

**Minutes of the
Upper Mississippi River System
Navigation Environmental Coordination Committee**

**February 17, 2011
Quarterly Meeting**

**Sheraton Westport Plaza Hotel
St. Louis, Missouri**

Ken Barr of the U.S. Army Corps of Engineers called the meeting to order at 8:12 a.m. on February 17, 2011. A complete list of attendees follows these minutes.

Minutes from the November 17, 2010 Meeting

Jon Duyvejonck moved and Jim Fischer seconded a motion to approve the minutes of the November 17, 2010 meeting as written. The motion passed unanimously.

Program Management

FY 11 Fiscal Update

Chuck Spitzack said NESP, along with most of the federal government, is currently operating under a continuing resolution authority (CRA) that expires March 4, 2011. The Senate Appropriations Committee's FY 11 energy and water spending measure (S. 3635) and House Energy and Water Subcommittee's FY 11 appropriations markup include \$4.0 million and \$1.0 million in preconstruction engineering and design (PED) funding for NESP, respectively. Congress and the Administration have yet to agree on a plan for funding federal government operations for the balance of FY 11.

Spitzack explained that NESP is currently capped at \$1.443 million for FY 11 under the CRA. This includes \$443 million in unobligated FY 10 carry-over. NESP has already executed between \$600,000 and \$700,000. Under a \$1 million scenario for FY 11, NESP would essentially have to stop work in the very near future. NESP staff are determining how best to defer projects should such a scenario materialize. This is being done with an eye toward minimizing the inefficiencies associated with deferring project planning.

At the same time, NESP staff also continue planning for the possibility of a \$3 million program in FY 11. Under this level of funding, NESP would allocate \$350,000 to program management and \$1.352 million each to navigation planning and ecosystem restoration planning. Final program allocations will be determined once funding for the remainder of FY 11 is known.

Spitzack overviewed NESP's FY 11 work priorities, which include:

- Finalize design on small scale navigation and ecosystem restoration projects
- Complete ecosystem restoration reach planning reports
- Complete navigation design reports for locks, mooring cells, and mitigation activities
- Transition to a single lock planning approach, which will begin in FY 12

FY 12 Outlook

Spitzack said NESP received a total of \$58.6 million for PED in FY 05-10 through Congressional adds. The Administration still does not support funding for NESP and has requested more detailed information on the potential social, economic, and ecological benefits of NESP's projects before it will reconsider its position on NESP funding. The Administration has expressed particular concern with the uncertainty in future shipping demand estimates used in NESP's economic analyses. Spitzack observed that many factors complicate estimating future levels, including possible changes in the nation's strategy for the inland navigation system.

NESP's Near-Term Vision and Communications Strategy

NESP's Near-Term Implementation

Chuck Spitzack said NESP staff were scheduled to meet with USACE Headquarters (HQ) recently to discuss NESP's near-term vision and communications strategy, but the meeting was delayed. He anticipates having that meeting soon. In the interim, Corps staff continue to use the "Blueprint for Action" to articulate NESP's near-term implementation strategy. The Blueprint describes the UMRS's social, economic, and ecological importance, challenges, and potential solutions. It also highlights the Corps' readiness to implement NESP, the program's flexibility to phase implementation from small- to large-scale efforts, and its potential for job creation.

Spitzack said he also hopes to convene a vertical team meeting to discuss implementation guidance, additional economic analysis, navigation transportation policy, integrated river and watershed management, and outreach and communication. The meeting would focus on NESP, but in the context of all USACE's UMRS authorities. The meeting would include MVD staff and program managers of the various UMRS programs.

USACE Correspondence Regarding the IMTS Capital Investment Plan

Spitzack said the Nicollet Island Coalition sent a letter to ASA(CW) Jo-Ellen Darcy regarding the Inland Marine Transportation System (IMTS) Team's Capital Plan and NESP. In its letter, the Coalition maintains that 1) the Plan's recommended project planning process improperly assumes adoption of the proposed Inland Waterway Trust Fund (IWTF) cost-share revisions and 2) NESP's planning efforts do not include important aspects from the 2004 Recommended Plan regarding small scale and non-structural measures. Spitzack outlined NESP staff's proposed responses, including 1) NESP's implementation strategy is flexible and able to accommodate many alternative futures, including the Capital Plan; 2) La Grange is in urgent need of rehabilitation, which should proceed through any appropriate and available funding mechanism; and 3) the NESP management team believes it is operating within its implementation guidance.

