

**Minutes of the
Upper Mississippi River Restoration
Environmental Management Program
Coordinating Committee
(UMRR-EMP CC)**

**March 1, 2012
Quarterly Meeting**

**Hotel Blackhawk
Davenport, Iowa**

Charles Barton of the U.S. Army Corps of Engineers called the meeting to order at 8:02 a.m. on March 1, 2012. Other UMRR-EMP CC representatives present were Tim Yager (USFWS) on behalf of Charlie Wooley, Barry Johnson (USGS) on behalf of Mike Jawson, Dan Stephenson (IL DNR), Diane Ford (IA DNR), Tim Schlagenhaft (MN DNR), Janet Sternburg (MO DoC), and Jim Fischer (WI DNR). A complete list of attendees follows these minutes.

Minutes of the November 16, 2011 Meeting

Ken Barr said USACE Headquarters (HQ) has not yet approved any UMR models for use in planning Corps' restoration projects, contrary to the first paragraph on page A-2 of the draft minutes. He suggested that "approved" be replaced with "reviewed" in the first sentence and that "also" be inserted following "District staff are" in the third sentence. Diane Ford moved and Janet Sternburg seconded a motion to approve the draft minutes of the November 16, 2011 meeting with the changes Barr offered. The motion carried unanimously.

Program Management

Fiscal Austerity

Marv Hubbell said USACE HQ is placing greater restrictions on travel and contracts, particularly those involving indefinite delivery/indefinite quantity (IDIQ) provisions. In addition, most Corps staff are not allowed to work overtime and work is being kept in-house when possible, with district staff directed to look for assistance from other Districts before contracting work. Hubbell observed that the other federal agencies are pursuing similar cost saving measures.

FY 12 Fiscal Status

Hubbell reported that UMRR-EMP received an FY 12 appropriation of \$17.787 million. Until the FY 12 Consolidated Appropriations Act (P.L. 112-74) was enacted on December 23, 2011, UMRR-EMP had been operating under a continuing resolution authority (CRA) and executing assuming a \$16.445 million budget. The \$17.787 million appropriation is allocated as follows:

- Regional Management – \$721,000
- LTRM – \$6,232,000
- HREP – \$10,834,000
 - Program model certification and regional support – \$150,000
 - MVP – \$2,687,000
 - MVR – \$4,530,000
 - MVS – \$3,467,000

Hubbell explained that, in FY 11, USACE shifted about \$780,000 from LTRM to MVP for the Capoli Slough construction award and \$93,000 from LTRM to MVR for the Rice Lake construction award. The two Districts will essentially “repay” this funding to LTRM in FY 12. Thus their allocations are reduced from what they would have otherwise received under the customary allocation formula.

Hubbell noted that UMRR-EMP’s FY 12 appropriation of \$17.787 million is slightly less than the program’s average appropriation in recent years. He said that, if UMRR-EMP receives the same appropriation or less in future years (including FY 13), LTRM base monitoring expenses will not be fully covered.

FY 13 Budget Request

Hubbell reported that the President’s FY 13 budget request for UMRR-EMP is \$17.880 million.

Reviving Charter Process for UMRR-EMP CC and A-Team

Hubbell recalled that UMRR-EMP CC last discussed charters for the UMRR-EMP CC and A-Team at its May 2010 meeting, where the Committee agreed to develop charters for both groups. Because of other program priorities, work on those charters has not been initiated. With some of these other demands having been addressed, Hubbell asked partners whether they would now be interested in developing charters for the two groups, as well as the System Ecological Team (SET) and District-based planning teams (DETs). He suggested that the partner-endorsed 2003 HREP Sequencing and Planning Framework could be updated and formalized as a charter for the SET and DETs.

In response to a question from Charles Barton, Hubbell said neither the UMRR-EMP CC nor A-Team have charters. However, partners did adopt the Roles and Expectations for the UMRR-EMP CC and A-Team in 2005. These were based on draft Charters developed in 1999. Hubbell said partners could develop one charter or individual charters for the various committees. Janet Sternburg asked if having an UMRR-EMP CC charter would facilitate HQ meeting approval. Hubbell said HQ has not yet requested a charter in considering meeting requests, but he said he has previously received charter requests from others. He observed that charters would likely provide many foreseen and unforeseen benefits, including articulating and codifying the composition and functions of the program’s coordinating bodies.

In response to a question from Jim Fischer, Naramore explained that 1999 draft Joint UMRR-EMP CC and A-Team Charter was tabled because of differing opinions regarding the A-Team’s appropriate function — i.e., consultation/coordination versus decision-making.

UMRR-EMP CC members agreed to renew the charter effort and asked volunteers to review the 1999 draft Joint Charter and present revised draft charters for consideration at the Committee’s May 24, 2012 meeting. In response to a request from Hubbell, volunteers include Hubbell, Karen Hagerty, Sternburg, Barb Naramore, Bob Clevenstine (representing the SET), and Scott Gritters (representing the A-Team).

Public Involvement and Outreach

Hubbell reported that USACE Districts recently circulated annual Civil Works Customer Satisfaction Surveys (<http://surveys.usace.army.mil/civilworks>). He urged partners to respond to these surveys, emphasizing the importance of partners’ input. Tim Schlagenhaft requested that USACE provide survey respondents with responses to their feedback. Gary Meden said he will communicate to USACE HQ about Schlagenhaft’s suggestion.

Tim Yager announced that the Mississippi River Connections Collaborative (MRCC) will host *Summer of Paddling 2012* (www.sop2012.org), which is a series of paddling events along the entire Mississippi River. Yager said this is part of the America's Great Outdoors (AGO) Initiative. He noted that USFWS, USACE, and NPS are all engaged in the paddling events.

Don Powell said MVP's February 2012 newsletter includes a four-page article on UMRR-EMP, describing its history, improvements in project design, strong partnership, and public involvement. Powell announced that MVP will host a dedication of Pool 8 Islands in August, in connection with the Mississippi River Commission's low water trip. USFWS will offer boat tours of the project. [Note: Following the meeting, the Mississippi River Commission announced that the low water inspection will not include the UMR. The Pool dedication is now scheduled for August 30 at Wildcat Park in Minnesota, following the UMRR-EMP CC meeting earlier that day.]

