

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

August 7, 2003
Summer Quarterly Meeting

Radisson Hotel South
Bloomington, Minnesota

Charlie Wooley of the U.S. Fish and Wildlife Service called the meeting to order at 8:02 a.m. on Thursday, August 7, 2003. Other EMP-CC members present were Steve Cobb (USACE), Tom Boland (IA DNR), Steve Johnson (MN DNR), Janet Sternburg (MO DOC), Gretchen Benjamin (WI DNR), Leslie Holland-Bartels (USGS), and Larry Shepard (USEPA). A complete list of attendees is attached.

Minutes of the May Meeting

Steve Johnson moved and Tom Boland seconded a motion to approve the draft minutes of the May 15, 2003 meeting as written. The motion carried unanimously.

Program Management

Marvin Hubbell reported that, as of June 30, the EMP had expended \$7.367 million since the start of FY 03. This is 73 percent of the program's \$10.15 million in scheduled expenditures for the year. Hubbell said the EMP is on pace to expend its full allocation this year.

Hubbell also reported that the House-passed FY 04 energy and water appropriations bill includes \$18.32 million for the EMP. Action by the full Senate is pending, but the Senate Appropriations Committee has approved \$20.0 million for the EMP. The Corps' preliminary allocation plan under these two funding scenarios, assuming a savings and slippage rate of 16 percent, is as follows:

	<u>House-passed</u>	<u>Senate Committee</u>
	(in millions of dollars)	
Program Appropriation	\$18.320	\$20.000
HREP Allocation	\$10.368	\$11.336
LTRMP Allocation	\$4.746	\$5.189

While the Corps has not yet evaluated the project implications of these two funding scenarios extensively, each district has identified its top priority project. Assuming a final

appropriation in the range of the current House and Senate bills, the Corps would prioritize the following habitat projects in FY 04: MVP—Ambrough Slough, MVR—Pool 11 Islands, and MVS—Calhoun Point. Hubbell emphasized that sufficient resources would also be devoted to project planning to ensure a flow of projects for construction in future years. With regard to the LTRMP, Hubbell explained that an appropriation in this range means that there would be little FY 04 funding available for the recently submitted project pre-proposals.

Navigation Study

Denny Lundberg reported that the Corps is currently considering a range of cost-sharing options for implementing the ecosystem restoration measures that will be part of the Navigation Feasibility Study's recommended plan. The Corps' alternatives reflect four ways of defining ecosystem restoration measures to be 100 percent federally funded, including those that:

- are directly attributable to addressing ongoing and cumulative effects of the navigation project;
- involve modifications to structures and operations of the navigation project and measures on project and refuge lands;
- involve modifications to structures and operations of the navigation project, measures on project and refuge lands, and measures in backwater areas connected to the main channel regardless of current ownership; or
- produce national benefits as defined in Section 906(e) of the 1986 Water Resources Development Act.

In response to a question from Charlie Wooley, Lundberg said the Corps would carefully consider the relationship between any cost-sharing arrangements it might recommend for ecosystem restoration measures under the Navigation Study and the EMP's existing cost-share requirements. Lundberg also explained that the Corps does not anticipate recommending any short-term changes to the EMP authority as part of its Navigation Study recommendations. However, the longer-term relationship between the Navigation Study ecosystem restoration measures and the EMP will require consideration. Specific questions include whether two separate authorities should be maintained over the long-term and whether the EMP's existing institutional arrangements could support implementation of the ecosystem restoration measures. Lundberg invited EMP-CC members' perspectives on these and other questions.

Gretchen Benjamin observed that the EMP was established not as mitigation, but was authorized in conjunction with construction of the 2nd lock at L&D 26. As a preliminary response, Benjamin said she was inclined to think that the EMP should continue as a separate authority since it came in response to a specific action. However, she acknowledged that there are several factors that must be considered, including likely funding levels under different approaches to authorization.

Lundberg emphasized that the Corps does not want to undercut the EMP, but does need to think about the future if Congress authorizes a package of navigation system improvements

and ecosystem restoration measures. He suggested that one option might be to build a decision process into the authorization. Under this approach, at a set number of years after enactment of the ecosystem restoration authority, the Corps would be required to report back to Congress on how the EMP and ecosystem restoration authorities are working. Holly Stoerker suggested that the RTC process, which is already built into the EMP authority, could perhaps be used for this purpose.