Spitzack reported that, on December 21, 2010, ASA(CW) Jo-Ellen Darcy sent a letter to Representative Jim Oberstar, outgoing Chair of the House Transportation and Infrastructure Committee, articulating the Administration's concern with several aspects of the IMTS Team's Capital Investment Plan. Spitzack overviewed the letter's major points, as follows:

1. The Administration concurs with the Board's recognition that long range capital investment planning is important.
2. The Plan should place more emphasis on work that would maintain the current level of service on the principle waterways.

3. Several projects included in the Plan have not yet demonstrated a strong economic justification or completed the Administration's project planning and review process, both of which should be preconditions for federal funding.
4. The Plan's proposed cost share proposals and financing for the IWTF would inappropriately shift a majority of the cost share burden to the public.
5. The Plan should include information about O&M efficiency and cost sharing, and recommend whether USACE should continue to fully fund O&M costs.

Spitzack said the Inland Waterways Users Board sent a response to Darcy's letter on January 18, 2011. The Board expressed its considerable disappointment with ASA(CW) Darcy's letter to Representative Oberstar and stressed the need to address the nation's inland waterways problems. In its letter, the Board noted that USACE staff and industry representatives developed the Capital Investment Plan in full collaboration and that ASA(CW) Darcy had previously expressed support for the Plan's major elements following pre-release briefings. The Board said the Administration's change in position sends a negative message to its partners.

Side Channel Restoration Workshop

Ken Cook overviewed the January 10-14, 2011 Side Channel Restoration Workshop. The Corps' research labs hosted the workshop to brainstorm potential side channel restoration conceptual models. Cook said discussions following the 2009 RRAT boat trip, which included a major focus on side channel restoration, led Corps staff and district partners to conclude that an effort should be made to promote side channel restoration as a system-wide tool. MVS first hosted a January 20-21, 2010 scoping session to document known challenges and uncertainties of side channel restoration and to discuss the 2011 workshop's goals and objectives. Conclusions from the scoping session include the following:

- Developing a side channel restoration conceptual model is the first step to understanding the potential for side channels to contribute to regional and systemic ecological functions and overall sustainability.
- Conceptual model development should build off of the 2000 *Middle Mississippi River Side Channels: A Habitat Rehabilitation and Conservation Vision*.
- Conceptual models inform adaptive management and monitoring plans.
- Side channels represent one of the few potentially effective management actions for restoration in the Middle Mississippi River.
- Currently, side channels are mostly temporary river features that eventually fill with sediment and become colonized by terrestrial vegetation.
- Planning side channel restoration projects is typically challenging because these projects are often opportunistic, there is lack of understanding about large river processes, and there are substantial monitoring challenges related to side channel restoration.
- Analysis and integration of existing data and application of adaptive management techniques are needed to better understand the potential of side channels to contribute to the UMRS's sustainability.

Cook said 30 to 40 participants attended some or all of the January 2011 workshop's four days. Participants included representatives from MO DoC, USFWS, UMESC, USACE Coastal Engineering Research Center, MN DNR, TNC, University of Iowa, Missouri Cooperative Fish and

Wildlife Research Unit, MVS, MVP, and USACE Engineering Research and Development Center. Cook said the workshop's goal was to develop comprehensive conceptual models of side channel functions, processes, and structures. The next step is to select and refine a conceptual model to inform side channel restoration.

Cook said the participants developed draft models in small groups for the first three days. On the final day, participants discussed the challenges and unknowns that reduce the use of side channel restoration. Cook briefly overviewed some of the conceptual models developed at the workshop.

Floodplain Restoration System Team

Floodplain Restoration Planning Efforts

Todd Strole reviewed his work under the recently completed three-year interagency personnel agreement (IPA) between USACE and TNC. Under the IPA, Strole said his major tasks included:

1. Develop a database that would inform floodplain restoration potential
2. Participate in various ecosystem restoration planning efforts, including reach planning, the NESP Regional Support Team, and the Emergency Borrow Team
3. Serve as a communication liaison
4. Lead an interagency floodplain restoration system team
5. Review relevant implementation guidance and other Corps documents
6. Partake in various training and budget exercises

Strole provided a brief overview of the floodplain restoration database, which he described in more detail at NECC's August 10, 2010 webinar. Users can filter the database based on specified criteria, such as drainage and levee district characteristics, physical descriptors, location information, and land ownership. Strole said he anticipates that UMESC will host the database, as a part of the UMR Decision Support System.