Hubbell said Dave Potter from MVP has been working with the American Fisheries Society in developing an agenda for its August 19-23, 2012 symposium. Karen Hagerty said the symposium will feature a special track on UMR fisheries.

Hubbell said USACE and Field Station Team Leaders continue efforts to develop an LTRM sign for installation at the field stations.

Implementation Issues Assessment

Marv Hubbell said the Implementation Issues Assessment (IIA) will serve as a companion piece to the 2010 UMRR-EMP Report to Congress (RTC). In an effort to expedite completion of the RTC, the UMRR-EMP CC agreed to address 13 policy and programmatic issues that are not expected to require Congressional action in the IIA, rather than the RTC. However, competing priorities have prevented the IIA issue paper leads from completing their work on schedule. Hubbell said UMRBA has agreed to assist authors in writing their respective papers to facilitate timely completion. Hubbell will also consider additional ways to expedite the IIA process, including potentially dropping some issues from the IIA that do not need immediate attention or would be more appropriately addressed in other venues.

In response to a question from Tim Schlagenhaft, Hubbell said USACE Headquarters (HQ) is still reviewing the 2010 UMRR-EMP RTC. Zoltan Montvai, Deputy Chief of the MVD Regional Integration Team (RIT), has recently initiated dialogue with District staff regarding the RTC and the UMRR-EMP/NESP Transition Plan. Hubbell said Montvai's recent communication indicates that HQ will act on the two documents soon. In response to a question from Schlagenhaft, Hubbell explained that HQ had directed MVD staff to submit the 2010 UMRR-EMP RTC to HQ no later than December 31, 2010. It was very important for the program to meet this deadline regardless of what has happened with the RTC since that time. Charles Barton noted that, once HQ has finished its review of the RTC and UMRR-EMP/NESP Transition Plan, both documents will go to the Assistant Secretary of the Army for Civil Works [ASA(CW)] Jo-Ellen Darcy for further review and consultation with the Office of Management and Budget. Only after the Administration has cleared the report will the Secretary of the Army transmit it to Congress. Schlagenhaft stressed the value of partners having the RTC when communicating to the UMR delegation and state agency leadership about UMRR-EMP's successes and importance to the region. In response to a question from Jim Fischer, Barton welcomed any comments about the RTC's status in the Districts' Civil Works Customer Satisfaction Surveys. However, Barton said having MVD staff continue to encourage HQ to act on the RTC will be most effective.

State Participation and Leadership Support

Fischer said he is finalizing revisions to the draft State Participation and Leadership Support Issue Paper based on comments received. He said a final version will be available for the UMRR-EMP CC's

consideration in advance of its May 24 meeting. Hubbell observed that the UMR states contribute substantially to UMRR-EMP, including participating on District-based planning teams, project delivery teams (PDTs), and other interagency groups in support of the program. He said the paper addresses very valid issues about maintaining and enhancing states' engagement and support of the program, especially in the current era of constrained funding and staff resources.

Delegated Authority

Marshall Plumley explained that USACE has historically followed UMRR-EMP's 1999 Implementation Guidance with respect to the program's delegated authority levels for approving habitat projects. The 1999 Guidance caps delegated authority to approve HREPs at \$5 million for Division and \$1 million for the Districts. However, USACE issued national policy governing delegated approval for post-authorization civil works projects in 2004 (EC 1165-02-205). [Note: The policy was updated and was issued as an Engineering Regulation in 2007.] Plumley said the 2004 policy allows the Division Commander to approve HREPs at any estimated cost, unless the project involves a policy matter requiring HQ review/approval. Under this approach, District Commanders retain their delegated authority of \$1 million or less. [Note: Under the 2004 policy, MVD has now approved fact sheets for two projects that exceed \$5 million – i.e., Rice Lake and Batchtown.] At a practical level, Hubbell explained that the WRDA 07 requirement for projects costing \$45 million or more to undergo an Independent External Peer Review (IEPR) essentially caps the Division's delegated authority at \$45 million.

Plumley said project partnership agreements (PPAs) for cost-shared projects that do not follow an approved model PPA need HQ approval. Barb Naramore asked if MVD plans to seek HQ approval of a model PPA for HREPs. Renee Turner said HQ has one staff person responsible for developing model PPAs, and currently there is a long list of pending model agreements. Turner said she will follow-up with HQ regarding where UMRR-EMP might fall in the priority list. Hubbell said future habitat projects can use Rice Lake's PPA as an example, expediting processing even if a model agreement is not approved.

Land Acquisition

Plumley overviewed the draft Land Acquisition Issue Paper. He affirmed that UMRR-EMP habitat projects can include land acquisition as long as they meet the requirements of 1) the Corps' policy governing land acquisition for all water resources projects (ER 1165-2-501) and 2) the UMRR-EMP's 1994 land acquisition policy guidance. Provisions of the 1994 policy are as follows:

- a) Land acquisition as part of an HREP must be primarily for fish and wildlife preservation, enhancement, or restoration purposes.
- b) Land acquisition must be cost efficient compared to other available habitat restoration techniques.
- c) The non-federal sponsor must acquire the land, fulfill the construction cost share requirements (if applicable), and assume full responsibility for all restoration project operation and maintenance (O&M) on the acquired lands.
- d) The non-federal sponsor is responsible for 35 percent of the total project costs (or 35 percent of the portion of the project subject to cost sharing). [Note: 1994 guidance identifies a 25 percent non-federal share, but the cost-share for HREPs shifted from 75/25 to 65/35 in the 1999 WRDA reauthorization.]
- e) Cost sharing for habitat projects that include components of both land acquisition and construction would consist of a lands, easements, rights-of-way, relocation and dredged material disposal area (LERRDs) credit applied to the non-federal sponsor's portion of the cost share requirement. If the value of the LERRDs contribution exceeds the non-federal cost share (35 percent), the federal government would reimburse the difference to the non-federal sponsor.

- f) Lands purchased for inclusion in a national wildlife refuge would be acquired under the existing programs and authorities of the U.S. Fish and Wildlife Service — i.e., UMRR-EMP will not use federal funds to acquire lands for the refuge system as part of an HREP.
- g) Any land acquired must include active construction and/or operation and maintenance measures to improve fish and wildlife habitat over its value in its current condition. [Note: ER 1165-2-501 caps acquisition costs for construction projects at 25 percent of total project costs.]

