

**Minutes of the
74th Quarterly Meeting
of the
Upper Mississippi River Basin Association**

**May 17, 2000
Madison, Wisconsin**

The meeting was called to order at 9:10 a.m. by Vice-Chair Kevin Szcodronski. The following State Representatives and Federal Liaison Representatives were present:

Gary Clark	Illinois Alternate (IL DNR)
Kevin Szcodronski	Iowa Representative (IA DNR)
Jim Hall	Iowa Representative (IA DOT)
Harold Hommes	Iowa Representative (IDALS)
Steve Morse	Minnesota Alternate (MN DNR)
Steve Johnson	Minnesota Alternate (MN DNR)
Dick Lambert	Minnesota Alternate (MN DOT)
Ron Kucera	Missouri Alternate (MO DNR)
Jerry Vineyard	Missouri Alternate (MO DNR)
Jeff Schoeopke	Wisconsin Representative (Governor's Office)
Terry Moe	Wisconsin Alternate (WI DNR)
Ellen Fisher	Wisconsin Alternate (WI DOT)
Michael Lester	Wisconsin Alternate (WI DATCP)
Dusty Rhodes	U.S. Army Corps of Engineers (MVD)
John Blankenship	U.S. Fish and Wildlife Service (Region 3)
Dave Carvey	U.S. Department of Agriculture (NRCS, Midwest Office)

Others in attendance:

Linda Merriman	Wisconsin DATCP
Brent Halling	Iowa Dept. of Agriculture and Land Stewardship
Mark Dittrich	Minnesota Dept. of Agriculture
Deb Foley	U.S. Army Corps of Engineers (MVS)
Tom Pullen	U.S. Army Corps of Engineers (MVD)
John Barko	U.S. Army Corps of Engineers (WES)
Don Powell	U.S. Army Corps of Engineers (MVP)
Gary Loss	U.S. Army Corps of Engineers (MVR)
Ken Barr	U.S. Army Corps of Engineers (MVR)
Dan Wilcox	U.S. Army Corps of Engineers (MVP)
Dave Beck	Natural Resources Conservation Service (Iowa)
Jon Duyvejonck	Upper Mississippi River Conservation Committee
Jim Harrison	Minnesota-Wisconsin Boundary Area Commission

(Continued)

Attendance (continued):

Keith Uhlig	Minnesota-Wisconsin Boundary Area Commission
Dan McGuiness	National Audubon Society
Jeff Stein	American Rivers
Barb Naramore	Upper Mississippi River Basin Association
Holly Stoerker	Upper Mississippi River Basin Association

Announcements

Chair Kevin Szcodronski presented Barb Naramore with a flower arrangement in recognition of ten years of service with the UMRBA.

Szcodronski announced that Paul Johnson had resigned as Director of Iowa DNR. Lyle Asell will be serving as Interim Director until Governor Vilsack appoints Johnson's successor.

Meeting Minutes

Jeff Schoepke moved and Gary Clark seconded a motion to approve the minutes of the February 16, 2000 quarterly meeting as drafted. The motion was approved unanimously.

Executive Director's Report

Holly Stoerker reported that the directors of the five state EMP partner agencies are planning to send joint letters to both the Corps and the Fish and Wildlife Service, describing their views on EMP "ramp-up" issues. In particular, the letters will address the issue of funding for the Service's participation in HREP planning and operation and maintenance and the states' commitment to cost-sharing of HREPs. Stoerker said that copies of the letters would be distributed at the May 18 EMP-CC meeting if final approval of all five directors is secured by then.

Stoerker reported that ICWP had secured grant funding from EPA to conduct a survey regarding interstate water resource organizations. The survey was designed to solicit input on how such interstate organizations are being used to implement planning requirements in the Safe Drinking Water Act. However, the survey also includes questions regarding how interstate organizations are currently used or could be used for a broader range of activities. Stoerker encouraged all UMRBA members to complete the survey when they receive it.

Stoerker distributed copies of the final version of UMRBA's testimony on FY 2001 appropriations for six federal agencies.

Stoerker invited feedback on the new "UMRBA Update," which staff has been distributing electronically on a bi-weekly basis. She also noted that the monthly newsclipping package will be modified by eliminating the list of papers in which syndicated articles appear.

Barb Naramore reported that the UMR Hazardous Spills Coordination Group co-sponsored recent workshops in Wabasha and Prairie du Chien on "Responding to Spills on the Mississippi River." The purpose was to forge better working relationships between state and local officials who are typically the first on-scene in the event of a spill. The workshops were attended by approximately 200 people. Another workshop is being planned for the Quad Cities area.