Strole said the Floodplain Restoration System Team (FRST) was formed to 1) advance the systemic restoration and management of floodplains both conceptually and practically for natural resources, flood damage reduction, and economic benefits across the UMR; 2) coordinate with other program interests internal to the Corps, external partners, and stakeholders; and 3) integrate floodplain restoration into reach planning efforts via the Regional Support Team. About 60 federal, state, NGO, and academic representatives participated on the FRST. Strole said the Team focused primarily on developing potential strategies for floodplain restoration and a list of opportunity areas for future restoration activities. The Team's identified strategies include:

1. Building upon existing easements
2. Integrating flood storage easements into flood protection strategies
3. Participating in ecosystem services markets, such as carbon sequestration, nutrient processing, and flood storage
4. Integrating biomass crops into reconnected floodplain
5. Pre-planning to incorporate floodplain restoration elements into P.L. 84-99 repairs

Strole explained that the Team has focused on top-down, system-level floodplain restoration needs. He recommended that:

1. Future floodplain restoration planning consider restoration needs at a local scale, and thus transition to a bottom-up approach
2. NESP partners review the list of restoration opportunities regularly, perhaps on an annual basis.
3. Maintain the FRST contact list to communicate information about systemic floodplain restoration issues and strategies
4. Integrate FRST's floodplain data into reach planning
5. Integrate work with the Forestry System Team
6. Form subgroups to further consider the FRST's identified restoration areas
7. Explore restoration opportunities in drainage and levee districts.

Strole encouraged the Science Panel to develop a conceptual model for evaluating potential floodplain restoration actions. He also suggested that USACE consider the option to establish permanent easements with willing landowners, as an alternative to fee title acquisitions. He said easements could offer important additional opportunities for restoration in critical areas. Strole also encouraged USACE to address the issues of crediting cost share sponsors for excess Lands, Easements, Rights-of-Way, Relocation of Utilities or Other Existing Structures, and Disposal Areas (LERRD) and ownership rights following Corps construction. Strole offered other examples of policy issues that should be addressed, including:

- Determining whether projects that are protected by a levee, but are below the ordinary high water mark (OHWM), are eligible for 100 percent federal funding
- Developing cost-benefit formulas for estimating the value of restoration projects
- Considering whether to make a recommendation to Congress to increase the current \$5 million cap for federal expenditures on Section 1135 project modifications
- Identifying any necessary authorization modifications that should be addressed through other, non-WRDA channels

In response to a question from Jon Duyvejonck, Strole said NRCS staff have expressed interest in examining the potential to integrate NRCS's conservation programs for removing marginal land from production with NESP's floodplain restoration efforts. However, county regulations limiting the amount of land that can be enrolled in federal programs can be an issue in some areas. Strole also noted that only a few of the Mississippi River Basin Initiative (MRBI) targeted watersheds are located on the UMR.

In response to a question from Janet Sternburg, Ken Barr said the Corps has not yet identified the next steps for floodplain restoration planning. Brian Johnson said it will be important to maintain the FRST to explore various issues and opportunities for future work. He also echoed Strole's recommendation that the Team should switch from a top-down to a bottom-up approach to floodplain restoration planning. Strole said there are still a few remaining items he wants to work on with the FRST, including disseminating information concerning some of the individual restoration projects underway.

Tim Schlagenhaft expressed his appreciations for Strole's leadership in guiding the FRST. In response to a question from Schlagenhaft, Strole confirmed that FRST's identified floodplain restoration opportunity areas are included in the 2010 Floodplain Reach Plans. Schlagenhaft encouraged NESP to

continue floodplain restoration planning efforts. He suggested the FRST begin engaging landowners and identifying specific projects. Barr said an immediate next step is for District staff to get clarity on several pertinent policies.

Joyce Collins noted that strategies for engaging landowners will need to be tailored to particular areas. In general, she observed that there is more landowner outreach/education work required on the lower reaches. She said this should start with the levee and drainage districts and then move to conversations with individual landowners. Schlagenhaft acknowledged this issue, noting that landowner interest varies considerably within the upper reaches as well. In response to a question from Collins, Schlagenhaft said MN DNR has a long term strategy for the Root River that guides floodplain restoration efforts. He said the strategy has increased interest in MN DNR's efforts on the Root River. Schlagenhaft encouraged partners to develop a long term strategy to guide UMR floodplain restoration efforts.