[Note: The 1994 guidance also capped the percentage of total allowable HREP funds that could be used for land acquisition at 10 percent. However, that provision has since expired and is presumably no longer applicable. The 25 percent cap on land acquisition costs relative to total project costs under ER 1165-2-501 still applies.]

Hubbell noted that Rice Lake is UMRR-EMP's most recent habitat project involving land acquisition, and the program's first large-scale land acquisition project. He said Rice Lake confirms that UMRR-EMP can in fact implement such projects. Diane Ford recalled that Iowa DNR was interested in pursuing land acquisition as a component of Brown's Lake, but USACE staff said at the time that UMRR-EMP could not acquire lands for HREPs. Scott Gritters said Brown's Lake receives high sedimentation from a tributary stream, and Iowa DNR wanted to acquire land surrounding the stream to construct sediment control structures. In response to a question from Ford, Hubbell said Brown's Lake could have in fact included land acquisition for the purposes Gritters described. For example, Hubbell said Swan Lake and Batchtown involved hillside sediment control structures. Brian Markert noted that the Natural Resource Conservation Agency partnered on both of these projects.

In response to a question from Charles Barton, Plumley explained that the 1994 policy provision that capped land acquisition costs at 10 percent of total allowable HREP funds (i.e., authorized annual funding level of \$22.750 million) was not a factor with Brown's Lake since acquisition costs would not have come close to hitting that ceiling.

In response to a comment from Tim Yager about the options identified in the draft paper, Hubbell said UMRR-EMP has implemented habitat projects involving land acquisition (Option 2). But the states have received misinterpretations of the land acquisition policy over the years, and thus UMRR-EMP has implemented only a few such projects. Hubbell explained that the Land Acquisition Issue Paper clarifies the policy and calls for the UMRR-EMP CC to make a formal decision regarding whether future habitat projects should focus on lands already in state and federal ownership, or whether partners should include land acquisition projects in the mix of all potential HREPs. In addition, regardless of UMRR-EMP CC's decision to consider future land acquisition projects, the issue paper calls for USACE to clearly communicate UMRR-EMP's land acquisition policy internally and to all program partners. Plumley said UMRR-EMP CC's decision regarding the options will also need to be communicated to the river management teams, the System Ecological Team (SET), and PDTs, so that they know whether land acquisition is an available tool.

Ford and Jim Fischer suggested revising Option 2 from "Actively pursue projects that include land acquisition" to "Consider projects that could include land acquisition." UMRR-EMP CC members agreed that land acquisition projects should be considered in the mix with all possible habitat projects, and selected only if they prove to have the most potential for advancing identified ecological goals for the river. Barton suggested that Option 3 (communicate UMRR-EMP's land acquisition policy to all partners) should not be presented as an option in the issue paper, but rather as a footnote to the options. He explained that the communications piece should happen regardless of which option UMRR-EMP CC selects. With those revisions, UMRR-EMP CC members agreed that UMRR-EMP should consider land acquisition projects, using the same prioritization criteria that are applied to other HREP proposals — i.e., revised Option 2 in the Land Acquisition Issue Paper.

Barb Naramore noted that partners still need to address questions related to reimbursing non-federal sponsors for the value of LERRDs that exceeds the sponsor's 35 percent share of the total project costs. Hubbell explained that, historically, non-federal sponsors have waived reimbursement after signing the project partnership agreement (PPA) while being silent on the matter in the PPA. However, in negotiating the Rice Lake agreement, USACE wanted Illinois to waive reimbursement in the PPA and Illinois determined that it could not legally do so, given that written USACE policy entitles the state to reimbursement. Hubbell said HQ is now requiring that PPAs specify whether the non-federal sponsor will receive or waive reimbursement for excess LERRDs. HQ has also indicated that it will not approve land acquisition projects for which the non-federal sponsor does not agree to waive the reimbursement because it does not deem such projects to be federal priorities. Thus, the nonfederal sponsor will be required to explicitly waive excess LERRDs reimbursement in the PPA in order for a project to go forward.

Gary Meden asked that the second sentence in the second bullet under the Outcomes of the August 17, 2011 UMRR-EMP CC Meeting section of the issue paper be revised to read as follows: Although, USACE Headquarters can waive that limit, it is unlikely to do so.

Schlagenhaft observed that the Corps land acquisition policy (ER 1165-2-501) provision capping land acquisition costs for construction projects to 25 percent of the total project costs is practically unrealistic, noting the rarity that planning and construction costs are three times greater than land acquisition costs. Schlagenhaft requested that Corps staff explore potential options to increase the cap. He also suggested that the Land Acquisition Issue Paper include a note that this issue is unresolved and partners plan to address it in the near future. Meden expressed support for exploring options to increase the cap, but noted that policy changes take time and coordination. Barton said he also supports addressing this issue, but urged partners to be realistic in their expectations. He said the cap is meant to ensure that habitat projects are true restoration projects and not mitigation projects. In response to a question from Schlagenhaft, Barton said increasing the cap from 25 percent to 35 percent might be reasonable to explore.

Meden reiterated that it is highly unlikely that HQ will approve a restoration project that calls for the non-federal sponsor to receive reimbursement for excess LERRDs. To avoid future confusion and legal complications in developing land acquisition PPAs, Hubbell said he is considering requesting that USACE HQ formally repeal the 1994 policy provision that allows the non-federal sponsor to receive credit for excess LERRDs. He asked for state input regarding this potential policy change. Naramore said the states will need to consider the idea further. She explained that the states have been willing to waive LERRDs reimbursement on an individual project basis in the past, but have always been clear that they were not setting policy for future projects and wanted to retain the option of reimbursement in the future. Hubbell said he will coordinate with the states to request their position on the issue before the May 24, 2012 UMRR-EMP CC meeting, and will work with the issue paper authors to revise the Land Acquisition Issue Paper to reflect today's discussion.

