

**Minutes of the
80th Quarterly Meeting
of the
Upper Mississippi River Basin Association**

**November 14, 2001
St. Louis, Missouri**

The meeting was called to order at 9:05 a.m. by Steve Morse. The following State Representatives and Federal Liaison Representatives were present:

Don Vonnahme	Illinois Representative (IL DNR)
Gary Clark	Illinois Alternate (IL DNR)
Tom Jackson	Iowa Representative (IA DOT)
Kevin Szcodronski	Iowa Representative (IA DNR)
Steve Morse	Minnesota Alternate (MN DNR)
Steve Johnson	Minnesota Alternate (MN DNR)
Dick Lambert	Minnesota Alternate (MN DOT)
Mike Wells	Missouri Alternate (MO DNR)
Terry Moe	Wisconsin Alternate (WI DNR)
Gary Loss	U.S. Army Corps of Engineers (MVR)
Larry Shepard	U.S. Environmental Protection Agency (Region 7)
Bill Franz	U.S. Environmental Protection Agency (Region 5)
Albert Schulz	Federal Emergency Management Agency (Region 7)
Bob Goodwin	Maritime Administration
Leslie Holland-Bartels	U.S. Geological Survey (UMESC)

Others in attendance:

Jeff Janvrin	Wisconsin DNR
Scott Stuewe	Illinois DNR
Ken Brummett	Missouri DOC
Steve Cobb	U.S. Army Corps of Engineers (MVD)
Greg Ruff	U.S. Army Corps of Engineers (MVD)
Don Powell	U.S. Army Corps of Engineers (MVP)
Denny Lundberg	U.S. Army Corps of Engineers (MVR)
Bill Graham	U.S. Army Corps of Engineers (MVR)
Ken Barr	U.S. Army Corps of Engineers (MVR)
Mike Cox	U.S. Army Corps of Engineers (MVR)
Jerry Skalak	U.S. Army Corps of Engineers (MVR)
Dave Tipple	U.S. Army Corps of Engineers (MVR)
Rob Davinroy	U.S. Army Corps of Engineers (MVS)
Dennis Stephens	U.S. Army Corps of Engineers (MVS)
Dan Stinnett	U.S. Fish and Wildlife Service
Joyce Collins	U.S. Fish and Wildlife Service

Jon Duyvejonck	U.S. Fish and Wildlife Service/UMRCC
Al Fenedick	U.S. Environmental Protection Agency
Dan McGuiness	Audubon Upper Mississippi River Campaign
Jeff Stein	American Rivers
Paul Werner	Waterways Journal
Barb Naramore	Upper Mississippi River Basin Association
Holly Stoerker	Upper Mississippi River Basin Association

Vineyard Recognition

Holly Stoerker acknowledged Jerry Vineyard’s many years of service and involvement with the UMRBA. She noted that Vineyard had retired from Missouri DNR some time ago, but has been on special assignment for DNR as a Liaison for river basin activities. However, that assignment will likely conclude at year’s end. Chairman Steve Morse signed a certificate of appreciation and asked that it be forwarded to Vineyard, given that he was unable to attend today’s meeting.

Meeting Minutes

Terry Moe moved and Don Vonnahme seconded a motion to approve the minutes of the August 7, 2001 meeting as drafted. The motion was approved by consensus.

Executive Director’s Report

Holly Stoerker reported that on August 16, the UMRBA sent letters to the 5-state Congressional delegation urging support for EMP funding of \$21 million, as included in the House FY 02 Energy and Water Appropriations bill. The Senate bill had included only \$19 million. The amount included in the final bill is \$20 million.

Stoerker also noted that UMRBA was to have participated in a Congressional briefing on EMP scheduled for mid-September. However, that event was canceled as a result of the September 11 terrorist attacks. Terry Moe commented that Representative Kind is seeking more help in his efforts to increase EMP funding. Moe urged the states to be more active advocates of EMP.

Stoerker reported that the UMRBA web site is now up and running. It includes information on meetings, as well as policy statements and reports.

Updates on On-going Projects and Issues

Flood Maps — Holly Stoerker reported that UMRBA staff is in the process of arranging a conference call for the state floodplain managers, FEMA, and the Corps to discuss updates to the Flood Insurance Rate Maps. In particular, in August, FEMA had proposed a three-way cost share strategy for funding the effort. UMRBA had agreed to facilitate discussion of the proposal among the federal and state agencies. The call will likely take place in early December.