Barry Johnson mentioned that LTRMP has recently been conducting ecological landscape studies that are very relevant to FRST's floodplain restoration efforts. Brad Walker suggested that partners consult those working on farmland protection easements.

Overview of USACE/TNC IPA

Strole explained that the USACE/TNC IPA was created in 2008, following NESP's authorization in WRDA 2007, to address implementation details for the floodplain restoration component. He noted that the 2004 NESP Feasibility Study calls for restoring 105,000 acres of isolated floodplain. Within the authorized first increment, NESP's authorization includes \$277 million to restore 35,000 acres of floodplain restoration. The USACE/TNC IPA was intended to 1) improve TNC's understanding of USACE's internal processes, 2) provide additional floodplain restoration planning capacity and expertise to USACE, 3) advance NESP's floodplain restoration component, and 4) further coordination between TNC and USACE.

Strole's recommendations regarding future IPAs with USACE include:

- Develop an IPA position around a true, but temporary, need
- Fill the IPA position with the appropriate skill set to meet the position's needs
- Do not create a position simply to address capacity needs
- Do not create a position based on personal desires
- Clearly articulate goals for the IPA at the outset
- Establish a strategy/methodology for implementing the IPA early in the process
- Ensure that the IPA mutually benefits both organizations involved

Barr said MVD is strongly encouraging districts to develop IPAs with environmental NGOs, and views the USACE/TNC IPA as a model for doing so. Johnson expressed his appreciation for Strole's efforts. He said Strole helped NESP make significant progress in planning floodplain restoration.

In response to a question from Sternburg, Strole shared some insights from working with the Corps. He said Corps staff must account very carefully for their time, billing it to individual projects and programs. They have little discretionary time to allocate to unfunded requests. He also noted that natural disasters and other emergencies significantly impact the Corps' staff resources. In response to a question from Schlagenhaft, Strole said USACE and TNC contributed equally to funding for his time working on the IPA. However, USACE covered travel expenses in full. Throughout the IPA, Strole

said he remained a TNC employee. Barr noted that IPA contracts are structured on an individual basis, and salary contributions and other details can be structured in various ways. In response to a question from Sternburg, Strole said he reported annually to the TNC about the IPA.

Partner Reports

Jim Fischer reported that Wisconsin Governor Scott Walker appointed Cathy Stepp as Wisconsin DNR's Secretary. Stepp then appointed Bruce Baker as the Water Division Administrator. [Note: Subsequently, Baker announced his retirement and Kenneth Johnson was named as the new Water Division Administrator.] Governor Walker has not yet appointed a representative to UMRBA. Fischer said Wisconsin faces an FY 11 budget deficit of \$136.7 million, with a much larger gap projected for the next biennium. Recently, Governor Walker introduced a budget repair bill that could have significant implications for staff resources. Wisconsin DNR will not be filling the Team Leader position on the Mississippi River Team. The Department is forming work groups to develop implementation guidance for the state's recently approved phosphorus rules.

Jon Duyvejonck said the Rock Island Field Office is in the process of hiring a biologist to serve as a liaison with EMP and NESP and a private lands biologist. He also reported that three mussel species found in the UMR are candidates for T&E listing. These are the Spectaclecase, Sheepnose, and Snuffbox. USFWS and USACE staff will meet to discuss potential implications of the mussels' status for the 9-foot channel consultation process (i.e., will it need to be reopened?) and future river restoration projects.

Janet Sternburg said the Missouri legislature is considering allowing the state's 1/8th of one percent sales tax dedicated to conservation to sunset. Receipts from this tax amount to about 60 percent of Missouri DoC's operating budget. Sternburg said Missouri DoC hosted a Mississippi and Missouri Rivers conference in November. The conference focused on fisheries management. UMRCC's spring meeting is scheduled for March 15-17 in Hannibal, Missouri. She also noted that Missouri is working on several emerging issues related to biomass and hydropower energy production.

Christine Favilla said the Sierra Club is working on various energy issues that may impact the UMR, including hydropower and coal development. The Sierra Club is co-sponsoring a March 8-10 Bottomland Ecosystem Restoration Conference with the National Great Rivers Research and Education Center, Sierra Club, and several other organizations. Favilla announced that the fourth annual Mississippi River Earth Tones Festival is scheduled for September 18, 2011 at the Alton Riverfront Amphitheater. She invited partners to share visually interesting materials highlighting restoration efforts on the UMR, particularly floodplain restoration activities.