Nonprofits as Cost Share Sponsors

Issue Paper Discussion

Plumley explained that, historically, USACE staff and program partners concluded that nonprofits could not serve as cost share sponsors of UMRR-EMP habitat projects because the program's authorization did not specifically allow for it and there was no general legislative authority for USACE to advance water resources projects with nonprofit sponsors. However, Section 2003 of WRDA 2007 now provides the authority needed for nonprofits to serve directly as project cost share sponsors. The authorization is quite broad, but does provide some sideboards. For example, the consent of affected local unit(s) of government is required to advance projects with nonprofit sponsors. Moreover, nonprofit sponsors must also demonstrate their ability to meet the requirements for non-federal sponsors, as provided in

Section 221 of the Flood Control Act of 1970, as amended. Plumley said USACE HQ has not yet issued policy guidance for this provision. Thus, if partners agree to consider such projects, many implementation details will remain to be addressed, including how PDTs will coordinate with local units of government and how nonprofits will be engaged in project planning and sequencing efforts.

Naramore asked from what unit(s) of local government (e.g., county, city, levee district) consent is required. Plumley said the authorizing language is not explicit on this question. Corps staff are still considering how PDTs should define, and work with, the appropriate local authority(ies). He noted that Spunky Bottoms and Emiquon both received consent from Illinois DNR and their respective counties. Doug Blodgett asked if the intent behind the local consent provision is known, noting that it might shed some light on what local unit(s) should be consulted. Plumley said he explored that question, but was unable to find any background information about the provision.

In response to a question from Blodgett, Plumley clarified that nonprofit sponsors would be responsible for the operation and maintenance (O&M) and rehabilitation of their habitat projects throughout the life of UMRR-EMP, beyond the HREP's 50-year design life. Plumley said he will revise the fourth bullet of the Land Acquisition Issue Paper to clarify this responsibility. In response to a question from Fischer, Plumley said that, should a project property change hands, the new landowner would be subject to all terms in the PPA, including O&M and rehabilitation responsibilities.

Barton explained that it is not certain that UMRR-EMP can in fact implement habitat projects with a nonprofit cost share sponsor since HQ has not yet issued implementation guidance. In response to a question from Fischer, Barton said the policy could be tested through a project proposal. He said MVD staff will seek written confirmation from USACE HQ that nonprofit-sponsored habitat projects can be advanced in the absence of implementation guidance. Barton added that the UMRR-EMP CC can still take action on the Issue Paper's options, with the understanding that applicability of WRDA 2007 Section 2003 to UMRR-EMP remains to be confirmed.

Ford expressed support for Option 2 — i.e., expand the definition of non-federal sponsors for HREPs to include nonprofit organizations – but suggested replacing “advance” with “consider.” UMRR-EMP CC members expressed support for the revised Option 2, with the understanding that nonprofit-sponsored projects would be subject to the same prioritization criteria that are applied to all other HREP proposals.

[Note: On April 5, 2012, USACE ASA(CW) Jo-Ellen Darcy issued implementation guidance for Section 2003 of WRDA 2007. USACE staff will revise the Nonprofits as Cost Share Sponsors Issue Paper to reflect this development.]

NGO Perspectives re Cost Share Opportunities

Todd Strole presented The Nature Conservancy's (TNC's) perspectives on cost sharing USACE restoration projects. He explained that there are several advantages to cost-sharing partnerships between USACE and nonprofits. These include leveraging funds among USACE and nonprofits; expanding the focus of restoration efforts over large geographic areas; expanding capacity, expertise, and advocacy for the UMR's restoration efforts; and creating and enhancing public-private partnerships. However, there are several implementation considerations that need to be addressed, according to Strole. These include:

- USACE will need to assess the ability of nonprofits to serve as cost share sponsors, including capacity to meet long term obligations.
- USACE staff and partners will sometimes have differing interpretations of authorizing language, especially without implementation guidance.
- Cost-sharing agreements must follow USACE's template, limiting the flexibility to make project-specific adjustments.

- Nonprofits tend to be risk adverse and their legal review process can be time consuming.
- Nonprofits are often under pressure from their donors to expend donations relatively quickly. The lengthy project development process can create problems in this regard.
- Even though nonprofits already maintain extensive accounting records per Internal Revenue Service requirements, USACE imposes substantial additional accounting requirements on cost share sponsors. It is important for USACE to clearly articulate accounting expectations upfront.
- Corps staff have various interpretations of cost share requirements. Sometimes project agreements have to be changed after terms already have been agreed to by Corps staff and nonprofit sponsors, creating significant hardship for the nonprofit.

Strole said TNC is interested in cost sharing side channel restoration projects that address altered hydrology. TNC priorities include projects involving land acquisition and O&M, without extensive construction elements, and floodplain restoration projects to improve lateral and longitudinal connectivity.

In response to a question from Barton, Strole said most of TNC's legal review is done at its regional office in the Twin Cities. However, there are some matters that require review by TNC Headquarters. He emphasized that TNC's legal review of its cost share projects is rigorous, noting that the organization is very risk adverse.

Hubbell said he previously assumed that PDTs would be able to consider implementation details on an individual project basis. However, he said today's discussion highlighted several issues that will need to be addressed programmatically. Hubbell then asked partners to send him any comments on the draft issue paper by Friday, April 6. Corps staff will revise the Nonprofits as Cost Share Sponsors Issue Paper based on the suggested edits and will present a final issue paper to the UMRR-EMP CC at its May 24 meeting.

Brad Walker asked if nonprofit organizations could serve on the UMRR-EMP CC, noting that NESP's Advisory Panel included NGO representatives. Ken Barr explained that NESP's authorization called for three NGO representatives to serve on NESP's Advisory Panel and explicitly exempted the Panel from the Federal Advisory Committee Act (FACA) rules. Barb Naramore said the UMRR-EMP CC has considered nongovernmental membership. But expanding the Committee beyond public agencies would trigger FACA. Compliance with FACA can be cumbersome and resource-intensive. In addition, Administrations are generally reluctant to establish new FACA Committees. Because the strong UMRS partnership of federal and state agencies and non-governmental organizations works extremely well in advancing restoration and science efforts on the river, the UMRR-EMP CC has not elected to pursue expansion of the Committee in the past. In response to a question from Karen Hagerty, Naramore said it would take Congressional action for the UMRR-EMP CC to be exempted from FACA. Hubbell said he will follow-up with NGO partners to get their perspectives on whether UMRR-EMP can better coordinate with them.

Adaptive Management

Hubbell said USACE staff tentatively plan to circulate a draft Adaptive Management (AM) Issue Paper to partners in early April and convene a conference call in mid to late April to discuss the draft. He said a final issue paper will then be presented to the UMRR-EMP CC for consideration at its May 24 meeting.