Tom Boland said it is important politically to avoid having two programs that compete with one another or overlap. Thus, if the EMP and the ecosystem restoration authorities remain separate, he emphasized that the two programs will need to be structured carefully to avoid such problems.

Steve Cobb acknowledged that, until more specifics are available regarding the Navigation Study's ecosystem recommendations, it is difficult to discuss how the two programs might fit together. He said the Corps is raising the issue now for the partners' future consideration and discussion. Cobb said the Corps will not need to include specifics regarding the relationship between the EMP and the ecosystem restoration authority in its Navigation Study recommendations.

Wooley asked whether there is any case history that we might be able to learn from. Ken Barr noted the multiple authorities focused on restoring coastal wetlands in Louisiana. Cobb said there are some parallels, but noted that the Louisiana programs are still in transition themselves. In addition, they have separate funding sources. Gary Loss noted that the Ohio River has an authority similar to the EMP; but Congress has not funded it, illustrating that much of a program's success hinges on Congress.

Lundberg reported that Corps staff is in the process of developing a memorandum for record (MFR) on adaptive management. Ken Barr said that, at present, the Corps anticipates a combination of existing programs and laboratories, including the LTRMP, could provide the information needed to support the adaptive management approach envisioned by the Navigation Study.

HREP Planning and Sequencing

Marvin Hubbell reported that the Corps has prepared a revised version of the HREP Planning and Sequencing Framework. He explained that those revisions are based on discussions at the May 2003 EMP-CC meeting and subsequent written comments received. Among the modifications is an effort to clarify that the framework is in no way intended to alter the existing relationships between the River Resources Forum, River Resources Coordinating Team, and River Resources Action Team and their respective technical committees. Acknowledging the limited review time, Hubbell said the Corps is not seeking final comments or endorsement at today's meeting. Instead, he asked EMP-CC members to respond to Roger Perk by August 25 with any remaining comments and/or an indication whether they are prepared to endorse the framework. Based on the responses received, Hubbell said the Corps will determine a process for finalizing the framework in consultation with the program partners. Hubbell also asked partners to submit lists of System Ecological Team candidates to Perk by August 25. Tim Yager requested a digital version of the framework to facilitate review by Service personnel.

In response to a question from Tom Boland, Hubbell said the Corps has no precise timeframe for implementing the framework. Hubbell said the Corps is hopeful that the partners' concurrence on the framework can be obtained shortly after the August 25 comment deadline. This would permit implementation of the framework shortly thereafter, as each interagency district group initiates its next HREP planning cycle. Boland cautioned against trying to perfect every detail of the framework in the abstract. Instead, he encouraged the partners to begin using the framework and modify it later, if needed, based on real world experience. Hubbell said the Corps will communicate with the partners regarding the framework's status after it has received the final round of comments.

Long Term Resource Monitoring Program

Leslie Holland-Bartels noted that several LTRMP discipline team leaders are at today's meeting with displays presenting some of the results from their recent analysis efforts. She said that USGS will prepare more extensive presentations for display at the November meeting in La Crosse. Charlie Wooley expressed the EMP-CC's appreciation for the USGS staff's efforts.

Holland-Bartels explained that LTRMP monitoring was significantly reduced in FY 03, due to funding constraints. She reviewed the limited data collection that is being done for the fish, vegetation, water quality, and macroinvertebrates components. Priority has been given to monitoring that may help answer key questions, such as continuing vegetation sampling in Pools 8 and 13, in an effort to understand what appear to be very different trends in the two pools. Also of note, some states have provided state funds to support additional fish and vegetation sampling in some areas. More specifically, the states are funding vegetation sampling in Pools 4 and 26 and the La Grange Pool. State funds are also permitting fish sampling with all gears on Pool 26, the La Grange Pool, and the Open River.

