

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

**May 20, 2009  
Quarterly Meeting**

**Crowne Plaza Riverfront Hotel  
St. Paul, Minnesota**

Ken Barr of the U.S. Army Corps of Engineers called the meeting to order at 8:03 a.m. on May 20, 2009. A complete list of attendees follows these minutes.

**Announcements**

Barb Naramore announced that Jo-Ellen Darcy has been nominated to become the Assistant Secretary of the Army for Civil Works. Two hearings have been held, both of which went well. A confirmation vote is possible as early as this week. Paul Rhode said that Darcy is well-respected and he anticipates her confirmation without difficulty.

**Minutes from the February 19, 2009 Meeting**

The draft minutes of the February 19, 2009 meeting were approved as written.

**Funding Status**

*FY 09 Update*

Chuck Spitzack reported that, in FY 09, the total obligation authority available to NESP is \$9,049,999, which includes \$445,999 carry-over from FY 08. Spitzack explained that the allocation within the program is as follows:

- Programmatic component — \$850,000  
(i.e., program management and outreach/communication)
- Navigation efficiency component — \$4,100,000
- Ecosystem restoration component — \$4,099,999

Spitzack said that while staff assignments to New Orleans, the Red River, and projects receiving stimulus funds have been a challenge this year, he anticipates that NESP will fully execute in FY 09. Ken Barr reported that sixteen ecosystem projects are in planning and design, with varying levels of effort in FY 09.

*FY 10 Appropriations Status*

Spitzack reported that NESP was not included in the President's FY 10 budget request. Therefore, funding in FY 10 is contingent on NESP receiving a Congressional add.

### *Partner D.C. Visits*

Vince Shay explained that environmental and industry representatives and UMRBA continue to work through their informal coalition in support of NESP and EMP. Shay reported that, through February and April, the coalition visited extensively with UMRB Congressional delegation offices and key committee staff. The coalition stressed the importance of keeping EMP strong until NESP is adequately funded. The group initially recommended \$50 million in construction general funding for NESP in FY 10. However, based on feedback from committee staff, Shay reported that the coalition lowered its NESP request to \$35 million. The group is also seeking \$20 million in FY 10 funding for EMP.

Barb Naramore summarized the following three take home messages from the Congressional visits, all of which represent challenges to NESP receiving construction funding: the Inland Waterway Trust Fund revenue shortfall must be addressed, a concise EMP-NESP transition plan needs to be developed and submitted to Congress, and NESP needs to be included in the President's budget to ensure long-term success.

Paul Rohde added that with the 2008 elections, there has been considerable turnover in key staff, requiring a significant re-education effort. He added that, either collectively or individually, coalition representatives were able to connect with the entire UMR delegation. Rhode announced that an OMB examiner will be visiting the UMR on June 9. The staffer's visit will be an important opportunity to familiarize the examiner with the challenges and needs on the UMRB.

### **Advisory Panel Update**

Chuck Spitzack reported that, on March 2, 2009, UMRBA sent a letter to Brigadier General Michael Walsh regarding the Advisory Panel (AP) proposal that he submitted to USACE HQ in February 2009. Barb Naramore said UMRBA's letter addressed two major issues:

1. A system-level working group at the policy/technical nexus is essential for successful implementation of the NESP ecosystem restoration authority.
2. The tasks and overall demands on a director-level advisory panel must be carefully focused on those things for which they are uniquely suited—e.g., raising the River's profile and ensuring top-level support.

Spitzack said that the timeframe for Washington-level action on the AP proposal is uncertain. He explained that USACE staff cannot solicit NGOs for membership, or begin with other efforts to implement the AP, until the ASA(CW) takes action. In the interim, Spitzack said that NECC will continue to serve as a working group to address implementation issues, and will also serve AP functions related to the WRDA-required Report to Congress and project ranking system.

Spitzack reported that the Corps staff is continuing to work with the State of Illinois to establish an Illinois River Working Group (IRWG), which will serve a similar role as the FWWG, FWIC, and RRAT Tech. The IRWG will have three regional teams assigned to the lower, middle, and upper portions of the Illinois River, and will be informed by an Illinois Science Advisory Committee. Spitzack said that the goals and objectives that were defined in the Illinois River Basin Restoration Comprehensive Plan will be used in the UMRB reach planning effort on the Illinois River.