Status of Legislation — Holly Stoerker reported that there have been no further developments, such as scheduled hearings, on the Flood Loss Reduction Act (H.R. 2021) introduced last May. Jeff Stein indicated that portions of H.R. 2021 related to national programs have been incorporated into other bills.

Stoerker also reported that the section of the Upper Mississippi River Basin Conservation Act (H.R. 1800) establishing an Advisory Council and Federal Interagency Working Group to coordinate basin wide nutrient and sediment reduction efforts was included in the Farm Bill, as approved by the House Agriculture Committee. However, it was then deleted from the manager's amendment that ultimately passed the full House. Representative Ron Kind has indicated his intent to reintroduce H.R. 1800 in a revised form that includes provisions related only to USGS. By eliminating provisions involving USDA, Kind expects that the bill will not fall under the jurisdiction of the House Agriculture Committee and will be referred only to the House Resources Committee. Although the revised bill has not yet been introduced, Stoerker said that it reportedly includes revisions requested by UMRBA. Those include, adding state agencies to the Advisory Council, expanding the purposes of the monitoring network, and including specific funding authorizations.

Hypoxia Action Plan — Barb Naramore reported that the joint Governors' letter on the Hypoxia Action Plan was finalized and transmitted to Administration officials on October 23, 2001. The letter was signed by six of the ten Mississippi River Governors, including Bob Holden of Missouri and Jesse Ventura of Minnesota. Reportedly, Illinois declined to sign and Iowa and Wisconsin did not respond in a timely way. Naramore noted that the final letter was unchanged from the draft previously shared with the UMRBA.

UMRBA Water Quality Coordination Project — Barb Naramore reported that UMRBA hired Jon Steadland as the Project Coordinator for the 2-year water quality coordination project funded by EPA. The UMRBA Water Quality Task Force will meet on November 20-21. The first day of the meeting will focus on the Hypoxia Action Plan. Even though that effort is not part of the UMRBA coordination project, the Task Force has expressed an interest in continuing to discuss hypoxia-related activities. EPA has indicated that it is in the process of reconstituting the Hypoxia Task Force that originally prepared the Hypoxia Action Plan. In addition, EPA has indicated that it hopes to initiate a sub-basin planning pilot in FY 2003. The UMRBA Water Quality Task Force will devote the second day of its meeting to discussion of their priorities for the coordination project, including 305(b) assessments, 303(d) listings, standards, and TMDLs.

Hazardous Spills Coordination — Barb Naramore distributed copies of a written report summarizing developments related to the UMRBA's hazardous spills coordination efforts. She explained that a variety of steps has been taken to address the security of sensitive information contained in the UMR Spill Response Plan and Resource Manual and the maps developed under the Sensitivity Mapping Project. In particular, web access to maps and data related to the location and character of public water supplies, storage facilities, pipelines, etc. will be password protected. The text portion of the UMR plan will be available on-line. Paper copies of the plan's detailed resource appendices will be made available to responders who request them.

Naramore also described the status of on-going discussions related to a potential early warning monitoring network. A newly formed UMR Water Suppliers Coalition has emphasized the need for more effective monitoring and timely notification of spills. Existing monitoring efforts are not suitable for a spills detection network because they do not address the contaminants of interest to utilities and the monitoring is not sufficiently frequent. Options under consideration for establishing an early warning monitoring network include creation of a new organization, building on existing capabilities in this region, or asking the Ohio River Valley Sanitation Commission (ORSANCO) to extend its efforts to the UMR. The UMR Spills Group would prefer to build on existing capabilities in the region, such as using UMESC as the data clearinghouse and communications hub and having UMRBA involved in coordination. The Suppliers Coalition has specifically asked that UMRBA develop and host a web site for the Coalition and consider using the Coalition as an advisory group on water supply issues. Naramore recommended that UMRBA pursue the following course of action:

- Continue to work with all parties to scope a potential network that would meet the needs of water suppliers
- Explore institutional arrangements that build on existing capabilities in the region
- Explore funding sources
- Consult with state drinking water administrators and keep UMRBA Water Quality Task Force informed
- Continue discussions with Water Suppliers Coalition regarding its request for UMRBA advisory status
- Include information on UMRBA web site describing activities related to a potential monitoring network, but do not host any other organizations' web sites

Terry Moe expressed surprise that the utilities do not already have a detection network. Naramore explained that some monitoring is done at intakes, but that does not constitute an early warning network. Moe also questioned whether the UMRBA has the capacity for the increased effort that is under consideration. Naramore explained that there is no funding for this work under the current OPA cooperative agreement with EPA. The assumption is that, if specific work is to be undertaken, beyond these preliminary discussions, funding will need to be secured. Steve Morse concurred with the general approach outlined by staff. He encouraged the exploratory discussions to continue, reaffirmed the preference for building on existing capabilities rather than using ORSANCO, and concurred that UMRBA should not offer to host other organizations' web sites.

USGS Water Availability Assessment — Holly Stoerker reported that UMRBA and other national organizations, including ICWP, had received a request from USGS for comments on its plans to develop a national assessment of water availability and use. After consulting with UMRBA representatives last month, it was decided that UMRBA would not submit comments. However, Stoerker participated in ICWP's discussions with USGS Associate Director for Water, Bob Hirsch, and in developing ICWP's letter of comment. Stoerker summarized ICWP's views, including concern that such a national assessment not divert USGS from its emphasis on water data collection and focused analysis; concern that a

federal assessment may suggest that there is a federal role in water supply and water use; and a recommendation that, if such an assessment is undertaken, it be used as a forum to explore analytical approaches for estimating consumptive use.

Revisions to Project Cooperation Agreements

Don Vonnahme explained that each year the directors of the Midwest DNRs meet with Corps of Engineers leaders to discuss joint programs and problems. At this year's meeting in Illinois, the group agreed to work on problems associated with project cooperation agreements (PCAs). Scott Stuewe explained that one of those PCA issues is whether nonfederal sponsors will receive credit for upland watershed treatment. In the past, the Corps has denied such credit, but now indicates that it will be handled on a case-by-case basis. Guidelines are currently under development and WRDA legislative language may also be considered. Vonnahme reported that a second issue under discussion is whether a multi-state organization like the Great Lakes Commission (GLC) can serve as a nonfederal sponsor. In particular, the GLC is seeking to be the nonfederal sponsor for the Soo Locks deep draft project, for which the GLC member states would contribute some proportionate share of the nonfederal costs. The PCA hold harmless clause is a particular problem in this case, because the GLC cannot obligate its individual member states. Another PCA issue under discussion is the nonfederal sponsor's liability for hazardous waste clean-up at the project site. Although the PCA indicates that the state is responsible for such clean-up, the state has no control over the contractor who is responsible for the problem.

Vonnahme invited other states with PCA problems to contact him and participate in future discussions. Steve Morse indicated that the hold harmless clause limits Minnesota's ability to enter into PCAs because it cannot bind future legislatures. Terry Moe commented that special legislation was passed in Wisconsin to allow DNR to sign such PCAs.

Deb Foley explained that the PCA template for EMP habitat projects is being transmitted to Corps Headquarters, with a request that District Engineers be delegated authority to sign such PCAs if they do not include any variances to the model language. According to Foley, the model PCA includes language indicating that the agreement is not deemed to bind future legislatures. Steve Morse indicated that such language might still be problematic for Minnesota if it binds funds within the current biennium.

Master Plan Historical Perspective

Holly Stoerker made a presentation on the 1982 Master Plan and its relationship to the current Corps of Engineers' Navigation Study. She described the history leading up to the Congressional authorization of the Master Plan in 1978, noting that it arose from controversies surrounding Lock and Dam 26, navigation capacity expansion, and the environmental impacts of such expansion. Stoerker also described the study questions outlined in law and the 12 recommendations included in the 1982 Master Plan submitted to Congress by the Upper Mississippi River Basin Commission (UMRBC). She described the similarities between the Master Plan and the current navigation study, including their use as a means to resolve an impasse, focus on navigation improvements, comprehensive context, collaboration in development, and schedule pressures. In describing the differences, Stoerker noted that the Master Plan was developed in response to a directive from Congress,