Next Steps

Hubbell said he will consider ways to streamline the IIA process, including potentially eliminating some issues that are not central to the IIA. Schlagenhaft expressed support for removing issues that are not essential to improving the program in the immediate future. Hubbell indicated that the IIA should be completed by this fall in order to inform UMRR-EMP's strategic planning efforts, which will likely be initiated by early winter.

Habitat Rehabilitation and Enhancement Projects

District Reports

Marv Hubbell said Harpers Slough and L&D 3 Fish Passage are MVP's current planning priorities. He said MVP anticipates finalizing plans and specifications (P&S) for Capoli Slough Stage 2 in May and awarding a construction contract for the project this fiscal year. Hubbell reported that remaining construction elements are being completed on Pool 8 Phase III, and a dedication ceremony for the project is tentatively scheduled for mid August. For FY 12, Capoli Slough Stage 1 is the District's primary construction focus. Hubbell said MVP will initiate project evaluation reports (PERs) on Rice Lake, East Channel, Ambrough Slough, and Pool 9 Islands this year.

Brian Markert said MVS anticipates finalizing the draft definite project report (DPR) and hosting a public meeting for Rip Rap Landing in FY 12. The District's other planning priorities are Clarence Cannon and Piasa and Eagles Nest Islands. Markert reported that MVS will initiate construction on Pools 25 and 26 Islands and Ted Shanks this summer. Construction on Batchtown, Swan Lake Pump Modification, and Calhoun Point is being finalized. The District is also developing PERs for Stump Lake and Calhoun Point.

Kara Mitvalsky said MVR is currently focusing its planning efforts on Huron Island and Pool 12 Overwintering, with DPRs for both projects scheduled for completion this fiscal year. MVR is eliminating Fish Trap Lake from its plans for Pool 12 Overwintering because of water quality issues related to zinc contamination. The District's FY 12 construction priorities include Lake Odessa Stage 1B, Fox Island, and Rice Lake Stage 1. Mitvalsky said MVR anticipates initiating planning on Beaver Island in FY 13.

HREP Highlight: Rice Lake Stage 1

Rachel Fellman described the Rice Lake planning process and project design, as well as the initial construction of Rice Lake Stage 1. Rice Lake is a 6,800-acre project located on the Illinois River in the La Grange Pool. The primary focus is restoring migratory waterfowl habitat through enhanced water control. Illinois DNR is the project's non-federal cost share sponsor. Fellman said project planning spanned 20 years and six different project leads. She expressed appreciation to all project partners for their patience and commitment to the project.

MVR awarded a construction contract for Rice Lake Stage 1 in September 2011. Fellman illustrated Stage 1's features, including a pump station and control building, discharge channel excavation, water control structures (stoplog and sluice gate), overflow and natural spillway embankments, an outlet structure, and mechanical dredging. Subsequent stages will include removal of the existing pump station, a fish passage structure to Rice Lake, and mast tree and native grass plantings on Duck Island.

Rice Lake includes large scale land acquisition, and Fellman said Illinois is entitled to receive reimbursement for the LERRDs credits that exceed its 35 percent cost share. However, she explained that USACE staff are maintaining detailed accounting records of project expenditures, particularly cost

differences resulting from project modifications. USACE has agreed to keep the project's total cost below the point at which Illinois would need to provide further cost share (i.e., cash) beyond the value of the LERRDs credit.

The plan is to complete Stage 1 in two construction seasons, but Fellman said MVR recognizes that fluctuating water levels will be a challenge. Corps staff are also evaluating the benefits and challenges associated with constructing the spillway either in the wet or in the dry. Hubbell noted that project partners agreed to lower the natural levee to a two-year elevation to improve floodplain connectivity, even though it reduced the project life by about 40 percent.

Project Evaluation Reports

Mitvalsky reported that MVP, MVR, and MVS are increasing their emphasis on completing project evaluation reports (PERs), not only to evaluate completed projects but also to enhance future project design. Mitvalsky explained that extensive biological monitoring was done on six HREPs in the 1990s, but biological monitoring and analysis costs proved so costly that the UMRR-EMP CC agreed to limit biological response analyses in favor of other project design and construction efforts. She noted that project sponsors' biological monitoring is also limited. Partners have generally assumed that, if features are designed and constructed properly, then the predicted biological responses will occur. In other words, partners have assumed that physical and chemical monitoring are sufficient indicators of project success, given the extensive costs associated with biological monitoring. Mitvalsky said all three Districts have relatively extensive physical and chemical response data for all completed HREPs, including discharge and velocity, bathymetry/topography, water quality, sediment transects, levee transects/cross sections, aerial photography, LiDAR, and land use/land cover. Corps staff also obtain project response information from site visits, site managers, limited biological data, and reports on water level management capabilities. Mitvalsky encouraged partners to share any relevant biological data that they have for any of UMRR-EMP's habitat projects.

As part of their efforts to enhance consistency in the PERs, the three District PER Coordinators have developed a standard template so that all UMRR-EMP PERs will now include the same type of information. The new report template includes chapters on project purpose, project description (design, construction, O&M), performance monitoring, project evaluation (construction and engineering, costs, O&M, and ecological effectiveness), public support, and lessons learned and recommendations for future similar projects.

Mitvalsky said UMRR-EMP has completed a total of 30 PERs, with MVR having issued the majority of these. The three Districts are currently working on 12 PERs. PER funding needs vary by District and year. For FY 12, MVR and MVP anticipate spending about \$410,000 and \$75,000 for their PER-related efforts, respectively. MVS has not yet estimated FY 12 PER spending. As the program grows and matures, Mitvalsky said USACE needs to consider the additional resources required to evaluate more projects, how to determine when projects no longer require monitoring, how to evaluate trends between projects, how to obtain data and document results, and how to apply monitoring data to future projects.