Spitzack reported that a Regional Support Team (RST) will work directly with NECC and will develop a systemic approach for ecosystem restoration to help guide planning efforts. The Reach Planning Teams (RPTs) will use that approach to develop draft geomorphic reach plans. Spitzack said that the draft plans will be reviewed by the RRT, RRCT, and/or RRAT, respectively, which will then provide final reach plans back to the RST for coordination with NECC. For the Illinois River Reach, the RPT

will provide a draft reach plan to the IRWG, RRCT, and RRAT; and will work with the three teams to make any necessary revisions. Spitzack explained that the RST will essentially operate as a hub for system and reach planning, as a component of adaptive management.

### **Implementation Report to Congress**

Dan McGuinness reviewed the purpose, proposed outline, and content of the NESP Implementation Report to Congress (IRTC), as well as general partner comments received on the April 16 draft report. In response to comments regarding length of the Executive Summary, McGuinness proposed developing a shorter fact sheet that can be used in communicating the main messages of the IRTC. According to McGuinness, the two biggest areas of partner concern with the report relate to the EMP-NESP transition and the conclusion (i.e., how to summarize the issues regarding transition, readiness to implement, urgency of receiving adequate appropriations, and outlining an optimum scale and schedule for moving forward). Although the draft transition plan will not be ready for inclusion, key messages about the transition can be articulated in the report, he explained.

McGuinness reported that overall feedback was positive regarding the report's tone, format, and approach. Other comments included: the general description of the resource's ecological significance should be expanded; a more detailed framework on adaptive management should be included; and the report is heavy on administrative and planning, and short on explicit project descriptions and accomplishments. McGuinness observed that the ability to talk about NESP's accomplishments is limited by the lack of construction funding to date.

McGuinness asked for any additional comments by May 28. A revised final draft will then be shared with the partnership for review on June 8, with a goal of submitting a draft to MVD by June 15 and to Congress by June 30. [Subsequent to the meeting, the revised draft report was distributed on June 11, with comments due by July 3.]

Jeff DeZellar read a statement prepared by Don Hultman on behalf of the RRF:

By consensus, the Forum supports the direction of the working draft NESP Implementation Report to Congress, including writing style and tone, layout, and framework, with the understanding that approval or endorsement will be through normal agency, NGO, and other river organization protocols.

In response to a question from Bernie Schonhoff, McGuinness said ten pages is a reasonable target for the Executive Summary, with the expectation that a condensed fact sheet will also be developed that can be used as a communication piece. Bill Franz noted the importance of getting the Administration's support for NESP, so that it will be included in future budget requests. He asked how the report addresses this need.

Marv Hubbell said that, if EMP accomplishments will be discussed in the report as McGuinness has proposed, then he recommends that the report highlight EMP's ability to provide a foundation for NESP and demonstrate capability of science and restoration programs on the UMRS. He urged caution to ensure that the report does not inadvertently attribute EMP accomplishments to NESP. Hubbell also noted that EMP is currently developing a RTC that is due in December 2010, and that LTRM recently completed an FY 10-14 Strategic and Operational Plan. McGuinness requested feedback on particular aspects of EMP that should be highlighted in the IRTC, noting that EMP's successful track record of collaboration, project execution, and insights gained from monitoring offer a clear indication of the region's readiness to move forward with NESP. Ken Barr proposed describing EMP's background in a historical context that will set up a discussion and/or recommendation regarding an EMP-NESP transition. Chuck Spitzack suggested that the IRTC refer to the key messages in the current draft EMP-NESP Transition Plan and identify projects in the planning and design phases, including EMP projects

as a part of the program reach planning effort. Elizabeth Ivy urged caution in drawing from the draft Transition Plan for the IRTC, since the plan has not yet been reviewed by MVD, Headquarters (HQ), ASA, or OMB.

