier General Michael J. Walsh  
Division Commander  
U.S. Army Corps of Engineers  
Mississippi Valley Division  
P.O. Box 80  
Vicksburg, Mississippi 39181-0080

Dear General Walsh:

On behalf of the Upper Mississippi River Basin Association (UMRBA), I am writing to express our five member states' perspectives regarding the potential transition from the Environmental Management Program (EMP) to the Navigation and Ecosystem Sustainability Program (NESP). We very much appreciate having had an opportunity to review a staff draft transition plan dated May 28, 2009, and were very pleased to see many of our informal suggestions reflected in LTC Clarke's June 4, 2009 submission of a revised plan for your consideration.

UMRBA has a long history with both EMP and NESP, including helping to shape each program's authorization, advocating for annual appropriations, and participating actively in partnership implementation efforts. As such, we are keenly interested in ensuring successful integration of EMP and NESP. In fact, the states articulated their perspectives regarding key elements of a successful integration in November 2007, before the actual enactment of the NESP authorization (see enclosed).

UMRBA fully recognizes the need for a rational, efficient transition from EMP to NESP, and encourages the Corps' efforts to respond to Congress' call for a transition plan. However, we have also long held that no transition should actually take place unless and until NESP is operational and sufficiently funded to provide a solid foundation for the integration of the two programs. Toward this end, the states fully support the three key transition principles identified in the draft transition plan. It is indeed essential that:

1. transition not result in a net reduction in the Corps' restoration and monitoring capacity on the UMRS;
2. transfer of EMP projects, whatever their phase, occur seamlessly; and
3. the Long Term Resource Monitoring (LTRM) component of the EMP be fully integrated into NESP as part of the transition, using the partner-endorsed LTRM Strategic Plan as a guide.

We also concur that the Corps-led effort to integrate ecosystem restoration planning across the EMP, NESP, and other restoration authorities will serve all participating programs well and should greatly facilitate an efficient transition. In fact, this ongoing effort will help meet many of the transition benchmarks that UMRBA identified back in 2007.

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Page 2  
June 9, 2009

Thank you again for the opportunity to review the draft transition plan, which is fundamentally quite compatible with UMRBA's perspectives. Clearly there are many uncertainties regarding the timing and nature of a transition from EMP to NESP; and we applaud the Corps' efforts to consult with the states and other partners as it articulates the fundamental principles that should guide any such transition. Please do not hesitate to contact me or UMRBA Executive Director Barb Naramore with any questions concerning the states' perspectives.

Sincerely,

A handwritten signature in black ink that reads "Gary R. Clark". The signature is written in a cursive, flowing style.

Gary R. Clark, P.E.  
UMRBA Chair

Enclosure

cc: Lt. Colonel Michael F. Clarke, Commander, Rock Island District  
Colonel Jon L. Christensen, Commander, St. Paul District  
Colonel Thomas E. O'Hara, Jr., Commander, St. Louis District

## **Integrating NESP and EMP:**

### **A UMRBA Vision for the Future of Ecosystem Restoration on the Upper Mississippi River System**

(November 13, 2007)

#### **Summary of Key Points**

1. The NESP authority should be the framework for a single, integrated Corps of Engineers ecosystem restoration program on the Upper Mississippi River System that can work with other federal and State programs.
2. During a transitional period of approximately three years, both NESP and the EMP should be funded, allowing for prompt transfer of the Long Term Resource Monitoring Program, completion of some habitat projects under the EMP, and an orderly transfer of other projects in planning to NESP.
3. The EMP authority should be retained, but annual appropriations for the EMP should be discontinued after NESP achieves certain benchmarks and the transition is accomplished.