Holland-Bartels reported that the 10-year discipline reports and other FY 03 analysis efforts are on schedule. As an example of this work, Holland-Bartels described efforts to identify areas of rapid habitat change and areas of relative stability by comparing land cover/land use (LC/LU) data from 1989 and 2000. If these areas can be reliably identified, this information can be used to increase the efficiency of future efforts to update LC/LU data. Specifically, areas of rapid change could be updated more frequently, allowing something closer to real time coverages. According to Holland-Bartels, this would be an innovative approach to LC/LU mapping. As another example, she cited a forthcoming report on what the LTRMP data tell us about non-native fish in the UMRS.

Efforts continue under the Science Planning Process to identify discrete, short-term tasks that can contribute to answering the key, big picture questions about the UMRS. The expectation is that these discrete tasks will allow the LTRMP to adapt to funding variations, while ensuring that its work remains focused on answering important questions.

Holland-Bartels explained that the FY 04 appropriations outlook offers few prospects for funding new LTRMP efforts. However, she emphasized that the process of preparing and ranking project pre-proposals will still be helpful in positioning the LTRMP to compete for overtarget funding, leveraging external funding, and identifying ideas for student projects.

Seventy-nine pre-proposals were submitted. The highest ranking pre-proposals from the FY 04 ranking process include bathymetric mapping for the UMR, analysis and modeling of native mussels, and use of bioacoustics to locate sturgeon spawning sites.

Holland-Bartels also stressed that the ranked pre-proposals will be maintained as a living document. She encouraged program partners to submit additional pre-proposals and problem statements as ideas come to mind. These additional ideas will be ranked as part of preparation of the FY 05 work plan. Holland-Bartels said her general expectation is that pre-proposals will be ranked once per year, unless a major new idea is presented that partners agree needs to be brought into the ranking sooner.

Tom Boland reported that the A-Team met on July 23 in Moline. He noted that the project pre-proposals far outstrip the resources anticipated to be available, but said the process was still helpful. Boland did observe that reviewing the 79 pre-proposals was a considerable undertaking. He said few agency personnel beyond the A-Team members were willing to invest the time required to review the material and provide input to the ranking process.

Boland also said the A-Team plans to define what it views to be the minimum level of effort needed to adequately monitor the UMRS under the LTRMP. He noted that the A-Team, as a group of technical advisors, has not previously gone on record with such a statement. Boland said the A-Team's minimum monitoring program is likely to resemble the FY 02 program. However, he emphasized that this baseline will not, in the A-Team's view, be a fully adequate monitoring program, nor will it address analysis or research needs.

Boland reported that the A-Team's next meeting is scheduled for November 6 in Dubuque. He noted that the new river museum in Dubuque would make an excellent place to showcase the EMP. He announced that John Sullivan will become the A-Team chair after the November meeting.

Colonel Gapinski thanked Boland for his considerable service to the A-Team and presented him with a Commander's Coin as an expression of appreciation.

Report to Congress

Marvin Hubbell distributed the Corps' revised schedule for the Report to Congress. Key dates include the following:

- 8/15/03—partner comments due to MVR on the draft Introduction and Chapters 1-2
- Mid-October 2003—complete draft RTC out for partner review
- 11/20/03—seek partner endorsement of draft report for public review; hold Issue Resolution Conference, if necessary, in conjunction with EMP-CC meeting
- January to mid-February 2003—public review of draft RTC
- 2/26/04—discuss public review comments and preliminary endorsement of final RTC at EMP-CC meeting
- 6/1/04—submit RTC to MVD for review
- 7/1/04—Division Commander's notice
- 8/30/04—Chief's Report released

Public Outreach and Involvement

Hubbell proposed two primary strategies for public outreach and involvement concerning the RTC. First, he suggested having EMP informational tables at the Navigation Study's October 2003 public meetings. These tables would provide an opportunity to distribute general information about the EMP and the RTC, as well as to solicit suggestions from the public concerning the program and the report. Second, Hubbell suggested holding public involvement sessions as part of the November 2003 and February 2004 EMP-CC meetings. These sessions would provide an opportunity for members of the public to address the EMP-CC directly.

