

**Minutes of the
104th Quarterly Meeting
of the
Upper Mississippi River Basin Association**

**November 13, 2007
St. Paul, Minnesota**

The meeting was called to order at 12:35 p.m. by UMRBA Chair Mike Wells. The following were present:

UMRBA Representatives, Alternates, and Members of the Water Quality Executive Committee:

Gary Clark	Illinois (DNR)
Rick Mollahan	Illinois (DNR)
Marcia Willhite	Illinois (EPA)
Martin Konrad	Iowa (DNR)
Tammy Nicholson	Iowa (DOT)
Laurie Martinson	Minnesota (DNR)
Gaylen Reetz	Minnesota (PCA)
Mike Wells	Missouri (DNR)
Dru Buntin	Missouri (DNR)
Rob Morrison	Missouri (DNR)
Gretchen Benjamin	Wisconsin (DNR)

Federal Liaisons:

Terry Smith	U.S. Army Corps of Engineers (MVD)
Tim Henry	U.S. Environmental Protection Agency (Region 5)
Bill Franz	U.S. Environmental Protection Agency (Region 5)
Mike Jawson	U.S. Geological Survey (UMESC)
Charlie Wooley	U.S. Fish and Wildlife Service (Region 3)
Mike Sullivan	USDA Natural Resources Conservation Service

Others in attendance:

Rebecca Wooden	Minnesota DNR
Tim Schlaghaft	Minnesota DNR
Dick Lambert	Minnesota DOT
Norm Senjem	Minnesota PCA
Rich Worthington	U.S. Army Corps of Engineers (HQ)
Chuck Spitzack	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)
Scott Whitney	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)
Rick Nelson	U.S. Fish and Wildlife Service (RIFO)
Jon Duyvejonck	U.S. Fish and Wildlife Service (RIFO)
Ken Lubinski	U.S. Geological Survey
Al Fenedick	U.S. Environmental Protection Agency (Region 5)
Jeff Jacobs	National Research Council
Ron Kroese	McKnight Foundation

Paul Rohde	Waterways Council, Inc.
Catherine McCalvin	The Nature Conservancy
Vince Shay	The Nature Conservancy
Gabe Horner	The Nature Conservancy
Michael Reuter	The Nature Conservancy
Todd Strole	The Nature Conservancy
Doug Blodgett	The Nature Conservancy
Dave DeGeus	The Nature Conservancy
Peggy James	The Nature Conservancy/NRCS
Dan McGuinness	Audubon
Heather Schoonover	Institute for Agriculture and Trade Policy
Holly Stoerker	Upper Mississippi River Basin Association
Dave Hokanson	Upper Mississippi River Basin Association
Barb Naramore	Upper Mississippi River Basin Association
Margie Daniels	Upper Mississippi River Basin Association
Mark Ellis	Upper Mississippi River Basin Association

Recognition of Mark Beorkrem

A moment of silence was observed in recognition of Mark Beorkrem’s recent death and his lifelong commitment to and passion for the Mississippi River.

Meeting Minutes

Gary Clark moved and Martin Konrad seconded a motion to approve the minutes of the August 21, 2007 meeting as drafted. The motion was approved unanimously.

Executive Director’s Report

Holly Stoerker highlighted the following items from her written report included in the agenda packet:

- On November 8, a proposal for federal FY 08 EMP-CC staff services was transmitted to the Corps of Engineers, effectively replacing the previous interim proposal. The proposal includes services for 4 quarterly meetings of the EMP-CC and up to 8 additional special meetings. In response to a question from Mike Wells, Stoerker explained that, since the federal fiscal year and UMRBA’s fiscal year are not aligned, the anticipated stream of revenue from the contract is divided among two UMRBA fiscal years.
- The vacancy on the OPA project team has been filled by Nathan Moe, who will be starting on November 15 as a GIS technician on UMRBA staff.
- As a result of action taken at the August 21 UMRBA meeting, UMRBA was added to a list of 38 organizations that signed a letter of support for USGS streamgage funding. In addition, ICWP spearheaded a similar letter to Secretary of the Interior Kempthorne signed by 18 states, including Wisconsin, Missouri, Iowa, and Illinois.
- UMRBA and NRCS have executed a new partnering agreement, similar to the original 1999 document.
- Gary Loss will be retiring from the Corps of Engineers on January 4, 2008. Stoerker will try to attend the recognition party in Rock Island, Illinois.

