

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

**November 16, 2005
Quarterly Meeting**

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

In Charlie Wooley's absence, Don Hultman of the U.S. Fish and Wildlife Service called the meeting to order at 8:00 a.m. on November 16, 2005. Other EMP-CC representatives present were Charles Barton (USACE), Linda Leake (USGS), Al Fenedick (USEPA), Rick Mollahan (IL DNR), Mike McGhee (IA DNR), Tim Schlagenhaft (MN DNR), Janet Sternburg (MO DOC), and Gretchen Benjamin (WI DNR). A complete list of attendees follows these minutes.

Minutes of the August 17, 2005 Meeting

Janet Sternburg noted that her name was misspelled in the minutes of the last meeting. Gretchen Benjamin moved and Janet Sternburg seconded a motion to approve the draft minutes of the August 17, 2005 meeting, with the spelling correction requested by Sternburg. The motion carried unanimously.

Program Management

FY 05 Status and Performance

Roger Perk reported that:

- The EMP Report to Congress was sent to the office of the Assistant Secretary (ASA) on June 5, 2005. It appears that the ASA is now preparing to forward it to OMB and Congress.
- FY 05 funding for EMP was \$17.5 million, with 11.2 percent savings and slippage. Program execution was 99.9 percent.
- Over 90 people attended the August 17-19, 2005 HREP Workshop in Davenport.
- The revised deadline for completion of the HREP Design Handbook is April/May 2006. The due date for comments on the draft handbook has been extended through the end of January 2006.
- The HREP database does not yet have all the GIS linkages. However, when that is complete, it will be possible to sort HREPs by Congressional district, watershed unit, state, or Corps district.

- The System Ecological Team (SET) has revised the evaluation spreadsheet and criteria and is prepared to use them to review and sequence projects recommended by the District Ecological Teams (DETs) in winter or early spring.
- Roger Perk is now Rock Island District's Chief of Environmental Engineering. Marvin Hubbell is on temporary detail as EMP Program Manager. Sandra Brewer will be filling in for Marvin as the LTRMP coordinator for the Corps. [NOTE: Subsequent to the meeting, Sandra Brewer was deployed to Mississippi and Karen Hagerty is filling in as LTRMP coordinator.]

FY 06 Budget and Related Issues

Roger Perk reported that the FY 06 EMP budget will be \$20 million. Perk explained that the President had originally proposed \$33.5 million and the House had allocated that amount as well. However, the Senate included only \$20 million, which is the amount agreed to by the conferees. The President is expected to sign the bill soon. The Continuing Resolution (CR) governing FY 06 funding will expire November 18, 2005. Given the final agreement on an FY 06 appropriations bill, an additional CR will not be needed.

Perk explained that the FY 06 Energy and Water Appropriations conference report includes three provisions of note:

- Prohibits initiation of any new projects
- Eliminates use of continuing contracts
- Eliminates savings and slippage in FY 06

Perk said it's not yet clear what the impact of the language prohibiting new starts may be. However, the preliminary interpretation is that projects for which any work has already been started would not be considered "new." Under this interpretation, no new planning efforts could be initiated.

According to Perk, the new provisions regarding continuing contracts will require that all projects be fully funded up front. Currently, portions of a continuing contract are sometimes funded in a single fiscal year. Perk commented that the restrictions on use of continuing contracts may cause some problems in the EMP, but there are a variety of ways in which the problems could be addressed. In particular, it may be necessary to break contracts into phases; carry over funds from year-to-year; or give up construction funding for a year in one District, in order to provide adequate funding for projects in another District.

Perk explained that the elimination of savings and slippage in FY 06 means that EMP will receive approximately \$2 million more than had been anticipated (i.e., 10 percent of \$20 million). While under normal circumstances one-third of the additional funds would be allocated to LTRMP, Perk warned that the additional funds may need to be allocated entirely to HREPs in order to fully fund contracts impacted by the change in use of continuing contracts.