In response to a question from Steve Johnson, Hubbell said the Corps held a series of seven public meetings along the river as part of the 1997 RTC process. Hubbell said these meetings met with mixed success in terms of attendance. Holly Stoerker observed that the EMP was addressing several fundamental issues as part of the 1997 RTC, including whether and how to extend the program authorization. In contrast, the issues being addressed this time are considerably narrower, and presumably of less general interest to much of the public. With this in mind, she suggested that the public outreach and involvement efforts for the current RTC probably do not need to be as extensive as those employed for the 1997 report. Tom Boland and Steve Johnson concurred with Stoerker's suggestion. Johnson emphasized the importance of keeping the NGOs closely involved, given that one of the report's anticipated recommendations concerns providing opportunities for them to sponsor HREPs. Gretchen Benjamin asked for an opportunity to consult with others in Wisconsin DNR before responding to Hubbell's proposed approach. Hubbell asked EMP partners to provide their input regarding the proposed public outreach and involvement strategy by August 25.

Charlie Wooley asked for clarification regarding who would be invited to participate in the public involvement sessions proposed as part of the November and February EMP-CC meetings. After some discussion, the EMP-CC members' consensus was that these sessions should be open to both organized stakeholder groups as well as members of the general public. Benjamin cautioned that, by holding these sessions during the day as part of regularly scheduled EMP-CC meetings, much of the general public would be precluded from attending.

Comments on Draft RTC Chapters

Acknowledging that the draft RTC Introduction and Chapters 1 and 2 had only very recently been distributed, Hubbell invited any general comments or questions. Several EMP-CC members and other agency representatives offered initial impressions, including some expressions of concern regarding length and the way specific aspects of the program were characterized. However, all those who spoke said they would be providing more detailed, written comments by the August 15 deadline established in MVR's transmittal memo.

In response to a question from Wooley regarding coordination between the Corps and the Office of Management and Budget (OMB), Steve Cobb explained that the Chief of Engineers will issue his Chief's Report, currently scheduled for August 30, 2004. The

Chief's Report is then forwarded to the Assistant Secretary of the Army for Civil Works, who is responsible for coordinating as necessary with OMB before submitting the Secretary's Report to Congress.

Cost-Sharing

Greg Ruff noted that the current EMP authorizing language, in combination with Administration policy, only permits 100 percent federal funding for HREPs on lands that are managed as a national wildlife refuge. Ruff said MVD does not favor including a recommendation in the RTC to expand 100 percent federal funding to HREPs on all federally owned land. Instead, MVD believes that expanded opportunities for 100 percent federal funding for ecosystem restoration should be pursued as part of the Navigation Study package. More specifically, Ruff noted that the EMP does not appear to be constrained at present by the current cost-sharing policy—i.e., there are still project opportunities on both refuge and state lands. He characterized the proposed recommendation to permit 100 percent federal funding for HREPs on all federal lands as a significant expansion of the current EMP. As expressed in its Navigation Study cost-sharing MFR, the Corps is not inclined to either expand or contract the EMP.

Ruff noted that the Navigation Study will be considering 100 percent federal funding for measures on Corps project lands and connected backwaters as well as refuges. This alternative would not, however, extend 100 percent federal funding to lands owned by other federal agencies, such as the National Park Service and Forest Service. This extension to land owned by other federal agencies is part of the EMP recommendation under consideration by program partners. Janet Sternburg noted that the Corps had committed to providing data on the extent of various federal agencies' land holding on the UMRS. Sternburg said Missouri would like to defer further consideration of the potential cost-sharing recommendation until the Corps can provide the land ownership analysis.

Steve Johnson noted that Minnesota and the National Park Service are interested in doing a habitat project on a Park Service island in Pool 2 that is part of the Mississippi National River and Recreation Area. However, he acknowledged that this is a relatively small area, and said he, too, would need to see some system-level data on land ownership patterns before being able to judge whether such an expansion of the EMP authority should be pursued in the RTC. Steve Cobb said that, if partners are concerned with just one or two potential projects, such opportunities could be more effectively handled as special exceptions rather than by seeking a program-level change in Congressional authority.

Gretchen Benjamin asked about the potential downside of pursuing a modification to the EMP to permit 100 percent federal funding on all federal lands. Cobb said one obvious downside is that the effort might not be successful. Benjamin observed that there is no guarantee of success for recommendations that are made as part of the Navigation Study ecosystem restoration package either. Cobb also said Corps Headquarters and the Assistant Secretary are likely to view habitat work on Park Service and Forest Service lands as being the responsibility of those agencies. Cobb said the Corps has not yet coordinated with the Park Service or Forest Service concerning the potential for HREPs on their lands.