UMRBA Staff Recognitions

Executive Director Holly Stoerker and Administrative Assistant Margie Daniels were recognized for their 30 years of service to UMRBA and its predecessor organization UMRBC.

Annual Report on Water Quality Activities

Dave Hokanson distributed copies of UMRBA's 2007 Water Quality Program Report. He explained that the report serves multiple functions, including reporting to the UMRBA Board, as well as both targeted and general communication with others. Hokanson commented that the timing for such a report seems appropriate, given that UMRBA created the position of Water Quality Program Director two years ago and formed the Water Quality Executive Committee one year ago at the culmination of the Organizational Options project.

Hokanson summarized the content of the annual report, including background, accomplishments, preview of 2008 activities, and challenges ahead. He noted that the report has been posted on UMRBA's website at <http://www.umrba.org/wq.htm>.

NRC Report on Mississippi River Water Quality

Ron Kroese of the McKnight Foundation provided an overview of McKnight's role on the Mississippi River and its commission of the National Research Council's recent report on the Mississippi River and the Clean Water Act.

Since 1992, the McKnight Foundation has provided approximately \$9 million/year in grants to Mississippi River nonprofit organizations, focusing on land restoration, pollution reduction, and advocacy. A report entitled "Traveling Upstream," prepared for McKnight by Headwaters Group, concluded that EPA has not fulfilled its obligations under the Clean Water Act on the Mississippi River, there is a lack of strategic coordination among states on river water quality, and the Clean Water Act does not effectively address water quality problems on the river. In response, McKnight created the "Water Quality Collaborative," providing \$5 million through 2009 to fund the work of 23 UMR nonprofit organizations. These groups are focusing on anti-degradation, water quality standards, permitting and enforcement, nutrient pollution, and Farm Bill policy. In addition, McKnight commissioned the National Research Council (NRC) to conduct a study addressing 4 main questions:

- What are the river's main water quality problems?
- What are the barriers to data collection and monitoring, and how can they be overcome?
- How can the process for establishing standards and indicators be improved?
- How can collaboration between states and federal agencies be enhanced?

Jeff Jacobs of the NRC staff provided an overview of the NRC panel's report released two weeks ago, including major topics and conclusions in each chapter:

- Chapter 2: Characteristics of the Mississippi River System, including water discharge, historic modifications, changes in sediment transport, contaminant problems, nutrient inputs, and the Gulf hypoxic zone
- Chapter 3: The Clean Water Act, including its regulatory tools, effectiveness in addressing both point and nonpoint pollution, and requirements for TMDLs
- Chapter 4: Implementing the CWA along the Mississippi River, including how river water quality is monitored, how the states work together, and EPA's role in interstate coordination.

- Chapter 5: Evaluating Mississippi River Water Quality, including lack of a centralized information system and EPA's lack of leadership.
- Chapter 6: Agricultural Practices, including the need for reductions in nutrient pollutant loadings, the role of USDA, and prioritization of USDA conservation areas.
- Chapter 7: Collaboration, including current interstate coordination efforts, such as those led by UMRBA and the need for greater coordination among EPA regions and the lower river states.

Jacobs also described the key recommendations of the NRC panel:

- Better coordination among all 10 river states is necessary to realize improvements in water quality and in monitoring activities.
- Lower river states should work toward a better cooperative mechanism, similar to UMRBA.
- EPA should better coordinate efforts of the 10 river states in water quality monitoring and planning.
- EPA should take the lead in coordinating data gathering and establishing a data sharing system for the entire river.
- USDA should target land and water conservation programs (CRP, EQIP, CSP) at critical areas.
- EPA and USDA should strengthen cooperative activities, e.g., EPA can help identify land to receive priority attention.