Naramore also reported that the Spills Group will be exploring the possibility of establishing a spill detection system similar to the system on the Ohio River. The first step will be surveying intake operators regarding their existing practices. The Spills Group will also be assessing regional response capabilities, particularly with regard to boom and the potential for using barges as a substitute.

Naramore explained that the final UMR map products from the OPA project should be available soon. The inland sensitivity maps show potential spill sources and environmentally and economically sensitive areas.

Upper Mississippi River Basin Conservation Act

Chair Kevin Szcodronski asked UMRBA representatives to share their perspectives on the Upper Mississippi River Basin Conservation Act (H.R. 4013), introduced by Representative Ron Kind. Steve Morse characterized the bill as a positive step in the right direction, but expressed concern about how the proposed new program would be coordinated with existing state and local efforts. Ron Kucera indicated that Missouri has similar concerns, but expressed confidence that, if revised, the bill could be supported by Missouri. Kucera noted that the bill's definition of the basin should be changed to reflect the traditional definition as the watershed north of Cairo. According to Kucera, Mr. Kind's staff has agreed to make this change.

Jerry Vineyard commented that it will be important to consider the relationship between the UMRB Conservation Act and other potentially related legislation, such as that being developed for the Mississippi River delta area focusing on economic development.

Gary Clark said that the UMRB Conservation Act is a step in the right direction in so far as it deals with the important problem of sediment and nutrients. However, he noted that it lacks specific federal funding authorization and requirements concerning state or local match. Existing land treatment programs in Illinois have been successful because there are both federal and state funding mechanisms in place.

Terry Moe noted that EPA and state water quality programs are conspicuously absent from the bill. He commented that the basin approach embodied in the bill will benefit water quality conditions in local watersheds where the land treatment is actually done. He also noted that the programs targeted for increases in the bill have existing delivery systems that rely heavily on states and county soil and water conservation districts. Therefore, there needs to be greater coordination with existing state and local programs. Moe also questioned whether the new bureaucracies established by the bill are really needed.

Jim Harrison reported that the Minnesota-Wisconsin Boundary Area Commission is working with its two sponsor states to identify potential needs and opportunities related to the legislation. The Commission's Mississippi River Regional Committee is scheduled to discuss the bill at its May 25 meeting.

Dan McGuinness said that Audubon supports the bill and acknowledged that there may be details that need to be worked out.

Jeff Stein said that American Rivers has been working closely with Congressman Kind on the legislation. He offered the following observations and opinions on the comments made by UMRBA representatives:

- The emphasis in Titles I and II on coordination of the modeling and monitoring should be extended to the implementation sections of the bill. Existing efforts should be recognized.
- Current state monitoring programs should count toward the required cost-share.
- The absence of a role for EPA was intended to emphasize the voluntary, non-regulatory approach. Public support for the bill would be compromised if EPA was involved.
- To some extent, existing coordination mechanisms could be used. However, some type of overarching advisory group is needed.

Holly Stoerker raised the following issues:

- The bill does not appear to link the monitoring and modeling to the implementation provisions, which are increases in the caps on national conservation programs.
- Will the designation of the Basin as a Conservation Priority Area (CPA) actually confer a priority status on the watershed as a whole? CPAs are generally much smaller geographical areas.
- The monitoring provisions are quite general and do not specify the purpose or goals of the monitoring.
- Is the membership of the Advisory Committee appropriate, given that the Governors are to appoint the members?

Gary Clark noted that the questions and issues raised by Stoerker are also of concern to Illinois. In addition, Illinois believes that cost-sharing of the monitoring may be a problem. Illinois also questions the utility of modeling on the basin scale.

Jeff Stein responded to the issues that Stoerker raised by noting that the Findings section of the bill makes reference to the need for linkage between the monitoring, modeling, and implementation actions, even though there is no explicit directive linking them. With regard to the CPA designation, Stein noted that NRCS could better explain the practical implications of the designation, but that increasing the profile of the basin should help to target resources to it. He also explained that the purpose of the monitoring is targeting of implementation efforts.

Stein urged the UMRBA to support the bill, noting that American Rivers had collected endorsements from 500 river groups for the types of programs embodied in H.R. 4013. Members of Congress are also very supportive. H.R. 4013 currently has 16 cosponsors.