It was agreed that the states would convene by conference call after the Corps provides the land ownership data. The states will then respond back to the Corps regarding whether they wish to pursue an RTC recommendation to expand 100 percent federal funding for HREPs to all federal lands. The Fish and Wildlife Service and other federal partners will also be asked to provide their input after the data analysis is available. Hubbell noted that, if some partners wish to pursue such a recommendation in the RTC, an Issue Resolution Conference (IRC) will be necessary. Under the current schedule, the IRC would be held in conjunction with the November meeting. If the partners elect to defer this issue for consideration as part of the Navigation Study package, then an IRC will not likely be needed for the RTC.

Delegated Authority for HREPs

Cobb reported that MVD will recommend to Corps Headquarters that authority to approve HREP planning and construction be delegated to the district level for projects that cost less than \$5 million and use relatively standard practices. MVD will also recommend that it be authorized to approve HREPs greater than \$5 million or that incorporate untested practices or policies. Cobb said MVD will advance this recommendation in the near future, and said he anticipates that Headquarters will respond before the RTC is finalized. In any event, the RTC will reflect the status of this recommendation at the time the report is submitted. In response to a question from Wooley, Cobb said he anticipates that Headquarters will respond favorably to the recommendation, noting that it is consistent with a general trend within the Corps to shift decision-making from Washington to districts and divisions.

Tom Boland asked about the basis for the proposed \$5 million cap on the districts' approval authority, noting that the trend within the EMP is toward larger, more expensive projects. Cobb said MVD had to pick some cut-off, observing that Headquarters would not likely support district approval without such a cap. Hubbell noted that, of the 39 HREPs currently in the queue, seven of them have costs above \$5 million. Barb Naramore observed that the major efficiency associated with delegated authority is anticipated to be the elimination of Washington-level review and approval. This efficiency is realized regardless of whether the project is approved at the district or division level.

Coordination between the LTRMP and Other Programs

Naramore reported that the LTRMP's coordination with other programs remains an outstanding issue from the February 2003 EMP-CC meeting. At that meeting, EMP-CC members concurred that the RTC should not recommend a comprehensive Information Needs Assessment (INA) for the river under the EMP. However, they agreed to give further consideration to the possibility of recommending an INA that is not done solely through the EMP. At the February meeting, members asked staff from the U.S. EPA, USGS, Corps, and UMRBA to consult further on the idea of an INA done under other auspices and report back to the EMP-CC. Naramore said this consultation has not yet been accomplished.

Leslie Holland-Bartels said the LTRMP Science Planning Process is a multi-agency effort to identify information needs in the context of the issues and problems about which people are most interested. She offered the opinion that the Science Planning Process and the LTRMP's annual work planning efforts are the most valuable in helping to guide the

LTRMP. She expressed concern that a broader INA would identify many disconnected needs that would be difficult to prioritize.

Larry Shepard acknowledged the value to the LTRMP's Science Planning Process and the resource and scoping challenges that would face a more comprehensive INA effort. However, he said that EPA would like to complete the agreed upon consultation process to examine possible approaches to an INA for the UMRS that would not be done exclusively under the EMP. Shepard said that, at minimum, the RTC should describe the issue, the partners' discussion, and its resolution, even if that resolution is a decision not to recommend anything.

Boland said he would like an opportunity to consult with others in Iowa DNR. However, he said he is inclined to agree with Holland-Bartels and expressed concern that a broader INA would produce a long list of disconnected priorities that would be of little value.

It was agreed that staff from the U.S. EPA, USGS, Corps, and UMRBA would consult prior to the November EMP-CC meeting regarding options for an INA under auspices other than the EMP.

Potential Conclusions and Recommendations

Naramore explained that UMRBA and MVR staff revised the previous list of potential RTC conclusions and recommendations based on the discussion at the May EMP-CC meeting and subsequent written comments provided by some partners and stakeholders. The revised version is annotated to reflect those changes. Naramore briefly described the most substantive of these changes. She also reminded EMP-CC members that the intent at this point is not to perfect the language in the list, but to identify the key concepts that will serve as the basis for drafting Chapter 4 of the RTC.