Barry Johnson asked if program partners will continue with the assumption that physical and chemical response indicators can be surrogates for direct biological response monitoring. Hubbell explained that Corps staff are now committed to including biological monitoring in project evaluations, to more fully assess success in meeting project habitat objectives. Staff are exploring how best to implement biological monitoring and analysis in a cost effective manner. He said USACE had previously relied on the project sponsors to conduct biological monitoring and share the data with Corps staff. However, monitoring is either rarely being done programmatically or is not being reported to USACE. Thus, USACE is now increasing its own biological monitoring. Mitvalsky noted that Corps staff are also exploring how to make more effective use of LTRM data in project evaluations. Hubbell said Corps staff will use LTRM monitoring protocols to allow for comparisons across projects, integration of

LTRM data into project evaluations, and incorporation of project data into LTRM's database. Karen Hagerty said District HREP-LTRM technical staff will also become more engaged in project evaluations, as a part of the HREP-LTRM integration efforts. In response to a question from Amber Andress, Hubbell said partners need to consider how project evaluations will be used in UMRR-EMP's adaptive management efforts.

Janet Sternburg expressed appreciation for the Corps' effort to standardize PERs, and encouraged staff to coordinate with the District-based planning teams (e.g., Fish and Wildlife Work Group) regarding lessons learned from project evaluations. In response to a question from Sternburg, Mitvalsky said Corps staff typically communicate with site managers regarding any project evaluation results. Sternburg asked if monitoring is ongoing on any Missouri habitat projects. Mitvalsky said all Missouri projects, except Monkey Chute, are still being monitored. Hubbell said feedback from site managers is essential, especially in terms of refining future project design.

Advancing NESP Restoration Projects Under Other USACE Authorities

Hubbell said USACE staff are considering options to transfer NESP habitat projects (e.g., Schenimann Chute) to UMRR-EMP or other USACE restoration authorities. He said there are many details that will need to be addressed. In response to a question from Barry Johnson, Hubbell said other USACE restoration authorities that could undertake NESP projects include Sections 1135 and 206, and Section 519 on the Illinois River. In response to a question from Barb Naramore, Hubbell said Corps staff are not yet able to discuss plans for transferring projects to other Corps authorities because certain details are still being addressed. He said Corps staff will present these plans at a future UMRR-EMP CC meeting.

HREP/LTRM Integration

Marv Hubbell said efforts to integrate UMRR-EMP's HREP and LTRM components should be done through a collaborative, shared approach among all partners. He stressed the need for all partners to more frequently and formally consider HREP/LTRM integration in their various program activities. He suggested that partners identify priorities for HREP/LTRM integration and communicate them broadly to all program stakeholders. Hubbell acknowledged that there are several misunderstandings about HREP and LTRM that need to be dispelled – e.g., LTRM data cannot be used in habitat project planning. In addition, there may be obstacles to HREP/LTRM integration that will need to be overcome. Hubbell challenged partners to think creatively about HREP/LTRM integration opportunities.

In response to a question from Jim Fischer, Hubbell said LTRM and HREP staff do not regularly meet in-person. However, recent examples of efforts to link HREP and LTRM staff include a) the February 15-17, 2012 LTRM Team Meeting, in which several HREP staff participated and b) the Bellevue Field Station staff's participation in the Pools 11 and 12 planning efforts. Fischer encouraged field station staff and component specialists to be more involved in PDT meetings. Chuck Theiling suggested that field station staff and component specialists more regularly attend District-based planning teams (i.e., FWIC, FWVG, RRAT-Tech) and System Ecological Team (SET) meetings. Fischer and Janet Sternburg agreed with Theiling's suggestion. Kara Mitvalsky said project engineers also need to know who to contact when seeking more specific information.

Hubbell explained that development of HREP and LTRM strategic plans were both scheduled to be initiated by early winter. However, in light of HREP/LTRM integration, he proposed that partners instead create a single strategic plan for the program that encompasses both components. This will allow partners to think more creatively about program priorities in cross-cutting ways, including how LTRM and HREP can enhance each other.

Long Term Resource Monitoring

Product Highlights

Barry Johnson reported that LTRM staff published the following manuscript during the previous quarter: Threshold effects of flood duration on the vegetation and soils of the Upper Mississippi River floodplain. LTRM staff also published a completion report that summarizes zooplankton populations in Lake Pepin from 1993 to 2006. Johnson said 2011 aquatic vegetation data are available at http://www.umesc.usgs.gov/data_library/vegetation/srs/veg_srs_1_query.shtml.

Johnson said the research framework for LTRM's aquatic vegetation component is final. The framework identifies priority research questions, which are listed below, and potential approaches to answering those questions.

1. What are the primary drivers of spatial and temporal patterns of aquatic vegetation?
2. What are long term effects of different management tools (i.e., water level management and various HREP techniques) on aquatic plants?
3. What limits recolonization on the Illinois River and in Pools 1-3 and 16-26? Can parts of these areas be managed to promote aquatic vegetation?
4. How can we maximize LTRM information to address fundamental questions about aquatic plants?
5. What are potential effects of climate change and invasive species on aquatic vegetation?

In response to a question from Chuck Theiling, Johnson said the FY10-14 LTRM Strategic Plan did not call for research frameworks for the fish and water quality components. However, LTRM staff have discussed possibly developing frameworks for each component. In response to a question from Marv Hubbell, Johnson explained that each of the five questions identified in the aquatic vegetation framework has sub questions to further focus research.

Johnson said *In-Fisherman* magazine included an article by Quinton Phelps of Missouri DoC about Asian carp taste test results. In the article, Phelps concluded that Asian carp were preferred nearly two times as much as tilapia and catfish among taste testers, regardless of cooking method. Johnson said the February 15-17, 2012 LTRM Team Meeting included presentations from several LTRM staff on their research. The presentations included an analysis of the relationships among nutrients, metaphyton, and connectivity; the status of aquatic vegetation monitoring and analysis; and GIS elevation new tools and techniques. Theiling mentioned that the meeting's presentation on the relationships between metaphyton and nutrients was a great illustration of current efforts that involve both HREP and LTRM components.

LTRM Activities Update

Hagerty listed LTRM work efforts and equipment needs above the baseline program that are slated to receive FY 12 funding. These include the land cover/land use accuracy assessment, mussel research framework, Tier 2 LiDAR products, and upgraded water quality software. Hagerty explained that, of LTRM's \$5.36 million FY 12 allocation, \$5.27 million will be spent on base monitoring efforts, with \$88,084 going to above base monitoring efforts.