**The Issue:** In 1986, Congress first authorized the Upper Mississippi River System Environmental Management Program (UMRS EMP), reflecting Congress' commitment to balanced management of the UMRS as a nationally significant ecosystem and navigation system. Recognizing the EMP's effectiveness and anticipating the ongoing needs on the UMRS, Congress established a permanent EMP authority in the 1999 Water Resources Development Act (WRDA). Since its initial authorization, with strong Congressional support and a highly effective federal-state partnership, the EMP has produced a strong record of accomplishment and success through its habitat restoration projects and long term resource monitoring efforts. More recently, as part of the 2004 Navigation Feasibility Study, the Corps of Engineers recommended an integrated program of navigation improvements and ecosystem restoration measures designed to ensure the long term sustainability of the UMRS. With support from the States and many stakeholder groups, a provision to authorize this new Navigation and Ecosystem Sustainability Program (NESP) is contained in the pending 2007 WRDA. This pending NESP authorization raises obvious questions about the ultimate relationship between these two ecosystem restoration programs — i.e., NESP and EMP. This paper articulates the collective vision of the five Upper Mississippi River Basin Association states concerning that relationship.

**UMRBA's Standing:** The Upper Mississippi River Basin Association (UMRBA) is the regional interstate organization formed by the Governors of Illinois, Iowa, Minnesota, Missouri, and Wisconsin to coordinate the states' river-related programs and policies and work with federal agencies that have river responsibilities. UMRBA has been actively engaged with the EMP since the program's inception and is in fact named in the EMP authorizing legislation as the "caretaker" of the Master Plan that gave rise to the EMP. Similarly, UMRBA and its

member states followed the Navigation Feasibility Study process closely and have actively pursued implementation of its recommendations. The States have unique responsibilities and perspectives when it comes to managing the UMRS for its diverse purposes, and UMRBA has long been on record that the States and other restoration partners and stakeholders must be fully involved in deliberations concerning the ultimate integration of EMP and NESP. With the NESP authority on the verge of enactment, the States believe this is the right time to address themselves to several fundamental questions surrounding the relationship between, and ultimate integration of, these two programs.

**The Vision:** UMRBA envisions an integrated, single Corps of Engineers program for ecosystem restoration work on the UMRS, which can leverage other federal and state programs to achieve systemwide ecosystem restoration goals. Even though the EMP authority should remain on the books, the States believe NESP offers the preferred statutory framework for supporting this work for the following reasons:

- NESP includes a broader authority for ecosystem restoration projects and thus will better address the full range of ecosystem restoration needs on the UMRS.
- With its explicit linkage to the Corps of Engineers' UMRS navigation authority, NESP's restoration authority recognizes the fundamental interconnection between management of the UMRS as a nationally significant ecosystem and a nationally significant commercial navigation system.
- NESP's cost sharing provisions are more consistent with the UMRS's restoration needs, the federal government's role as the largest floodplain landowner, and the navigation system's long-term cumulative environmental effects.
- With its adaptive management provisions and authority to continue funding for the Long Term Resource Monitoring Program (LTRMP) currently authorized under the EMP, NESP offers the best potential to coordinate monitoring efforts with the applied research and analysis needed for adaptive management.
- Nongovernmental organizations (NGOs) are important partners in ecosystem restoration, and the NESP authority explicitly permits NGOs to serve as nonfederal project sponsors.

Although NESP is the preferred UMR ecosystem restoration authority for the future, the EMP has been a highly successful restoration and monitoring program with an unmatched commitment to partnership and innovation. Over the past 20 years, this nation has invested nearly \$350 million in restoring the UMR ecosystem through the EMP. Through NESP, we can increase that investment over five-fold. However, the States believe every effort must be made to ensure that the partnership qualities of the EMP are preserved as the transition to NESP is made.

Program integration will require a transition period, during which it will be necessary for Congress to fund, and for the Corps of Engineers and its partners to implement, both EMP and NESP, in order to ensure an effective and efficient merger. The remainder of this vision statement offers the States' perspectives on several specific transition issues and desired features of an integrated program.

## **Transition and Integration:**

*Restoration Projects*—The EMP has a well-established and highly effective system for planning and implementing its habitat rehabilitation and enhancement projects (HREPs). By contrast, NESP will need to develop the policies and practices that will comprise its system. There is, of course, much that NESP can learn, borrow, and refine from EMP. However, this will take some time and considerable focus. To ensure an orderly transition, minimize disruption and inefficiency, and protect the investment in projects already under development under the EMP, the States recommend the following approach:

1. HREPs already under construction or nearing construction should be completed under the EMP. There are 9 projects, with estimated costs totaling \$44.31 million, that fall into this category. Details are provided in Attachment A to this statement.
2. To further ensure efficiency and effectiveness, project planning under EMP should continue until the NESP ecosystem restoration program achieves certain critical benchmarks. Those benchmarks include:
  - a. Issuance of final NESP implementation guidance by the Corps of Engineers Headquarters
  - b. Sufficient NESP funding under the Construction General account to support ecosystem restoration planning and implementation
  - c. Identification of the required restoration goals and performance indicators (Section 8004(d) of the pending WRDA)
  - d. Establishment of the necessary interagency planning infrastructure to ensure a sound, partnership approach to implementation — includes articulation of the project planning process and prioritization framework
  - e. Development of a partnership strategy for transferring EMP projects to NESP that recognizes and builds upon the partnership investment already made in these projects. Such a strategy should a) ensure that all HREPs approved through the existing EMP project planning process are fully incorporated into the NESP planning framework for evaluation and b) ensure that HREPs in planning and design under EMP are brought to an appropriate “stopping point” before they are transferred to NESP.
  - f. Establishment of the requisite program management structure within the Corps of Engineers to support a partnership approach to implementation

*Long Term Resource Monitoring* — The pending NESP authorization directs the Secretary of the Army to implement a long term resource monitoring, data inventory and analysis, and applied research program based on the EMP’s Long Term Resource Monitoring Program (LTRMP) (Section 8004(c) of WRDA 07). This effort should build upon the existing LTRMP data, infrastructure, and protocols, including USGS science leadership and administration and the network of six state-operated field stations. From the States’ perspective, the most efficient and effective way of complying with this element of the authorization is to transfer the existing EMP LTRMP to NESP promptly — i.e., in the first year for which NESP has sufficiently

robust Construction General funding to support the LTRMP, as well as implement the other elements of the navigation improvements and ecosystem restoration authority. Perhaps occurring as early as FY 2010, this will facilitate the optimal integration of the LTRMP with NESP's adaptive management approach and the required development of restoration goals and performance indicators.

Under NESP, the LTRMP should be funded at its full authorized amount of \$10.42 million annually. In addition, assuming adequate overall funding, the States believe that up to approximately one-third of what is allocated annually to ecosystem restoration under NESP should be directed toward the combined cost of long term monitoring, adaptive management, and establishment of restoration goals and performance indicators. If overall funding falls below the point at which this would provide adequate funds for long term resource monitoring, adaptive management, and related activities, the need for program continuity may necessitate that a larger percentage of the restoration allocation go to this work in a particular year.

*Adaptive Management* — Adaptive management is an important element of the pending NESP authority and will both help inform and assess ecosystem restoration efforts on the UMRS. This is, however, distinct from long term resource monitoring and, as noted above, both are needed. The LTRMP has benefited significantly from USGS's science leadership. The States favor a similar leadership role for USGS in the science of adaptive management under the integrated NESP/EMP authority.

*Restoration Goals and Objectives* — As part of program integration, it is vital for NESP and EMP to undertake a coordinated effort to establish ecosystem restoration goals and objectives. Considerable work has already been done in this area, including the EMP's 2000 Habitat Needs Assessment, the NESP Science Panel's previous work, and the Upper Mississippi River Conservation Committee's *A River That Works and a Working River*. It will be important to build upon these efforts. However, now is the time for a coordinated approach between NESP and EMP to meet the needs of the ultimate integrated program and comply with the requirement in NESP's pending authorization for ecosystem restoration goals and performance indicators prior to construction of individual restoration projects (Section 8004(d)). These goals and objectives will provide the necessary foundation for a timely, effective, efficient, and transparent process for formulating projects, determining restoration priorities, focusing monitoring and research, and measuring progress. However, this effort to bring the two programs into congruence on goals and objectives ought not to keep us from moving forward with the EMP restoration projects already in or near construction during the transition period. These projects (identified in Attachment A) have been developed under the EMP's well-established project planning process and should be completed on that basis.