rather than an administrative directive from a federal agency, as is the case with the navigation study. In addition, the Master Plan was the product of an interagency commission, rather than a single agency. Stoerker also described differences with regard to the way environmental issues are framed and the scope of the two planning efforts. Finally, Stoerker described Section 1103 of the 1986 Water Resources Development Act (WRDA). In addition to authorizing construction of a second lock at Lock and Dam 26 and authorizing the EMP, that section also provided Congressional approval of the Master Plan. Congress named the UMRBA “caretaker” of the Master Plan and mandated that any changes, which the Corps recommends be made to the Master Plan, are to be reviewed by the UMRBA. Stoerker commented that these provisions for amending the Master Plan may offer a framework for the current Corps navigation study.

In response to a question from Terry Moe regarding how collaboration was achieved during the Master Plan, Stoerker explained that the UMRBC created a variety of technical and planning committees, all of which included representatives from each of the UMRBC member agencies. Moe commented that the navigation study process appears to be less structured. Steve Morse noted that the 1986 WRDA language appears to set forth roles that need to be fulfilled.

Corps of Engineers Navigation Study

Denny Lundberg provided an overview of the navigation study Plan of Action, dated November 9, 2001. He explained that the scope of the newly structured study will include navigation improvements, related ecosystem needs, and floodplain needs. The Interim Report, required by July 2002, will be developed using a collaborative process and will assess the need and potential framework for a comprehensive plan. The Interim Report will include a summary of the navigation study activities completed to date, status of the scenario analysis, identification of additional authorities required, and conclusions and recommendations. Lundberg emphasized that Congress, federal and state agencies, and NGOs all have high expectations for the Interim Report.

Lundberg reviewed the study’s collaborative process and management structure, including the GLC, internal study teams, NECC and ECC, the Regional Federal Group, and the Federal Task Force. He commented that the process appears to be similar to the old Commission’s Master Plan process, given the variety of agencies involved. He noted that, even though the study is Corps-led and Corps-managed, the agency is trying to make it a collaborative process. Lundberg asked if there are future institutional arrangements that need to be addressed in the July 2002 Interim Report or beyond.

Steve Morse commented that the collaborative process for the navigation study appears to be largely one-way. As an example, the GLC is given briefings on the study, but advance information is not provided for review and thus there is no opportunity to provide meaningful input. Tom Jackson concurred, noting that states cannot formulate agency positions without advance information. In the absence of advance information, impromptu input is strictly that of one person. Kevin Szcodronski observed that the Navigation Study is different from the Master Plan because it is a Corps of Engineers study, where the Corps has ultimate authority for the decisions. In the Master Plan, all agencies were responsible and accountable for the study, through the Commission.

Szcodronski expressed concern that the study process may be overtaken by political events, as WRDA 2002 proposals emerge for navigation improvements. He said that a package of what's needed for the river should be identified soon, rather than embarking on an extensive planning process. Don Vonnahme concurred and expressed frustration with proposals for facilitated meetings devoted to identification of goals and objectives. Steve Morse acknowledged that the Corps has a process underway, but urged the states, through UMRBA, to identify an action strategy as early as possible.

Terry Moe asked if the Corps has a plan of study for the Navigation Study and if the Corps has an opinion about the legal status of the Master Plan described by Stoerker. Lundberg explained that there is a draft Project Management Plan (PMP) for the Navigation Study and that the Corps will be seeking input on the PMP. With regard to the Master Plan, Lundberg said the Corps is currently using Section 216 as its authority for pursuing the navigation study and comprehensive planning. The need for other authorities will be addressed in the Interim Report.

Steve Morse suggested that UMRBA staff develop a draft paper describing what the states believe are the major components of a comprehensive strategy resulting from the navigation study. He indicated that it should include recommendations related to ecological needs, floodplain needs, and institutional arrangements, in addition to navigation. Morse suggested that the draft be completed by the end of the year, reviewed by the UMRBA representatives, and submitted to the Corps by the February 2002 meeting. Don Vonnahme noted that such a document could help inform the states' participants on the various Corps study teams. Kevin Szcodronski recommended that the paper include recommendations for actions that can be taken immediately, noting that such actions have been referred to as "low-hanging fruit." He offered nonstructural measures as an example of such a recommendation. Tom Jackson commented that the recommendations should not be limited to obvious short-term actions, but may include long-term solutions in all three areas of the study.