Annual FY 10-14 LTRM Strategic Plan Review

Hagerty explained that the FY 10-14 LTRM Strategic and Operational Plan calls for annual plan implementation reviews. Hagerty said the FY 12 review has not yet occurred because 1) several of the

FY 11 research proposals have been deferred to FY 12 and 2) vacancies in the review group need to be filled. At its November 16, 2011 meeting, the UMRR-EMP CC discussed reconstituting the group and recommitting to the annual review process. The group now includes Hubbell, Hagerty, Barry Johnson, Jennie Sauer, Tim Schlagenhaft, Janet Sternburg, Tim Yager, Scott Gritters, Walt Popp, and Rob Maher. Hagerty said she anticipates that the group will convene via conference call in March to prioritize FY 12 research proposals.

In response to a question from Jim Fischer, Hagerty said research proposals should reflect LTRM's research frameworks. She explained that LTRM is currently transitioning between the additional program element (APE) process and the Science Coordination Plan for prioritizing research proposals. Fischer and Sternburg expressed concern with the lack of clarity regarding how research proposals are to be incorporated into LTRM SOWs.

A-Team Report

Scott Gritters thanked Kevin Stauffer, the outgoing A-Team Chair, for his service the past two years. Gritters said the February 3, 2012 A-Team conference call included discussions on LiDAR, the February 15-17, 2012 LTRM Team Meeting, adaptive management, and the FY 10-14 LTRM Strategic Plan review effort. He observed that the A-Team's roles and responsibilities related to several ongoing and future efforts are unclear, including the Strategic Plan review, the Science Coordination Plan, and adaptive management. Gritters said he plans to task the A-Team to more clearly define and articulate its functions. He said the A-Team will use the LTRM Strategic Plan to understand where LTRM is currently in regards to Plan implementation, and how LTRM might best achieve the Strategic Plan's outcomes and outputs going forward.

Chuck Theiling said he views the A-Team as a liaison among the field stations, component specialists, and USACE LTRM staff. Gritters reiterated the importance of defining the A-Team's various responsibilities. Tim Yager suggested that the A-Team consider its role in HREP/LTRM integration.

February 15-17, 2012 LTRM Team Meeting

Hubbell reported that the February 15-17, 2012 LTRM Team Meeting was convened to strengthen the LTRM component and reinvigorate a team approach. Hubbell characterized the meeting as largely successful and well attended. He said substantial effort went into planning the meeting. Participants included technical field station staff, the LTRM technical support team, component specialists, USACE technical representatives, the USACE and USGS LTRM management team, HREP coordinators, and UMRR-EMP CC and A-Team members. Hubbell said discussions focused on several key objectives, including communication and collaboration among all LTRM partners, HREP/LTRM integration, and coordination and accountability related to LTRM's annual SOWs.

Gary Meden explained that questions related to accountability in program implementation were the primary drivers for convening the LTRM Team Meeting. He emphasized that USACE and USGS have had a strong relationship throughout the program's history. However, when issues surfaced about the adequacy of program appropriations to fully cover base monitoring, Corps staff were not able to obtain firm numbers on the cost of base monitoring. Meden said needs include detailed numbers on the cost of some base monitoring elements and more complete documentation of exactly what ancillary work is being accomplished with base monitoring funds. Meden said USACE needs to improve its direction on how to report on work progress and costs. This fiscal and product information is especially important when USACE and partners communicate to Congress about the program's efforts.

Hubbell stressed the need for in-person meetings to achieve open and honest dialogue among LTRM staff and partners. He said it will be extremely important for LTRM management and staff to continue to addressing programmatic and fiscal issues. Specifically, USACE and USGS staff will continue working with field station and component specialists regarding a) enhanced identification of LTRM efforts in the

FY 12 SOW and b) fully coordinating the development of the FY 13 SOW with USACE, USGS, and the field stations.

Hubbell said there were several important meeting outcomes, including:

- Opened lines of communication among all LTRM partners
- Renewed understanding of the program
- Developed five draft policy/process documents that will promote consistency
- Identified future ways to enhance LTRM's direction, with a greater system perspective
- Developed a foundation for enhanced HREP/LTRM integration
- Created a greater awareness of the importance of partner-vetted strategic plans

Hubbell said next steps will include developing a UMRR-EMP orientation package for new LTRM staff and more precisely determining the time required to collect base monitoring data, perform quality assurance/quality control (QA/QC), and serve the data. In response to a question from Schlagenhaft, Hubbell said the five policy/process documents include 1) estimating base monitoring expenses, 2) standardizing program crediting in LTRM products, 3) making modifications to LTRM's annual SOWs, 4) enhancing program identity, and 5) standardizing travel costs and practices.

Schlagenhaft emphasized the importance of addressing accountability issues. Hubbell said the first step will be to determine base monitoring costs. He said field stations are compiling a list of products (e.g., posters and presentations) that they provide on an ongoing basis. Hubbell said LTRM staff will consider how their activities advance partner-vetted priorities and will track these activities more explicitly. Field station staff and component specialists have expressed uncertainty regarding what levels and types of activities should be included in SOWs. Hubbell explained that LTRM staff are hesitant to include some work products in the SOW because the products are subject to delays that are out of their control. Staff do not want such delays highlighted in the SOW status updates. But Hubbell said this concern should not prevent the SOW from capturing the robustness of LTRM. It is important to recognize and document the program's output and milestones. Hubbell said having a comprehensive SOW will also allow LTRM managers to keep primary focus on top priorities. Barry Johnson said he also hopes the new process will capture instances where LTRM is exceeding its targets.

LTRM Implementation in Low Funding Years

Hubbell said that, assuming costs are adjusted for inflation but all else is held constant, base monitoring costs will exceed LTRM's allocation under a \$18 million or lower appropriation for UMRR-EMP in FY 13. Hubbell recalled that the UMRR-EMP CC agreed to task an *ad hoc* group to consider LTRM implementation in low funding years at its August 17, 2011 meeting. Based on the LTRM Implementation Issue Paper, the group's composition will include the following:

- 2 USACE staff
- 2 USGS staff
- 1 USFWS staff
- 2 field station staff
- 1-2 UMRR-EMP CC state members
- 1 A-Team member
- 1-2 UMRBA staff

Hubbell said USACE staff will coordinate with UMRR-EMP CC and A-Team members to identify volunteers for the *ad hoc* committee. The group will then convene a call in mid- to late-April and report to the UMRR-EMP CC in May and August. The group's work will then inform development of LTRM's FY 13 SOW. Schlagenhaft encouraged USACE to define parameters and allow sufficient time to address challenges associated with LTRM implementation in low funding years, noting that the last attempt to consider these issues in FY 04-05 was remarkably challenging. He said the proposed schedule should be sufficient, assuming the group does not need to consider eliminating any components or sampling periods. Hagerty mentioned that some of the new LTRM policies, resulting from the 2012 LTRM Team Meeting, will facilitate the group's efforts. In particular, the group's ability to carry out its charge hinges on obtaining more accurate estimates of base monitoring costs. In response to a question from Schlagenhaft, Hubbell said USACE and USGS staff have not yet determined an LTRM allocation amount below which base monitoring would need to be significantly modified.