Discussion and questions about the report followed the presentations. In particular, Dru Buntin asked if the NRC panel addressed the sediment issue. Jacobs explained that addressing sediment through the Clean Water Act is challenging and there are significant differences between the upper and lower river with regard to sediment problems and needs.

Gaylen Reetz noted that developing the Lake Pepin TMDL is challenging, thus raising questions about whether development of a TMDL for the entire river and northern Gulf would be feasible. Jacobs acknowledged that such a TMDL would not be easy or inexpensive, but that the NRC panel would like to see EPA and the states start the process by establishing numeric targets. He also noted that NRC is not necessarily recommending a formal TMDL process, but perhaps its functional equivalent.

Holly Stoerker asked Jacobs to address the relative balance between EPA and state leadership and the panel's apparent preference for EPA leadership. Jacobs said the panel considered the federal nature of the Mississippi River. In addition, it did not feel there would be much progress in the absence of EPA leadership. In particular, the panel is recommending that EPA use the authority it has under Section 103 of the Clean Water Act to enhance interstate coordination.

In response to a question about EPA's response to the report, Jacobs explained that the NRC has made many strong and sometimes critical recommendations regarding EPA. EPA's staff has always been respectful of the process and engaged the panel in discussions. Following release of the report, NRC panel members and staff met with EPA officials, key Congressional committee staff, and Hypoxia Task Force.

Ron Kroese commented that groups involved in McKnight's Water Quality Collaborative intend to publish a "user's guide" to the NRC report in an effort to keep its recommendations in the public eye. In addition, those groups are seeking Congressional support for a hearing on the report.

Todd Ambs noted that the UMRBA Board and Water Quality Executive Committee have been discussing the report and intend to write a letter to EPA and members of Congress conveying the comments of the upper river states on the NRC report. In particular, the letter will highlight the NRC

conclusions regarding the value of UMRBA's work and express the states' desire to build on that momentum to continue to move forward. Mike Wells said the letter should also highlight the fact that the states are contributing financially to UMRBA's coordination work and that EPA should do likewise.

WRDA Update

Holly Stoerker reported that Congress overrode the President's veto of the 2007 Water Resources Development Act (WRDA). WRDA thus became law on November 8, 2007 as Public Law 110-114. WRDA includes nine titles, authorizing 751 projects, at a total cost of \$23 billion.

Paul Rohde commented that Congress was impressed by the fact that the navigation industry, environmental groups, and UMRBA worked together on WRDA. Dan McGuinness said he hopes the collaboration will continue as we move forward with appropriations. Rich Worthington thanked all the groups that devoted their efforts to passage of WRDA.

NESP-EMP Integration Vision

Mike Wells said that UMRBA had made a commitment at its August 2007 meeting to develop a statement expressing the States' vision for the future relationship of NESP and EMP. As a result the staff was directed to prepare a first draft for the Board's review. Wells indicated that EMP-CC and NECC state members were also consulted in the process, as were some of the other key partners in these programs. Wells characterized the current version of the vision statement as the "final draft" and indicated that UMRBA would like to take action on the document at today's meeting. It will then be transmitted to ASA (CW) Woodley, Corps leaders, OMB, and members of Congress.

Wells said the states' goal is to transition from EMP to NESP without interruption and without losing any of the progress that has been made under EMP. He asked UMRBA staff to describe the vision statement in more detail.

Barb Naramore outlined the major points in UMRBA's vision statement. She noted that the states prefer NESP as the single ecosystem restoration authority for the river in the future. However, there needs to be a transition period during which funding for EMP is maintained, ongoing EMP projects are completed and others are shifted to NESP, and the LTRMP is transitioned to NESP. Naramore also explained that the vision statement calls for the EMP-CC and NECC to be combined, using the EMP-CC as the institutional model. She noted that the states do not believe that this organizational change should be dependent on resolving all the issues related to a future River Council, which are currently on hold.