Perk reported that EMP funding for FY 06 is projected to be as follows:

FY06 EMP FUNDING (Projected)	
(\$000's)	FY06
	<u>Program</u>
TOTAL FY 06 Program	20,000
S&S Assessment	0 %
S&S Amount	0
ADMINISTRATIVE COSTS	503
Regional Management (includes LTRMP Admin)	303
Independent Technical Review Comm./SET	75
Public Involvement	25
Program Initiatives (i.e. Workshop, Manual, Database)	100
SUB (TOT – ADMIN)	19,497
LTRMP 31.4%	6,122
HREP 68.6%	13,375
St. Paul District	4,012
Rock Island District	5,351
St. Louis District	4,012

Perk also reported that it does not appear likely that the Water Resources Development Act (WRDA) will pass this year. Among the WRDA provisions is an amendment to the EMP authorization, enabling EMP projects to be cost shared by NGOs.

District HREP Reports

Don Powell reported that the St. Paul District has planning work scheduled in FY 06 for Capoli Slough, Conway Lake, Harpers Slough, and Lake Winneshiek. Spring Lake is under construction, using a continuing contract that has half the cost in FY 05 and the other half in FY 06. The Spring Lake project will require \$1.5 million of the \$4 million allocated for HREPs in the St. Paul District. Other construction work includes \$500,000 for rock and timber islands in Pool 8 and approximately \$600,000 for the Long Meadow construction. Bids for Pool Slough came in too high, so the job requirements were modified and the project will be reopened for bid November 29.

Powell explained that the Pool 8 Islands, Phase III, Stage 2 project will cost \$4.4 million. The project was originally estimated at \$6 million, but it was determined that \$1.6 million of O&M funding could be used for part of the project. Powell commented that the Pool 8 Islands project is an HREP that could be broken down into smaller pieces for contracting purposes.

Marvin Hubbell reported that the Rock Island District HREP work plan for FY 06 includes design work on Lake Odessa Stage 2 and Rice Lake. In addition, construction work is anticipated to begin on Lake Odessa Stage 1 (\$1.5 million) and Stage 2 (\$3 million). Work on Pool 11 Islands Stage 2 is being finished up. Approximately \$600,000 will be owed to the contractor next spring.

Brian Markert reported that the St. Louis District HREP work for FY 06 will include planning of Pool 25/26, Kaskaskia Oxbow, Wilkerson Island, Godar Refuge, and Ted Shanks. Pool 25/26 will also move to the design phase in FY 06. Construction will continue on Calhoun Point Phase II, which is approximately half complete.

In response to a question from Holly Stoerker, Roger Perk explained that there could be various reasons why HREPs are broken into phases and stages. Sometimes it's done for contracting purposes. Each phase of a project is managed as a separate contract.

John Barko asked if future phases of a project have ever been found to be unnecessary because the project objectives were achieved in previous phases. Don Powell said that, although it is possible, it has not yet actually happened that way. However, the approaches used in later phases can sometimes be changed as a result of what is learned in the early phases. Tim Schlagenhaft noted that the phases of the Pool 8 project are not interdependent.

Public Involvement and Program Advocacy

Gretchen Benjamin reported the Wisconsin DNR Magazine recently included a feature article on the EMP, called "Miles of Isles."

Don Hultman commented that it is clear from recent public meetings that there is a high level of awareness and support for the EMP, although there may be some differences of opinion about the design of projects. Interpretive signs are being put up on the refuges near EMP projects.

Long Term Resource Monitoring

Product Highlights and Status

Linda Leake reported that FY 05 monitoring activities included:

- Aquatic vegetation sampling at 1350 sites in Pools 4, 8, and 13
- Fisheries sampling at 1100 sites, in all trend pools, during 2 periods
- Water quality sampling at 3400 sites, in all trend pools, for 4 episodes

Leake also reported that three manuscripts have been submitted by LTRMP staff, although none have yet been accepted. USGS and Open River field staff also attended three national conferences, making presentations on nutrients and chlorophyll, shovelnose sturgeon abundance, and gears for sampling shovelnose sturgeon.

According to Leake, three draft reports have been completed, including the Status and Trends Report. Authors and reviewer are now working together to refine the first draft of the Status and Trends Report, which was completed September 30.