*Institutional Arrangements* — During the transition to an integrated program, it is critical to coordinate NESP and EMP implementation on an interagency basis. The EMP has very well-established and well-respected mechanisms for interagency collaboration, including three coordination teams that align with the Corps' three UMRS districts and deal with a wide range of both EMP and non-EMP issues<sup>1</sup>, an Analysis Team that addresses technical and scientific issues related to the LTRMP, project delivery teams (PDTs) that guide development of

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<sup>1</sup> These groups include the River Resources Forum in the St. Paul District, the River Resources Coordinating Team in the Rock Island District, and the River Resources Action Team in the St. Louis District.

individual HREPs, and an EMP Coordinating Committee (EMP-CC) that addresses broad programmatic and policy issues. In addition, throughout the Navigation Feasibility Study and the more recent preconstruction engineering and design (PED) phase for NESP, the Corps has used a Navigation Environment Coordinating Committee (NECC) to address a variety of issues related to environmental impacts of navigation and ecosystem restoration. In addition, the Corps district teams and PDTs are also involved in project planning and related efforts under PED.

To facilitate coordination between, and the ultimate integration of, NESP and EMP, the States offer the following specific recommendations:

1. Immediately combine the EMP-CC and NECC, modeling the combined group's operations on the EMP-CC, which is the more structured, collaborative, and deliberative of the two bodies and affords the clearest lines of accountability.
2. Invite nongovernmental organizations that are prepared to participate as cost-share partners on restoration projects to name representatives to the combined EMP-CC/NECC.
3. Preserve the role of the Analysis Team in addressing technical and scientific issues related to the LTRMP, both before and after the LTRMP is transferred to NESP.
4. Maintain other existing mechanisms for interagency collaboration and partnership, including the three district-based teams and PDTs.
5. Continue efforts to address longer term questions of institutional arrangements, including the possible creation of an interagency River Council whose mandate would extend beyond NESP and EMP; but do not delay the immediate steps outlined above pending resolution of these questions.

*Public Involvement*—Individual citizens and organized stakeholder groups are important partners in the balanced management of the UMRS, and the ultimate success of an integrated NESP/EMP will depend in part on the steps we take to ensure the public's meaningful involvement. The EMP, the Navigation Feasibility Study, and more recently NESP's PED efforts have all made substantial efforts to engage the public. Their greatest effectiveness has been in the context of individual project planning. Garnering public input concerning broad, programmatic questions has generally been more challenging. Nevertheless, the integrated NESP/EMP needs to engage citizens and stakeholders at all levels. This must include the following elements:

1. The project delivery teams coordinate with the public on individual projects and site-specific questions.
2. Public involvement through the three district-level groups ensures that citizens and stakeholders have access to the full program partnership within a reasonable geographic distance. These groups will address both programmatic and project-specific issues.
3. The combined EMP-CC/NECC serves as an additional forum for public involvement and oversees the public involvement strategy.

**Concluding Statement:** It is critical to ensure the long-term ecological sustainability of the multi-purpose UMRS. Toward this end, the States intend that the partners move forward with integrating NESP and EMP in a timely and deliberate manner, with the expectation that it will be completed within approximately three years. However, the pace and magnitude of appropriations and related factors will ultimately determine just how quickly the transition can be made.



**Attachment A**  
**HREPs that Should be Completed under the EMP**

[Note: This list was developed in November 2007 and thus does not represent a current list of projects recommended for completion under EMP.]

<u>Project Name</u>	<b>Estimated Federal Funds Required to Complete, FY08 &amp; Beyond</b>
<u>St. Paul District</u>	
Capoli Slough, WI	\$3.0 million
Harpers Slough, IA	\$10.0 million
Pool 8 Phase III, MN & WI	
Stage 2B	\$0.05 million <sup>1</sup>
Stage 3	\$10.0 million
<u>Rock Island District</u>	
Lake Odessa, IA	
Stage 1	\$0 <sup>1</sup>
Stages 2A and 2B	\$4.2 million
Pool 11 Islands, WI	\$0 <sup>1</sup>
Rice Lake, IL	\$9.0 million
<u>St. Louis District</u>	
Batchtown, IL	\$5.51 million
Calhoun Point, IL	\$0.31 million
Swan Lake, IL	\$2.24 million
<b>Totals</b>	<b>\$44.31 million</b>

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<sup>1</sup> All federal construction funds estimated to be necessary to complete the project have been allocated as of FY 07, though construction will extend beyond FY 07. Modest funding for contract administration and related costs may be needed.