Laurie Martinson moved and Gary Clark seconded a motion to approve the draft vision statement on integration of NESP and EMP. The motion passed unanimously.

NESP Update

Chuck Spitzack said that Rich Worthington is working on draft WRDA Implementation Guidance for NESP. He hopes to be able to share that draft with partners before it goes for signature.

Spitzack reported that the draft Economic Reevaluation report is scheduled for completion by December 31, 2007. The report will be open for public review in January and February, with completion of the Interim Report scheduled for March 31, 2008.

Spitzack reported that there are now benefit/cost figures available as a result of the economic reevaluation. Under the low traffic scenario, the B/C ratio is 0.4 and under the high traffic scenario, the B/C ratio is 1.4. Recommendations in the draft reevaluation report include:

- Endorse dual-purpose plan
- Support coordination and collaboration
- Support innovations
- Support development of multimodal tools

In response to a question about the relevance of the reevaluation report given enactment of WRDA, Spitzack explained that the audience for the reevaluation report is the ASA (CW), rather than Congress. He noted that the ASA has not approved nor released the 2004 Chief's Report on NESP.

In response to a question about the relationship between the reevaluation report and WRDA implementation guidance, Spitzack explained that release of the implementation guidance does not depend on completion of the reevaluation report. Guidance must be issued on all new authorities in WRDA, even if the Administration does not budget for them. Rich Worthington confirmed that the Administration will not need to have the Reevaluation Report before it issues WRDA guidance.

Spitzack explained that the implementation guidance for NESP will likely address the design and construction of the navigation features, the process and approval of project implementation reports, feasibility cost sharing agreements, credit for in-kind services, monitoring and adaptive management, reimbursement for lands, consultation and funding agreements, reports to Congress, the advisory panel, and comparable progress.

Mike Wells asked what the implementation guidance would likely say regarding the Advisory Panel. Worthington identified two important questions: should the panel be national or regional and what does "independent" mean? With regard to the issue of regional versus national, Worthington expressed the opinion that the panel should be regional and that the ASA could delegate authority to create the panel to the Division Engineer so that it could be integrated with the other NESP institutional arrangements in a meaningful way. With regard to the question of the independence of the panel, Worthington explained that WRDA exempts the panel from the Federal Advisory Committee Act (FACA). Worthington also noted that the law identifies only two specific roles for the panel: preparing the Reports to Congress and consulting on the ranking system for restoration projects.

Spitzack provided an outline of the schedules associated with both the ecosystem and navigation work anticipated for the balance of FY 08. He also noted milestones for the communication and public involvement efforts. In addition, Spitzack presented summary tables illustrating the impacts of various annual funding levels on the timing of lock construction and realization of systemic navigation benefits.

Martin Konrad asked if changes to NECC/ECC were anticipated as the first step in the institutional arrangements process. Spitzack said that work on institutional arrangements needs to await implementation guidance. Holly Stoerker asked if it was anticipated that the implementation guidance would address the relationship between EMP and NESP. Worthington explained that it would be difficult for the Administration to address that issue if it takes the position that it is not going to budget for NESP.

In response to questions, Spitzack clarified that the public meetings planned for February 2008 may not actually take place. He also explained that the work items in all NESP areas of endeavor are funding-dependent. At \$14 million all the activities he described could be carried out. However, at \$10 million,

it would be more challenging. He emphasized that there is currently only \$2.2 million for NESP in the House version of the Energy and Water appropriations bill.

Nature Conservancy and Corps Interpersonnel Agreement

Ken Barr explained that Todd Strole from the Nature Conservancy (TNC) will be working out of the Corps' St. Louis District on the Middle Mississippi River Partnership and NESP projects. He will remain a TNC employee. Vince Shay explained that TNC's Mississippi River Program, of which he is Director, coordinates the river-related work of TNC's individual state chapters.