The Vegetation Graphical Browser is now available online, joining the Fisheries Graphical Browser. Other Internet products include the 1890s Mississippi River Commission maps and the 2004 component updates for fisheries and aquatic vegetation.

Leake reported that, in FY 05, a total of 68 LTRMP products were released. She thanked everyone for the hard work that made this possible. She noted, however, that nine products have been delayed. Leake explained that, with the LTRMP downsizing and restructuring, it can sometimes be difficult to manage time to meet completion targets.

Additional Program Elements (APEs)

Linda Leake commented that the FY 06 APE process was an improvement over the FY 05 process. A “short list” was compiled in response to the original call for proposals. However, a second request for proposals was then put out, seeking proposals to address priority issues for which there were no proposals submitted in the first round. Leake acknowledged that the process put a particular burden on those who were thus required to review proposals twice. Leake explained that next year, rather than simply identifying “sideboards” for the proposals, a strategic framework will be established in advance to help target APE proposals on areas of needed research and priority themes.

Leake also presented a list of the FY 06 APE proposals and explained that they total \$1 million and have been divided into three groups, all of which are high priority. In addition, some items, such as equipment refreshment, bathymetry, minimal tool development (i.e., GIS tools and web browsers), and the Status and Trends Report are also priorities and will need to be funded. Roger Perk noted that work on bathymetry is a particularly high priority. In FY 05 approximately \$90,000 was invested in bathymetry. According to Perk, that investment should be doubled in FY 06.

Janet Sternburg asked if development of a floodplain forest database, which is one of the APEs, is being funded through NESP. Scott Whitney explained that NESP needs to cut back from its anticipated FY 05 funding level and, in that process, will be trying to balance systemic and project needs. Ken Barr said the Forest Team has met with the Science Panel and received helpful feedback from them.

Tim Schlagenhaft asked if additional funding will be made available for APEs, as a result of the decision to eliminate savings and slippage. He also asked if the additional four areas that Leake identified as needing funding are considered separately from APEs. Roger Perk explained that the four areas of need are over and above the \$1 million for APEs and that this was communicated to the A-Team.

John Barko asked if APEs were subject to independent review and commented that some of the proposed items may have already been addressed. Leake explained that the review of APE proposals is done by the LTRMP partners. Anyone can offer to serve as a reviewer.

In response to a question, Linda Leake explained that although there are currently no multi-year APEs, there could be projects that span more than one year. However, if a multi-year approach is employed, a product would be required at the end of one year.

Leake indicated that the states are working with UMESC to develop a 5-year strategic planning document for equipment refreshment. Initial estimates suggest \$85,000 is needed for equipment refreshment in FY 06.

Marvin Hubbell said that, when asked, the A-Team indicated that the original assumptions related to the minimum sustainable program (MSP) appear to be relatively sound. However, some field stations were a bit stretched and relied on EMAP work to help out. Janet Sternburg observed that, without EMAP, several states could not have achieved the MSP, because they would not have had staff when needed. Dave Bolgrien said it is anticipated that FY 06 EMAP funding will be similar to the FY 05 funding level.

A-Team Report

Janet Sternburg distributed copies of the A-Team report prepared by A-Team Chair Rob Maher. Sternburg commented that the FY 06 APE process was a bit confusing because of the second round of proposals and review. However, she expressed hope that next year's process will be smoother. The A-Team will discuss the APE "sideboards" at its January 2006 conference call.

Gretchen Benjamin expressed concern that the MSP is not providing the minimum data needed. She suggested that one of next year's APE proposals be a study to determine minimum data requirements for statistical validity. Pat Heglund commented that the current LTRMP is, in fact, valid to detect trends, and that additional samples do not guarantee enhanced confidence. Benjamin acknowledged that confidence levels for the MSP have been specified, but observed that those levels do not appear to be acceptable. Heglund indicated that annual changes can be detected at a variety of confidence levels. Benjamin emphasized the need to address the issue of statistical validity and reaffirmed her desire to see the issue addressed as an APE, if it is not addressed in the Science Panel report. Marvin Hubbell and Roger Perk agreed that confidence levels should be identified and that the question could be the topic of an APE, if it is not otherwise adequately addressed. Linda Leake commented that the EMP partners need to understand the trade-offs and basis for confidence levels.