Dave Carvey emphasized that strong state and local involvement is the key to success. He noted that such local involvement is lacking in H.R. 4013, but that the concept of the legislation is worthy of support. He expressed reservations about the composition of the Advisory Council, but noted that NRCS had not yet issued an official position on the bill.

Stoerker explained that the House Resources Committee has expressed interest in having a hearing on H.R. 4013 prior to the August Congressional recess. Dave Carvey noted that the hearing may be as early as late June or early July. Jeff Stein urged the UMRBA to request a hearing. Ron Kucera commented that an early hearing may not be in the best interest of the legislation if the states and other key interests have not yet indicated their support. Stoerker noted that the UMRBA may not wish to push for a hearing before its position on the bill is clearly defined.

Harold Hommes suggested that UMRBA not take a position on H.R. 4013 until the states have had an opportunity to further review the proposal and consult with county conservation commissions. He noted that the authors of the legislation had not consulted with the states in development of the bill. Stoerker explained that there was no expectation that UMRBA would take any official action at this meeting. Rather, she suggested that draft comments on H.R. 4013 be prepared and reviewed subsequent to the discussion at this meeting.

Ron Kucera said that Missouri is not yet ready to support the bill. While they do not oppose it, more internal review and thoughtful consideration is needed. He cautioned against rushing to support the bill, given that it has complex policy issues associated with it. He requested input from NRCS and EPA.

Kevin Szcodronski asked UMRBA staff to prepare a summary of the comments and perspectives offered at this meeting. That summary will be circulated to UMRBA members who will then submit any additional comments they may have to UMRBA staff by June 7. Staff will prepare draft UMRBA comments based on that input and circulate the draft for review by June 21.

Recent Legislation

Copies of three recently introduced bills were distributed, together with summaries of the bills that UMRBA had prepared. Holly Stoerker briefly explained each bill:

- The Administration's proposed Water Resources Development Act of 2000 was introduced in the Senate on April 13 (S. 2437) and in the House on May 9 (H.R. 4411). Of particular potential interest to the UMRBA are Section 4 that authorizes the Corps to do comprehensive river basin assessments, Section 14 that increases the nonfederal share of structural flood control projects to 50%, and Section 17 that requires local interests to enforce floodplain management plans as a prerequisite for construction of a Corps flood control project.
- S. 2417, the "Water Pollution Program Enhancement Act," would increase Section 319 and 106 funding, mandate a National Academy of Sciences (NAS) study of TMDLs, and bar EPA from finalizing its TMDL rules until the NAS study is complete.
- The Senate version of the "Fishable Waters Act," (S.2441/H.R.4278) was introduced April 13 by Senator Bond of Missouri. It would establish a Fisheries Habitat Account to provide funding, through USDA, for state fisheries protection and watershed planning through voluntary local watershed councils. Funding from the account could be used for a variety of purposes, including the nonfederal cost share for programs like the EMP. The bill would also authorize the Department of the Interior to undertake

instream flow projects and to plan for fisheries habitat protection through floodplain management on major waterways.

Stoerker requested that UMRBA members contact UMRBA staff by June 7 if they are interested in having UMRBA develop comments on any of these bills.

Water Quality Issues

Bruce Baker of Wisconsin DNR described the work of the UMRBA Water Quality Task Force. He characterized the group as relatively ad-hoc, but looking for some increased formality given the valuable role the group plays in bringing state water quality administrators together to discuss common issues. At the most recent meeting of the Task Force on May 12, the primary topic of discussion was TMDL development on the Upper Mississippi River. Baker explained that EPA is pulling together information from state 305(b) reports and other data sources to prepare a summary water quality assessment report for the Upper Mississippi River. The next step will likely be for EPA to make recommendations regarding TMDLs. Baker said that the states are concerned that EPA may move ahead without state input. Therefore, the Water Quality Task Force has suggested that a framework for TMDL development be drafted to outline what process EPA and the states will use to jointly develop TMDLs for the river.

Baker also described the discussions of the Water Quality Task Force with regard to H.R. 4013, the Upper Mississippi River Basin Conservation Act. He expressed concern that the bill is not properly focused on water quality issues including Gulf Hypoxia. H.R. 4013 may be a vehicle for providing the resources necessary to implement the Action Plan being developed by the Hypoxia Task Force.

Baker said that the UMRBA Water Quality Task Force members recognize the need to meet more frequently and sustain their coordination activities between meetings. To do so will require the commitment of a full-time coordinator position, potentially on the UMRBA staff. Baker said the Water Quality Task Force discussed the possibility of sharing in the cost of such a position on a one-year trial basis with 604(b) funding from the states. Baker emphasized that no single state can take on this sort of effort alone.