Hubbell noted that the Corps would like to eliminate Conclusion # 11 and Recommendation #23, consistent with its earlier recommendation to defer any extension of 100 percent federal funding for treatment under the Navigation Study recommendations.

Hubbell asked EMP partners to submit comments on the revised list to MVR staff by August 25, with a particular emphasis on describing the nature of any concerns, rather than offering specific wording changes.

Independent Technical Review Committee

In response to a question from Ken Lubinski, Greg Ruff said MVD intends to establish the EMP Independent Technical Review Committee in FY 04, using the approach previously coordinated with the EMP-CC. Ruff noted that implementation was deferred in FY 03 due to funding constraints.

Other Business

Gretchen Benjamin noted that the agencies involved in MVP's water level management efforts had developed a brochure that was quite helpful in communicating with the public

about the projects. She suggested that an updated EMP brochure could prove similarly helpful. Benjamin said the current EMP brochure is out-of-date, and also said she does not find the content and format to be particularly effective. Marvin Hubbell said he would work with Benjamin on updating the EMP brochure. Holly Stoerker suggested that they consider how a revised brochure would relate to the overall Public Involvement Strategy that the Corps devised following reauthorization of the EMP. Barb Naramore recommended that the Corps update the EMP-CC at a future meeting concerning implementation of the public involvement strategy in each of the three districts.

Gary Loss cautioned that the House and Senate amounts for the EMP in FY 04 could pose significant problems, coming on the heels of the extremely low FY 03 appropriation. He stressed the importance of making sure that members of Congress understand these implications.

Naramore announced that the upcoming quarterly meeting schedule includes meetings on November 18-20, 2003 in La Crosse; February 24-26, 2004 in St. Louis; and May 18-20, 2004 in the Twin Cities. EMP-CC business meetings are scheduled for the third day of each meeting cycle.

With no further business, the meeting adjourned at 11:15 a.m.

EMP-CC Attendance List
August 7, 2003

Steve Cobb	U.S. Army Corps of Engineers, MVD
Charlie Wooley	U.S. Fish and Wildlife Service, Region 3
Leslie Holland-Bartels	U.S. Geological Survey, UMESC
Tom Boland	Iowa Department of Natural Resources
Steve Johnson	Minnesota Department of Natural Resources
Janet Sternburg	Missouri Department of Conservation
Gretchen Benjamin	Wisconsin Department of Natural Resources
Greg Ruff	U.S. Army Corps of Engineers, MVD
Maryetta Smith	U.S. Army Corps of Engineers, MVD
Thomas Novak	U.S. Army Corps of Engineers, MVP
COL Duane Gapinski	U.S. Army Corps of Engineers, MVR
Gary Loss	U.S. Army Corps of Engineers, MVR
Denny Lundberg	U.S. Army Corps of Engineers, MVR
Ken Barr	U.S. Army Corps of Engineers, MVR
Marvin Hubbell	U.S. Army Corps of Engineers, MVR
Chuck Theiling	U.S. Army Corps of Engineers, MVR
Mike Thompson	U.S. Army Corps of Engineers, MVS
Brian Markert	U.S. Army Corps of Engineers, MVS
Tim Yager	U.S. Fish and Wildlife Service, Region 3
Jon Kaufeld	U.S. Fish and Wildlife Service, Region 3
Sharonne Baylor	U.S. Fish and Wildlife Service, Upper Mississippi Refuge
Barry Johnson	U.S. Geological Survey, UMESC
Yao Yin	U.S. Geological Survey, UMESC
Jennie Sauer	U.S. Geological Survey, UMESC
Brian Ickes	U.S. Geological Survey, UMESC
Ken Lubinski	U.S. Geological Survey, UMESC
Mike Wells	Missouri Department of Natural Resources
Jim Fischer	Wisconsin Dept. of Natural Resources, LTRMP Field Station
Larry Shepard	U.S. Environmental Protection Agency, Region 7
Angela Anderson	Mississippi River Basin Alliance
Holly Stoerker	Upper Mississippi River Basin Association
Barb Naramore	Upper Mississippi River Basin Association