HREP Project Identification

Marvin Hubbell distributed copies of the preliminary Planning and Sequencing Framework developed by the System Evaluation Team (SET). He noted that SET is recommending seven considerations for evaluating the systemic benefits of individual projects and another six considerations for determining ecological sequencing of projects. John Barko commented that the functionality of the criteria still needs to be tested.

Chuck Theiling explained that projects will be presented in a matrix format, in geographic order upstream to downstream. This will help identify what criteria are emphasized in different reaches. He indicated that the recommended criteria were tested on a small number of projects, including Rice Lake, Chautauqua, and Banner Marsh. However, a more thorough testing will be done of the sequencing criteria, using the set of proposed projects that the District Evaluation Teams (DETs) are currently developing.

Theiling also said SET is recommending a "check list" approach for project evaluation, rather than a scored or weighted criteria approach. According to Theiling, this should minimize the tendency for a points system to give preference to large projects. Barko commented that it will likely be necessary to look at different geographic scales. He also indicated that it may be

useful to identify “keystone” projects, which are projects that need to be implemented before other projects’ benefits can be realized.

Gary Wege said there has been a disconnect in the past between HREPs and the LTRMP. He commented that, rather than dividing HREP funding evenly among Corps districts, project selection should be guided by monitoring. He also expressed support for eliminating project ranking based on points. He said that in the past, projects of the same type (e.g., islands) all received the same points, regardless of their location. Mike Jawson commented that a checklist approach can bias the decision process toward projects that do lots of things poorly, rather than those that do a few things well. Don Powell commented that a point system is necessary if priorities are to be assigned.

Roger Perk observed that there are different needs in different river reaches. EMP will not put all its efforts in one area. He noted, however, that the Corps has been moving away from allocating funds among the districts on a straight percentage basis.

Chuck Theiling said SET is attempting to develop a system wide standardized approach because each District has been using a different approach. However, it will still be necessary to recognize that ecological needs and priorities may vary by river reach. Janet Sternburg asked if the new matrix is intended to replace the one used last summer. Theiling indicated that each district team should be able to interpolate from previous matrices to the new one. According to Theiling, the new matrices are substantially the same as previous versions, except for the use of a checklist rather than a point system. John Barko emphasized that project sequencing is different from project evaluation. The criteria proposed on page 3 of the SET report are only for sequencing.

Roger Perk encouraged EMP-CC members to review the criteria and definitions being proposed in the SET report. Perk said he will electronically distribute copies of the draft SET Planning and Sequencing Framework for review, with comments due the first week of January 2006.

Institutional Arrangements

Rebecca Soileau distributed copies of a draft “Operational Model’ for the proposed new River Council. She explained that the description of the Council functions and the draft MOU included in the document were developed based on ideas discussed at a stakeholders' workshop on October 20-21 in St. Louis. Soileau indicated that the Corps and Fish and Wildlife Service are not necessarily seeking official agency comments on the River Council operational model at this time. However, if EMP-CC members have comments, they should be submitted by the end of January so the Corps and Service can finalize the proposal. Soileau also indicated that, if partner agencies would like a briefing on the institutional arrangements proposal, they should contact her to arrange such a meeting.

Soileau explained that a variety of changes were made to the institutional arrangements proposal based on input from the October workshop in St. Louis. Changes include:

- State and federal regional principals groups have been eliminated.
- The Navigation Science Panel has been eliminated.

- The Advisory Panel described in WRDA 2005 has been added.
- The Communications Panel has been changed to a Communications Network.
- The role of Project Delivery Teams (PDTs) has been added.
- Member organizations will choose their representatives to the River Council.
- A more elaborate description of the nature of the River Council outputs has been added.
- Sample meeting agendas have been added.
- The River Council will meet in conjunction with UMRBA and likely precede it.
- River Council membership has been increased to 26, by adding an additional USDA representative from the agricultural economics perspective, in addition to NRCS.