Cecily Smith announced that Prairie Rivers Network recently received a one-year grant from Champaign County, Illinois to do individual outreach with the county's agricultural landowners.

Steve Sletten announced that PBSJ will soon change its name to Atkins.

Tim Schlagenhaft reported that Minnesota DNR's newly appointed Commissioner is Tom Landwehr. Governor Dayton has not yet appointed a UMRBA representative.

Bob Clevestine said the UMR refuge units are developing individual habitat management plans that will implement the Comprehensive Conservation Plan. USFWS staff will review these plans to ensure consistency with reach planning. USFWS is also revisiting its cooperative agreements with states governing the states' management of UMR Refuge lands. Clevestine said the UMR Refuge plans to fill two positions to work on inventory and monitoring efforts.

Todd Strole said Vince Shay is focusing on Mississippi River watershed programs. Strole and Gretchen Benjamin are TNC's points of contact for its Mississippi River mainstem programs.

Barry Johnson noted that Yao Yin is serving on an IPA with TNC. The IPA focuses internationally on large rivers, with a primary emphasis on the Yangtze River. Part of Yao's effort will seek to develop comparable monitoring programs on large rivers so that conditions can be compared.

Other Business

Ken Barr reported that NECC will convene a webinar on April 7, 2011 to discuss NESP programmatic updates. The upcoming quarterly meeting schedule is as follows:

- **May 2011 — Rock Island**
 - UMRBA — May 17
 - **NECC — May 18 (a.m.)**
 - **Joint EMP-CC/NECC — May 18 (late a.m./early p.m.)**
 - EMP-CC — May 18 (p.m.)
 - Possible IIA or HREP Strategic Planning meeting — May 19 [Note: On April 27, Marv Hubbell scheduled an IIA Authors Forum to discuss the IIA issues and schedule.]

- **August 2011 — Quad Cities**
 - UMRBA — August 16
 - EMP-CC — August 17 (a.m.)
 - **Joint EMP-CC and NECC — August 17 (if needed)**
 - **NECC — August 17 (p.m.)**
 - Possible IIA or HREP Strategic Plan meeting — August 18

- **November 2011 — Quad Cities**
 - UMRBA — November 15
 - **NECC — November 16 (a.m.)**
 - **Joint EMP-CC and NECC — November 16 (if needed)**
 - EMP-CC — November 16 (p.m.)
 - Possible IIA or HREP Strategic Plan meeting — November 17

With no further business, the meeting adjourned at 10:45 a.m.

**NECC Attendance List
February 17, 2011**

NECC Members

Ken Barr	U.S. Army Corps of Engineers, MVR
Jon Duyvejonck	U.S. Fish and Wildlife Service, RIFO
Butch Atwood	Illinois Department of Natural Resources
Tim Schlagenhaft	Minnesota Department of Natural Resources
Janet Sternburg	Missouri Department of Conservation
Jim Fischer	Wisconsin Department of Natural Resources
Bill Franz	U.S. Environmental Protection Agency, Region 5

Others in Attendance

Elizabeth Ivy	U.S. Army Corps of Engineers, MVD
Jeff DeZellar	U.S. Army Corps of Engineers, MVP
Chuck Spitzack	U.S. Army Corps of Engineers, MVR
Marvin Hubbell	U.S. Army Corps of Engineers, MVR
Karen Hagerty	U.S. Army Corps of Engineers, MVR
Brian Johnson	U.S. Army Corps of Engineers, MVS
Jeff Stamper	U.S. Army Corps of Engineers, MVS
Ken Cook	U.S. Army Corps of Engineers, MVS
Hal Graef	U.S. Army Corps of Engineers, MVS
Bob Clevestine	U.S. Fish and Wildlife Service, UMR Refuge
Joyce Collins	U.S. Fish and Wildlife Service, Marion Sub-Office
Mike Jawson	U.S. Geological Survey, UMESC
Barry Johnson	U.S. Geological Survey, UMESC
Rick Mollahan	Illinois Department of Natural Resources
Michael McGinn	Cardno ENTRIX
Brad Walker	Izaak Walton League
Steve Sletten	PBS&J/Atkins
Cecily Smith	Prairie Rivers Network
Christine Favilla	Sierra Club, Illinois
Todd Strole	The Nature Conservancy
Barb Naramore	Upper Mississippi River Basin Association
Dave Hokanson	Upper Mississippi River Basin Association
Kirsten Mickelsen	Upper Mississippi River Basin Association