LTRM Science Coordination Plan

Barry Johnson presented the draft Science Coordination Plan, which outlines a process for developing a three-year plan for managing and coordinating LTRM's science activities. The Coordination Plan stems from the FY 10-14 LTRM Strategic Plan and would repeat on a three-year cycle. The process includes biennial science coordination meetings with all LTRM staff and stakeholders to update the plan, which would guide the development of LTRM's annual SOWs. The science coordination meetings could be held in conjunction with an A-Team meeting and could be similar to the 2012 LTRM Team Meeting. Beyond LTRM staff and agency partners, invitees could also include academics and nonprofit organizations interested in LTRM work. Johnson asked partners to send him any comments on the draft Plan by March 15.

On behalf of the UMRR-EMP CC state members, Schlagenhaft strongly urged that the Plan include a leadership role for component specialists in developing the three-year plan. Since the component specialists are often the source of research ideas, Schlagenhaft said it makes sense for them to engage actively in developing the three-year plans and assume a measure of responsibility for the plans' implementation. Schlagenhaft said the Field Station Team Leaders should also be involved and stressed the need to allow for both accountability and flexibility.

In response to a question from Diane Ford, Johnson said the Science Coordination Plan will be included on the May 24, 2012 UMRR-EMP CC agenda. In response to a question from Schlagenhaft, Johnson said the component specialists will attend the science coordination meetings. In addition, he and the component specialists will develop the agendas for those meetings. In response to a question from Barb Naramore, Johnson said he anticipates that the science coordination planning process would first affect LTRM's FY 14 SOW.

Jim Fischer endorsed Schlagenhaft's suggestion for component specialists to play a leadership role in developing the Science Coordination Plan. Johnson agreed, and also noted that the research frameworks will be used to inform the Plan. He also hopes that the Plan can be used to encourage more internal and external coordination. This might include leveraging external funding sources.

In response to a suggestion from Naramore, Johnson said he would like to convene a conference call in mid-April to discuss the comments received.

Other Business

The upcoming quarterly meetings are as follows:

- **May 2012 — St. Louis**
 - UMRBA (strategic planning session) — May 22
 - UMRBA (quarterly meeting) — May 23
 - UMRR-EMP CC — May 24

- **August 2012 — La Crosse**
 - UMRBA (strategic planning session) — August 28
 - UMRBA (quarterly meeting) — August 29
 - UMRR-EMP CC — August 30

- **November 2012 — Twin Cities**
 - UMRBA (TBD) — November 27
 - UMRBA (quarterly meeting) — November 28
 - UMRR-EMP CC — November 29

With no further business, the meeting adjourned at 3:50 p.m.

UMRR-EMP CC Attendance List
March 1, 2012

UMRR-EMP CC Members

Charles Barton	U.S. Army Corps of Engineers, MVD
Tim Yager	U.S. Fish and Wildlife Service, UMR Refuge [On behalf of Charlie Wooley]
Barry Johnson	U.S. Geological Survey, UMESC [On behalf of Mike Jawson]
Dan Stephenson	Illinois Department of Natural Resources
Diane Ford	Iowa Department of Natural Resources
Tim Schlagenhaft	Minnesota Department of Natural Resources
Janet Sternburg	Missouri Department of Conservation
Jim Fischer	Wisconsin Department of Natural Resources

Others In Attendance

Renee Turner	U.S. Army Corps of Engineers, MVD
Terry Birkenstock	U.S. Army Corps of Engineers, MVP
Gary Meden	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
Heather Anderson	U.S. Army Corps of Engineers, MVR
Ken Barr	U.S. Army Corps of Engineers, MVR
Rachel Fellman	U.S. Army Corps of Engineers, MVR
Ellen Milliron	U.S. Army Corps of Engineers, MVR
Kara Mitvalsky	U.S. Army Corps of Engineers, MVR
Darron Niles	U.S. Army Corps of Engineers, MVR
Marshall Plumley	U.S. Army Corps of Engineers, MVR
Nate Richards	U.S. Army Corps of Engineers, MVR
Chuck Theiling	U.S. Army Corps of Engineers, MVR
Brian Johnson	U.S. Army Corps of Engineers, MVS
Brian Markert	U.S. Army Corps of Engineers, MVS
Donovan Henry	U.S. Army Corps of Engineers, MVS
Kat McCain	U.S. Army Corps of Engineers, MVS
Ken Westlake	U.S. Environmental Protection Agency, Region 5
Josh Svaty	U.S. Environmental Protection Agency, Region 7
Bob Clevestine	U.S. Fish and Wildlife Service, Refuges
Jon Duyvejonck	U.S. Fish and Wildlife Service, RIFO
Amber Andress	U.S. Fish and Wildlife Service, RIFO
Cathy Henry	U.S. Fish and Wildlife Service, Port Louisa Refuge
Kevin Richards	U.S. Geological Survey, Iowa Water Science Center
Scott Gritters	Iowa Department of Natural Resources
Craig O'Riley	Iowa Department of Transportation
Dru Buntin	Missouri Department of Natural Resources
Robert Stout	Missouri Department of Natural Resources
Tom Boland	AMEC, St. Louis
Steve Sletten	Atkins
Jay Michels	Emmons & Olivier Resources, Inc.
Olivia Dorothy	Izaak Walton League
Brad Walker	Missouri Coalition for the Environment
Cecily Smith	Prairie Rivers Network
Don Powell	SEH, Inc.
Doug Blodgett	The Nature Conservancy
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