Tim Schlagenhaft commented that the River Council looks similar to UMRBA and that it is therefore not clear where decisions, such as those currently made by EMP-CC will be made. He noted that, even if a River Council is formed, specific programs like the EMP will still require attention by some group. Roger Perk agreed, noting that if a “higher level” group is formed, it won’t eliminate the need for a group like EMP-CC.

Gretchen Benjamin commented that having concurrent meetings will provide opportunities for parts of various groups to meet together. Chuck Spitzack said that meetings would need to be more efficient, because there will be an increasing number of issues to address. Rebecca Soileau said that every issue should not be covered at every meeting.

Tim Schlagenhaft observed that increasing the involvement of higher-level personnel will be difficult. He noted that in Minnesota there are not going to be any more people involved in UMR issues than there are currently. Janet Sternburg agreed, adding that some of the issues discussed at NECC are technical and thus it is not appropriate to expect higher-level managers to contribute effectively to those discussions. She expressed concern about creation of another group at another level, which would require additional coordination meetings. Soileau suggested that creation of the River Council be viewed as an opportunity to enhance internal coordination within each state.

Gretchen Benjamin asked how the Fish and Wildlife Service fits into the institutional arrangements. Rick Nelson said the Service is looking for feedback from its partners on what issues the partners would like to have the Service bring to the River Council.

Strategic Planning for Merger of EMP and NESP

Holly Stoerker explained that UMRBA is developing a series of eleven issue papers to help guide strategic planning for merging the EMP and NESP legislative authorities. The first two issues papers address 1) the future of the LTRMP and 2) the legislative authority for ecosystem restoration.

With regard to the first issue, Stoerker explained that in formulating NESP recommendations, it was assumed that the EMP would continue in the future. Thus, there is no explicit provision for trend monitoring (i.e., LTRMP) in the NESP legislative authority. The UMRBA issue paper addressing this topic identifies three potential options including: 1) revising NESP

legislation to include LTRMP specifically, 2) revising NESP legislation to include monitoring authority more generally, or 3) transferring LTRMP authority directly to USGS.

With regard to the second issue involving the legislative authority for ecosystem restoration, Stoerker said that the Steering Committee assisting UMRBA in drafting the issue paper did not feel that identifying a series of options was necessary. Thus, this issue paper simply concludes that the NESP authority is sufficiently broad to accommodate any projects that are currently undertaken under the EMP authority.

Stoerker invited EMP-CC members and partners to contact her or any of the UMRBA representatives or alternates if they have comments on the first two issue papers.

Janet Sternburg commented that the LTRMP infrastructure has created a wealth of information. If LTRMP does not continue, that infrastructure, including the people, expertise, and knowledge base, will be lost. In addition, Sternburg noted that funding for NESP project monitoring will not be sufficient to cover trend monitoring.

Linda Leake observed that QA/QC and data management and delivery functions will also need to be addressed under NESP.

Tim Schlagenhaft asked how the PDT for Adaptive Management views the LTRMP. John Barko said there really isn't a difference between trend monitoring and cause and effect monitoring. Ken Barr noted that during development of the Navigation Feasibility Study recommendations, it was assumed that EMP, and thus LTRMP, would continue into the future and that the two programs would work together.

Robin Grawe acknowledged that discussions regarding the potential future merger of the EMP and NESP need to take place. However, she observed that the EMP is a very popular program and the public may feel the rug is being pulled out from under them, because they were told during the formulation of NESP that the EMP would continue. She urged the state EMP-CC and UMRBA representatives to keep public opinions in mind and communicate with the public on these merger issues. Gretchen Benjamin said she intends to keep the public informed and involved. She noted that communication with the public is important, even though it may be a fairly limited number of people who are interested in these detailed discussions.

Tim Schlagenhaft asked what the timeframe is for making recommendations concerning legislative language. Stoerker explained that it may be preferable to wait until NESP is authorized using the pending WRDA language. However, UMRBA would like to be able to develop a consensus opinion about how best to address the EMP-NESP relationship, before Congress considers any change.