Regarding the proposed IRTC timeframe, Elizabeth Ivy said two weeks to move from MVD to Congress is inadequate, noting that reports can easily take six months or more to move from division to Congressional submittal. Brian Johnson expressed concern with the concurrent partner and USACE district-level reviews, cautioning that the schedule is too aggressive. In response, Barr noted the program's history of being transparent and accountable, with strong partnership and vertical integration. He said the proposed timeline is designed to meet the Congressional deadline. Colonel Robert Sinkler said that MVR can complete its review within the seven-day timeframe, and asked other district representatives what their capabilities are for a review turnaround. Sinkler said that, if made a priority, he expects that a seven-day review period would be sufficient. Johnson said he would prefer a schedule that allowed for partner review before the Corps' district-level review.

In response to a question from Ivy regarding the mechanics for requesting an extension, Spitzack expressed reluctance to seek an extension. Gretchen Benjamin noted the potential value of submitting the report on time while the FY 10 appropriations process is still underway. Paul Rhode concurred. Barb Naramore said that, without seeing the full report until June 8, UMRBA will not be able to submit comments that represent the five states' collective views by the June 15 deadline, although the states may provide individual comments. She asked if there would be an alternative option, such as providing Congress with a preview of the full report by June 30, thereby giving everyone a bit more time to comment on the full report. Spitzack expressed doubt that a preview could be finalized any more quickly than the full report. He said a brief extension on the comment deadline may be possible. Ivy said she expects MVD can forward the draft IRTC to HQ fairly quickly, but anticipates a slower response from the Administration. Spitzack agreed that is likely, but said staff in the region need to concentrate on what is within their control.

Tim Schlagenhaft asked whether and how the IRTC will provide more detail on the project ranking system, and the mechanism to give greater weight to projects that restore natural river processes, as directed in NESP's authorization. He emphasized that projects will need to be prioritized both at the reach and system scales, and asked who will be charged with doing the system-level ranking. In particular, Schlagenhaft noted that all projects can be said to affect natural river processes to some extent, so the ranking system will need to be able to assess the degree to which proposed projects support natural processes. Barr said that the IRTC will provide an update on the reach planning process, and that project priorities at the reach and system scales will be defined on an annual basis.

Jon Duyvejonck asked how the next round of projects will be formulated. He urged the partners to outline a team-based, science-informed project selection process.

Janet Sternburg asked how detailed the 2004 EMP RTC was regarding individual projects. Naramore said that the 1997 EMP RTC included extensive descriptions of each project as part of an appendix. Hubbell noted that the 2004 report focused less on individual projects and more on overall outcomes and benefits. Barr said that the 2013 NESP IRTC will be at that level, and that the current report will set the stage for that type of discussion.

Benjamin asked why the report refers to a 15-year authorization, when in fact the program is authorized at a dollar amount. Barr and Spitzack acknowledged Benjamin's point and said that the language should be clarified. But they explained that the 15-year timeframe was referenced to illustrate the investment anticipated over a specific timeline. The First Increment Plan is estimated in the Navigation Feasibility Study at 15 years, though the WRDA 07 authorizes a specific scope of work and dollar amount, without reference to a timeframe.

Jim Fischer noted that the geomorphic reaches do not line up with the UMRBA water quality assessment reaches, and suggested working with Clean Water Act staff to unify these boundaries in an effort to enhance coordination and minimize confusion. Barr said that this classification, developed by James Knox, was adopted by the NECC/ECC in 2002. He also noted UMRBA developed a crosswalk table as a tool for communication and understanding between ecosystem restoration and CWA programs.

Vince Shay said that the suggested name change of ENP is confusing, since it is so close to EMP. Spitzack said that the program will continue to be referred to as NESP for the time being.

### **Floodplain Restoration System Team**

Todd Strole provided background information on NESP's floodplain restoration authority, referencing the Feasibility Study, WRDA 07, and NESP Implementation Guidance. Strole reported that a Floodplain Restoration System Team is being established, with the goal of advancing the systemic restoration and management of floodplains for natural resources, flood damage reduction, and economic benefits. Strole said that potential team members include representatives from USACE (environmental, realty, and legal staff), USFWS, NRCS, state resource agencies, NGOs (environmental and agricultural), academia, and landowners. Strole said he anticipates that the Team will have its first meeting this summer or fall.