Holly Stoerker indicated that, before a scope of work or grant application can be prepared, the states need to review and discuss the draft "Coordination Framework" document that Tim Henry of EPA Region 5 is drafting. It may be available for review at the August UMRBA meeting.

Kevin Szcodronski asked if consistency in state water quality standards is an issue being discussed by the Water Quality Task Force. Baker explained that the question of consistency in standards is actually much more complex than it may appear. Instead, the Task Force is more likely to focus on TMDLs, hypoxia and nutrient issues, water quality monitoring, and general information sharing.

Szcodronski commented that the water quality coordinator position seemed to be worth pursuing. He questioned whether UMRBA cost-sharing would be required if there was a grant from EPA. Baker speculated that the time which state Task Force members devote may count toward whatever cost share is required.

Terry Moe expressed support for Baker's recommendation that UMRBA consider creating a water quality coordinator position, noting that the issues being discussed by the Water Quality Task Force are very complex.

Fish and Wildlife Service's Biological Opinion

John Blankenship explained that the Fish and Wildlife Service's Biological Opinion on Operation and Maintenance (O&M) of the Nine Foot Channel was signed and transmitted to the Corps of Engineers on May 15. Although the Corps has not yet received it, public release of the 300 page document is now the responsibility of the Corps of Engineers. Blankenship characterized the consultation process over the past few months as arduous, but productive. He indicated that there is nothing in the Opinion that would preclude navigation or navigation improvements.

Tom Pullen indicated that the Corps had not yet reviewed the final Opinion, but that, if it is close to the draft version, there will likely be agreement on many of the steps that need to be taken to address species impacts. There may be some disagreement on the pallid sturgeon and least tern recommendations.

In response to a question about when the Corps will release the Opinion and the Corps' response, Dusty Rhodes said that there is no specific date, but that it would likely be within 30 days.

John Blankenship clarified that the Service's Opinion is final, but that the Corps, as Action Agency, has discretion over release of the document and must prepare a formal reply.

Ron Kucera expressed concern that the Fish and Wildlife Service had not yet identified critical habitat for the pallid sturgeon or any of the other species of concern. He said that the states are being drawn into ESA issues, but do not have meaningful involvement in the consultation process or access to the consultation documents. Steve Johnson added that the states are frustrated because the process for developing the Biological Opinion is not transparent. For example, the states have been asked to comment on the Higgins eye relocation plan by May 17, but still have not been able to review the actual Biological Opinion. While states are being asked to participate in implementation plans for the "prudent alternatives," the states have not been involved in the ESA process to date.

Tom Pullen explained that the Corps plans to consult with a variety of stakeholders to develop the necessary habitat protection plans. However, there is no specific provision for public involvement in preparation of the Corps' response to the Biological Opinion. Dusty Rhodes explained that public involvement takes place in the Corps planning process, not in the ESA consultation process.

In response to a question, Tom Pullen clarified that the ESA consultation on O&M of the navigation channel is separate from the EIS on the 9-foot channel project. The current ESA consultation on O&M was needed to establish a baseline for the ESA consultation process that will follow on any navigation improvements resulting from the navigation study.

Mark Beorkrem said that the environmental community has requested an EIS on the 9-foot channel project. Dusty Rhodes stated that the Corps' current position is that the existing EIS for the 9-foot channel is sufficient.

UMRCC/Audubon Report

Kevin Szcodronski turned responsibility for chairing the meeting over to Gary Clark for the discussion of the UMRCC Report, A Strategy for Operation and Maintenance of the UMRS Ecosystem.

Szcodronski explained that the UMRCC had presented its report for discussion at the UMRBA's last meeting in February. The report describes nine recommended objectives for operation and maintenance of the Upper Mississippi River ecosystem, including:

1. Improve water quality
2. Reduce erosion and sediment impacts
3. Return natural floodplain to allow channel meanders and provide habitat diversity
4. Provide for seasonal flood pulse and periodic low flows
5. Connect backwaters and main channel
6. Open side channels and create islands
7. Manage channel maintenance and disposal to support ecosystem objectives
8. Sever the pathway for exotic species
9. Provide native fish passages at dams

For two of those objectives (water quality and erosion/sediment control) the UMRCC has recommended a leadership role for the UMRBA. The UMRCC has also asked that UMRBA serve as a forum for the broad consideration of the recommendations in the report. Szcodronski emphasized that taking on such a role would not imply that UMRBA necessarily endorses the report or the nine recommended objectives.