UMRCC Climate Change Statement

Tim Schlagenhaft explained that the UMRCC's July 12, 2007 draft position statement on climate change was the outgrowth of a series of presentations and discussions at UMRCC's March 2007 annual meeting. The statement references the conclusions of the Intergovernmental Panel on Climate Change, describes potential changes to the Upper Mississippi River as a result of climate change, and recommends three specific actions: support legislation that reduces carbon emissions, include carbon budgets and energy consumption as criteria for habitat project prioritization, and incorporate climate change indicators into existing river research and monitoring. Schlagenhaft emphasized the statement is a draft and that comments are welcome.

Fishers and Farmers Partnership

Ken Lubinski explained that the Fishers and Farmers Partnership is a fish habitat partnership modeled after the North American Waterfowl plan. It is one of a number of projects being proposed for funding under the National Fish Habitat Action Plan. The partnership would be focused on the Upper Mississippi River Basin and would bring together conservationists and producers to restore aquatic habitats. Four or five nationwide pilots have recently been funded, one of which is the Driftless Area. That pilot will remain separate from the UMR basin proposal.

Lubinski explained that the steering committee for the proposed partnership should be solidified by January 2008 and application will be made for full partnership status by mid-2009. Thus far, key partners include the Fish and Wildlife Service, TNC, Trout Unlimited, Iowa Soybean Growers, and Iowa DNR.

Martin Konrad commented that the effort has limited funding, but he expressed optimism about its potential ability to bring farmers together with conservationists and apply science to the issues. In response to a question from Marcia Willhite, Konrad explained that the first step in the process is to conduct a basin assessment and develop a strategic plan, before any funding can be made available for fish habitat projects.

UMRBA-Sponsored Workshops

Holly Stoerker reported that UMRBA has secured a grant from EPA, which will be combined with funding provided by the Corps of Engineers, to support two workshops on the Clean Water Act and ecosystem restoration. The tentative dates are April 16-17 and June 11-12, 2008. The meetings will be held in Dubuque, Iowa.

Stoerker described the workshop approach, which will utilize panel presentations, case studies, and small group discussions. Approximately 60 people are anticipated to attend, including both water quality and natural resource experts from state, federal, and nongovernmental organizations.

Stoerker also described the USGS Cooperators' Roundtable that UMRBA recently cosponsored with the Interstate Conference on Water Policy. The meeting was held in Dubuque, Iowa on November 1-2, 2007 to help build better understanding of and support for the Cooperators' Water Program. Approximately 50 people attended, including 22 cooperators, 16 USGS representatives, and 8 people from other federal agencies in the basin.

Stoerker provided an overview of some of the information that was presented at the Roundtable regarding the streamgaging network in the basin, water quality monitoring, groundwater networks, and cooperative studies. In addition she summarized the suggestions coming from the small group discussions regarding what USGS and cooperators could both do to improve the cooperative water program. Stoerker noted that a written summary of the Roundtable is being prepared by ICWP and will be posted on UMRBA's and ICWP's website.

Mike Wells commented that the Cooperators' Roundtable was a very good meeting and that UMRBA should consider sponsoring similar forums in the future.

Drug Free Workplace Policy

Todd Ambs moved and Gary Clark seconded a motion to approve the October 3, 2007 draft Drug-Free Workplace Policy developed by UMRBA staff. The motion passed unanimously.

Stoerker Retirement

Mike Wells announced that Holly Stoerker will be retiring as UMRBA Executive Director effective July 1, 2008. He explained that Stoerker had informed the Board of her intentions many months ago and the Board has been working on a transition strategy, which it hopes to announce at UMRBA's next quarterly meeting in February 2008.

Future Meetings

The following dates and locations were identified for future meetings:

February 19-22, 2008	St. Louis, Missouri
May 20-22, 2008	St. Paul, Minnesota (rather than the Quad Cities location identified in the meeting packet)
August 12-14, 2008	La Crosse, Wisconsin

(August 5-7, 2008 were identified as alternative dates, if suitable hotel accommodations cannot be secured for August 12-14.)

The meeting was adjourned at 4:15 pm.