Strole explained that the Team will coordinate with the Corps Districts and river resource teams, the NESP Science Panel, the NESP Regional Support Team, as well as agricultural and landowner interest groups. Additionally, Strole listed the following additional opportunities for collaboration: Interagency Levee Task Force (and state-level Silver Jackets Groups), Midwest Natural Resources Group, USFS UMR Forest Partnership, Middle Mississippi River Partnership, Mississippi/Missouri River Confluence Conservation Partnership, and the Association of State Floodplain Managers.

The Team's initial tasks will include identifying issues and developing common goals. Likely issues include hydrological changes over time; recent hydrologic events, current conditions, and future trends; flood damages; historical and current land cover/land use; climate change; economic opportunities; floodplain restoration options; recreational opportunities; and impediments to floodplain restoration. Other tasks will include developing a range of opportunities and alternative actions; implementing project(s) with a monitoring component to document economic, natural resource, and alternative energy impacts; and developing a long-term adaptive management approach.

Strole said he will develop a concept paper on the Team and its approach, and present it to the partnership for review at NECC's August 6, 2009 meeting. Strole requested feedback regarding the Team's composition and focus.

Christine Favilla asked if the Team's responsibilities would include legislative monitoring. Strole said current and proposed policies, but the Team as a whole will not engage in advocacy. Jon Duyvejonck said that, as NESP begins to expand efforts into the floodplain, the program will need to successfully engage with additional relevant agencies and organizations, including NRCS, Soil and Water Conservation Districts, and landowners, to identify objectives and prioritize projects. He added that NGOs experienced in engaging with these groups could serve as a valuable connection.

Jim Fischer expressed support for the development of a Floodplain Restoration System Team and for the proposed scope. He stressed the importance of coordinating with the Interagency Levee Task Force. Dru Buntin suggested the Team work with the State Emergency Management Agencies. Tim Schlagenhaft said that the two ongoing NESP floodplain restoration pilot projects could be used as a

model. Ken Barr said that the Team should be strongly linked with the river teams and the UMR Forest Team.

### **Outreach Team Update**

Chuck Spitzack reported that the Corps' UMRS Outreach Team is still working within the agency, but will be seeking to link with partners in the near future. Among other things, the Team is currently developing a broad identity for UMR projects and programs, under which the individual projects/programs would maintain their identities. One idea under consideration is "Upper Mississippi River Works — A Partnership for Sustainability of the Upper Mississippi River and Illinois Waterway System." Spitzack said that Corps staff is seeking to finalize the umbrella identifier by August. He said the Corps is also considering potential options for renaming NESP, but will only change the program's name if a truly compelling alternative is identified.

Christine Favilla emphasized the importance of incorporating the Illinois Waterway in proposed names for the program and the broad identifier. While recognizing the importance of being inclusive, Spitzack said the name also needs to be catchy and manageable. He said the follow-on line to "Upper Mississippi River Works" is designed to clearly embrace the Illinois River.

Spitzack said that the UMR Outreach Team will engage with the partnership and MVD, to ensure that the UMR outreach programs are consistent with partner efforts, the Division's Mississippi-wide efforts, and national policy. He explained that the Corps decision support system will be an important tool in providing public information.

Don Hultman said the proposed name, Upper Mississippi River Works, may be associated with industrial facilities. Instead, he proposed 'Upper Mississippi River Project—A River That Works for Fish, Wildlife, and People.' Tim Schlagenhaft suggested holding a public naming contest, which would engage the public and give them a sense of ownership.

### **Partner Reports**

Jon Duyvejonck reported that USFWS is experiencing high workloads as a result of the stimulus funds. He requested a list of all anticipated NECC-related meetings and any products that may require USFWS input in the coming months so that the USFWS can be responsive to NESP's needs.

Bernie Schonhoff suggested reducing NECC meetings from four to three times per year to reduce travel costs.