Other Business

Mike Jawson, the new UMESC Director, introduced himself and described his background and approach to the job. He explained that he received his Masters Degree in Water Resource Management from the University of Wisconsin (La Crosse) and his PhD from Washington State University and that he previously worked for the Department of Defense, U.S. EPA, and USDA. Jawson said he is committed to maintaining and improving the partnerships UMESC

has built and the team approach it uses. He commented that USGS can bring quality science and useful products to the table.

Holly Stoerker announced that future meetings of the EMP-CC will be held as part of the NECC/EMP-CC/UMRBA meeting series on February 21-23, 2006 in St. Louis; May 16-18, 2006 in the Quad Cities; and August 22-24, 2006 in La Crosse, Wisconsin.

Gretchen Benjamin emphasized the need to fill the position of head of the vegetation component for the LTRMP.

With no further business, the meeting adjourned at 12:00 noon.

**EMP-CC Attendance List
November 16, 2005**

EMP-CC Members

Charles Barton	U.S. Army Corps of Engineers, MVD
Don Hultman	U.S. Fish and Wildlife Service, UMR Refuge
Linda Leake	U.S. Geological Survey, UMESC
Al Fenedick	U.S. Environmental Protection Agency, Region 5
Rick Mollahan	Illinois Department of Natural Resources
Mike McGhee	Iowa Department of Natural Resources
Tim Schlagenhaft	Minnesota Department of Natural Resources
Janet Sternburg	Missouri Department of Conservation
Gretchen Benjamin	Wisconsin Department of Natural Resources

Others in Attendance

Rich Worthington	U.S. Army Corps of Engineers, HQ
Susan Smith	U.S. Army Corps of Engineers, MVD
Maryetta Smith	U.S. Army Corps of Engineers, MVD
John Barko	U.S. Army Corps of Engineers, R&D, Vicksburg
Mike Thompson	U.S. Army Corps of Engineers, MVS
Brian Johnson	U.S. Army Corps of Engineers, MVS
Brian Markert	U.S. Army Corps of Engineers, MVS
Marvin Hubbell	U.S. Army Corps of Engineers, MVR
Scott Whitney	U.S. Army Corps of Engineers, MVR
Ken Barr	U.S. Army Corps of Engineers, MVR
Roger Perk	U.S. Army Corps of Engineers, MVR
Chuck Spitzack	U.S. Army Corps of Engineers, MVR
Jack Carr	U.S. Army Corps of Engineers, MVR
Chuck Theiling	U.S. Army Corps of Engineers, MVR
Don Powell	U.S. Army Corps of Engineers, MVP
Jeff DeZellar	U.S. Army Corps of Engineers, MVP
Rebecca Soileau	U.S. Army Corps of Engineers, MVP
Tom Novak	U.S. Army Corps of Engineers, MVP
Bill Franz	U.S. Environmental Protection Agency, Region 5
Larry Shepard	U.S. Environmental Protection Agency, Region 7 (in Duluth)
Dave Bolgrien	U.S. Environmental Protection Agency, ORD (Duluth)
Sharonne Baylor	U.S. Fish and Wildlife Service, UMR Refuge
Gary Wege	U.S. Fish and Wildlife Service, Bloomington, MN
Tim Yager	U.S. Fish and Wildlife Service, Region 3
Bob Clevestine	U.S. Fish and Wildlife Service, Rock Island Field Office
Jon Duyvejonck	U.S. Fish and Wildlife Service, Rock Island Field Office
Rick Nelson	U.S. Fish and Wildlife Service, Rock Island Field Office
Barry Johnson	U.S. Geological Survey, UMESC
Patricia Heglund	U.S. Geological Survey, UMESC
Michael Jawson	U. S. Geological Survey, UMESC
Jennie Sauer	U.S. Geological Survey, UMESC
Walt Popp	Minnesota Department of Natural Resources
Dru Buntin	Missouri Department of Natural Resources
Jim Fischer	Wisconsin Department of Natural Resources
Dan McGuinness	Audubon
Robin Grawe	Mississippi River Citizen Comm.
Barry Draskowski	St. Mary's University
Dave Hokanson	Upper Mississippi River Basin Association
Holly Stoerker	Upper Mississippi River Basin Association