Szcodronski proposed that UMRBA include one or two of the UMRCC's nine recommended objectives on the agenda for each UMRBA meeting during the next year. An expert speaker would be invited to present an overview of the issue and a briefing paper would be prepared for further background. He recommended 1-1/2 hours for each topic. The purpose would be to discuss the issue and potential ways to implement the objective within existing authorities. Szcodronski also noted that UMRCC members intend to use the nine objectives to guide their review of new projects and programs.

Jim Harrison reported that the Minnesota-Wisconsin Boundary Area Commission endorsed the UMRCC report at its February 10 meeting. He added that the Commission believes objectives #2, 4, and 6 are particularly important.

Jerry Vineyard questioned how the recreational benefits attributed to objectives #5 and 6 would enhance the ecosystem. Szcodronski explained that channel connectivity does not necessarily mean boat access. He acknowledged that human access should be carefully considered in the context of ecosystem needs. Jon Duyvejonck noted that recreation is increasing, but is not specifically managed by any agency.

Dusty Rhodes noted that at least five of the nine objectives identify a major role for the Corps of Engineers. He cautioned that a funding source would need to be identified and that O&M funding is extremely tight. Kevin Szcodronski explained that UMRCC attempted to identify the most likely agency to take the lead on each of the objectives. As part of the discussion that takes place at future UMRBA meetings, Szcodronski would expect a representative of the recommended lead agency to provide feedback on that agency's willingness and ability to assume a lead role.

With regard to Szcodronski's specific recommendation that UMRBA consider one or two of the UMRCC's recommended objectives at each meeting, Terry Moe questioned whether there would be sufficient time to adequately address more than one issue at each meeting. It was agreed that the UMRBA would schedule at least one objective per meeting, with flexibility to address more, depending on the complexity of the issue and the available time on the agenda. Ron Kucera suggested that objective #3 (restoration of the natural floodplain) be the first issue to be addressed at the next UMRBA meeting. He noted that on the lower river, engineering techniques are used for environmental benefits and there are important considerations related to land acquisition when there is so little floodplain land in the public domain. Dick Lambert questioned whether the channel meanders referred to in Objective #3 are main channel or side channel meanders. Kucera suggested that such questions be addressed when UMRCC presents background on the issue at the next meeting.

Szcodronski said that UMRCC Coordinator Jon Duyvejonck would work with UMRBA staff to recruit an expert speaker and prepare a briefing paper for the next UMRBA meeting. Szcodronski indicated that at least one UMRCC Executive Board member would attend the UMRBA meeting to participate in the discussion of the objective. Holly Stoerker emphasized that UMRBA staff would need to rely on UMRCC for development of the briefing paper.

FY 2001 Budget

Holly Stoerker distributed copies of the proposed UMRBA budget for FY 2001. She explained that the proposal would yield \$10,000 in net income at year end. She also noted that the total FY 2001 payroll is essentially the same as FY 2000, although permanent staff expenditures will increase slightly and project staff expenditures will decrease. The FY 2001 equipment budget is less than FY 2000, because last year included the purchase of a new phone system. The FY 2001 state participation budget is based on the assumption that Iowa and Wisconsin will not be eligible for travel reimbursement because they failed to pay the full dues assessment in FY 2000.

In response to a question from Terry Moe, Stoerker explained that the net income in FY 2001 is somewhat of an anomaly and does not eliminate the long-term need for full state funding.

In response to a question from Kevin Szcodronski, Stoerker explained that if UMRBA secures a grant to support a new water quality coordinator position, the budget would need to be revised. However, Stoerker indicated that such an adjustment would not likely change the net significantly.

Gary Clark moved and Steve Morse seconded a motion to approve the FY 2001 UMRBA budget as proposed by staff. The motion passed unanimously.

Other Business

Holly Stoerker announced that the next two UMRBA quarterly meetings (including the GLC and EMP-CC meetings) are scheduled for August 8-10 in Rock Island and November 14-16 in St. Louis. It was agreed that the winter meetings would be scheduled for February 27-March 1, 2001 in the Twin Cities.

Dan McGuiness announced that the Audubon Ark will be traveling upstream from Cairo to Davenport on October 1-25.

John Blankenship announced that the Fish and Wildlife regional office will be reorganizing effective July 2, 2000. It is not yet clear how the EMP and other Mississippi River issues and programs will be handled.

With no further business, the meeting was adjourned at 12:15 p.m.