Holly Stoerker asked whether the paper should also include perspectives on the question of future institutional arrangements. Terry Moe commented that the UMRBA had addressed that issue already in its report to the Governors in 1994, describing alternative future institutional arrangements. Steve Cobb said the Corps would value preliminary input from the states on recommended implementation actions in the three areas of navigation, environment, and floodplain management. He indicated that such implementation issues are far more important than institutional arrangements. Jon Duyvejonck commented that the Fish and Wildlife Service and state resource managers believe institutional arrangements are an important implementation issue. He explained that natural resource managers are concerned about how an adaptive management plan will be implemented and what role resource managers will have in future decisions about priorities. Don Vonnahme said he assumed that the question of whether institutional arrangements should be addressed in the navigation study is a larger issue than that described by Duyvejonck. Vonnahme characterized Duyvejonck's questions as more relevant to day-to-day operations than to the broader issues of agency authorities. Jeff Janvrin commented that the pool plans under development in the St. Paul District will address institutional arrangements and policy changes needed to implement the plans.

Dan McGuinness suggested that the GREAT studies could be a model for a future collaborative process. Even though GREAT was a Corps-funded study, recommendations were made by consensus of the GREAT teams. Steve Cobb explained that the Interim Report is not a report to Congress with recommendations, but rather a report from the Chief of Engineers to the Assistant Secretary of the Army. Tom Jackson observed that, regardless of whether the Interim Report makes recommendations to Congress, it will be available to others who will be making recommendations to Congress. Jeff Stein cautioned that it will be important for the Interim Report to go beyond recommending implementation actions. He said that it must also address the eleven issue papers prepared by the Regional Federal Group.

Administrative Issues

Holly Stoerker reviewed the changes that UMRBA staff are proposing be made to the UMRBA's Manual of Personnel Practices and Procedures. In particular, the changes would extend paid leaves of absences to project employees, clarify that project employees may use annual leave as sick leave, and provide for project employee compensation based on either hourly wage rates or annual salary. Don Vonnahme moved and Terry Moe seconded a motion to approve the changes as reflected in the annotated Personnel Manual provided by staff. The motion passed by consensus.

Navigation Dam Pool Regulation

Gary Loss gave a presentation describing the two ways in which pool levels are regulated, hinge point and dam point operation. Pools 2-10, 16, 20, and 24-26 use hinge point control. Pools 11-15, 17-19, and 21-22 use dam point control. To explain the different operations, Loss used two pools in the Rock Island District as examples. Pool 13 is operated using the dam as the control point and Pool 16 is controlled at a hinge point 8.3 miles above the dam. Operational objectives are the same for both control approaches. Those objectives include maintaining a nine-foot channel with a half foot operating band, minimizing water level fluctuations, and maintaining flow near natural levels. Slope and gate positions differ depending on flow and there are four flow regimes in the operations sequence: low flow, intermediate flow, high flow, and flood flow.

According to Loss, the advantages of controlling the pool at the dam include less water level fluctuation, fewer gate settings, fewer environmental and recreational impacts, and safer navigation. The disadvantage is that it requires more land acquisition. The advantages of hinge point control include less land acquisition and opportunities for moist soil management. However, hinge point disadvantages include impacts to fishing, potential barge groundings, safety hazards resulting from increased flow velocity near the lock, ice problems, and increased localized scour.

Jon Duyvejonck said that river biologists would like a larger operating window to enable water level regulation for the benefit of fish and wildlife. However, he acknowledged that there would be greater impacts on navigation and recreation. Jeff Janvrin noted that one of the differences between hinge point and dam control is that hinge point control results in greater flooding during drought years. Jeff Stein observed that the seasonality of impacts is important to understanding the disadvantages of hinge point regulation. Ken Barr said that a

moveable control point is being studied in Pool 25. It would be adjusted seasonally depending on the management objectives.

Managing Sediment Transport and Deposition

As part of its ongoing efforts to focus on each of the objectives in the UMRCC report entitled “A River That Works and a Working River,” the UMRBA heard presentations related to Objective #6, managing sediment transport and deposition. Jon Duyvejonck explained that managing sediment to achieve ecological objectives involves a variety of different approaches. In some cases it is desirable to isolate river areas from sediment input, while in other cases it may be advantageous to use the sediment to build islands. He also noted that the upper and middle river have different sediment management tools and objectives. Jeff Janvrin will describe upper river processes and Rob Davinroy will address the middle river.

Jeff Janvrin described sediment management strategies on the pooled portion of the upper river. He explained the variety of factors that affect sediment transport and deposition, including river slope, sediment sources, sediment type, sediment load, timing and magnitude of flood events, channel and floodplain morphology, flow velocity, floodplain roughness and connectivity, and wind fetch. Janvrin described the different engineering techniques and designs that have evolved over time to create islands in Pools 7, 8, and 9. He also explained other sediment management tools such as dredging, channel closing structures and wingdams, and water level management, including the recent Pool 8 drawdown.

In response to a question from Steve Cobb, Janvrin explained that, although island building reduces the cross-sectional area of the channel, it appears to have relatively insignificant effects on river stage. In response to a question from Al Schulz, Janvrin said that the islands created to date have proved to be remarkably stable during floods, surviving both 75 and 100-year flood events. He also explained that the material used to build the island base is approximately 96 percent sand, with finer materials used on top to promote vegetative growth.

Janvrin also described the status of pool planning. In the St. Paul District, all but two public meetings have been completed. By February, draft plans for Pools 3-10 should be ready for approval by the River Resources Forum. The Rock Island District is using the same database structure and map format as the St. Paul District group used for its pool plans. However, pool planning in the Rock Island District is not as far along, according to Janvrin. Ken Barr indicated that the St. Louis District’s priority is Pool 25. Joyce Collins noted that the St. Louis District has side channel planning underway and will be developing a single reach plan for the 200 miles of open river.

Rob Davinroy explained the approaches used on the middle river to manage sediment and how they differ from those used on the upper pooled reaches. He noted that quantifying sediment transport is extremely difficult and described the various efforts to develop numerical and physical models, including the micro modeling developed by the St. Louis District in 1994. He also explained the use of bendway weirs to keep the channel from migrating, making navigation safer and producing significant environmental benefits. Weirs angle upstream, creating scour downstream, and are placed 20-30 feet lower than a normal

dike. The St. Louis District has constructed 173 bendway weirs in 21 bends and one straight reach. As a result, no dredging has been required at those sites since 1989. Davinroy also described the work being done at Schenimann Chute and the JB dike reach to open up and create side channels. Davinroy commented that there currently is no funding authority available to do these types of projects. Kevin Szcodronski pointed out that many of these projects would require cost-sharing if done under the EMP. However, cost-sharing is often difficult because the projects are expensive or located on private property. Gary Loss noted that the O&M authority could be used, but O&M funds are becoming increasingly limited. Steve Cobb noted that the Middle Mississippi River Regulatory Works project is still under construction, but purely environmental projects cannot be undertaken under that authority.

Steve Morse thanked UMRCC for its series of presentations over the past two years describing natural resource management principles for the river. He suggested that UMRBA use the principles as the basis for its comments on the Corps' navigation study. On behalf of UMRCC, Kevin Szcodronski thanked the UMRBA for providing time at its meetings to explore each of the UMRCC report objectives in depth. He suggested that UMRBA and UMRCC continue to work together to promote the ideas in the report. Terry Moe commented that many of the UMRCC objectives are already being or could be addressed. He suggested that the UMRBA focus how funding or authority impediments can be removed.

Regional Dredging Team Meeting

Mike Cox announced that the Regional Dredging Team will be meeting in January 2002, following the RRCT meeting scheduled for January 8. The Regional Dredging Team, which offers an opportunity for six Corps districts and resource agencies to share information and discuss dredging issues, has not met since 1999.

Future Meetings

The future quarterly meeting schedule for the combined GLC, UMRBA, and EMP-CC meetings includes February 26-28, 2002 in the Twin Cities and May 14-16 in the Quad Cities. It was agreed that the summer meetings will be held August 6-8 in an Illinois location. [NOTE: Subsequent to the November meeting, St. Louis was selected as the August meeting site.]

With no further business, the meeting was adjourned at 3:05 pm.