Vince Shay reported that the Monsanto Collaborative's Mississippi River Basin Agriculture Working Group has held two meetings to identify its goals and focus.

Gretchen Benjamin asked when the UMRS Outreach Team will start to work with partners. Chuck Spitzack said that the Outreach Team plans to meet in June, and would like to engage the partners soon thereafter as it prepares for external sensing with the public.

Jim Fischer said that Wisconsin faces a larger than expected deficit. A variety of cost-saving measures are possible, including furloughs and closing DNR service centers. He encouraged those requesting input from partners to provide adequate response time to accommodate increased workloads. Fischer also reported that the MVP was allocated stimulus funds for the L&D 3 safety and embankment project. Wisconsin DNR staff are working with MVP to address some unresolved issues regarding the L&D 3 project.

Janet Sternburg reported that the Missouri Department of Conservation is reducing its workforce through voluntary retirements. Although this does not directly affect staff working on UMR-related programs and projects, overall workloads will increase. She also noted that the review process for hydrokinetics will increase demands on staff. Sternburg asked to review the PDT contact lists for possible staff changes.

Mark Gorman introduced himself as the new Policy Analyst for Upper Mississippi River Basin issues with the Northeast-Midwest Institute. The Institute's goal is to bring the partners together in a non-partisan fashion.

Bernie Hoyer said that Iowa DNR is facing a 15 percent cut in state general fund appropriations next year. He observed that federal stimulus funding is cushioning the impacts of state budget cuts somewhat in FY 10 and said FY 11 is likely to be worse financially for state agencies.

Christine Favilla announced two outreach opportunities: 1) the "Visions of a Sustainable Mississippi River" conference in Collinsville, Illinois on August 11-13, 2009; and 2) Mississippi Earthtones Festival on September 19, 2009. She encouraged the Corps to work with partners to take advantage of these outreach opportunities.

Don Hultman announced that portions of the Upper Mississippi River, including the UMR NWFR, Effigy Mounds, and 50,000 acres of state-owned lands, are being declared a "Wetland of International Importance" under the Ramsar Convention on Wetlands.

Barry Johnson said that the 2008 LTRMP Status and Trends Report is available in hard copy and on the UMESC website. He anticipates that the Science Panel will complete its Water Level Management report this summer. The Science Panel is scheduled to meet during the RRAT boat trip on June 9-11, and plans to meet with the Illinois River Team in late summer.

Barb Naramore expressed appreciation to those who participated in UMRBA's May 5-7, 2009 workshop on biological indicators for the UMR.

Colonel Sinkler reported that Waubonsie Creek received \$2.098 million in stimulus funding to construct a fish passage. This will be the first large scale ecosystem restoration project under the Illinois River Basin authority. He said that Illinois is currently filling positions on its Mississippi River Coordinating Council. A parallel group has been proposed for the Mississippi River in Iowa. Colonel Sinkler announced that the Mississippi River Commission will be on the Illinois River this year during its low water inspection tour.

Paul Rhode announced that an OMB budget examiner will be visiting the UMR in June. Rhode said that a local Chicago television station produced a 9 minute feature on NESP and the river. He will share a link to the video with NECC members.

### **Administrative Items**

A NECC conference call was scheduled for July 9, 2009 at 9:00 a.m.

The upcoming quarterly meetings are as follows:

- **August 2009 — Peoria**
  - UMRBA — August 4
  - NICC — August 4
  - EMP-CC — August 5
  - **Joint EMP-CC and NECC — afternoon of August 5**
  - **NECC — August 6**

- **November 2009 — Quad Cities**
  - UMRBA — November 17
  - **NECC — November 18**
  - **Joint EMP-CC and NECC — afternoon of November 18** (if needed)
  - EMP-CC — November 19
  
- **February 2010 — St. Louis**
  - UMRBA — February 23
  - EMP-CC — February 24
  - **Joint EMP-CC and NECC — afternoon of February 24** (if needed)
  - **NECC — February 25**

With no further business, the meeting adjourned at 11:38 a.m.



**NECC Attendance List  
May 20, 2009**

**NECC Members**

Ken Barr	U.S. Army Corps of Engineers, MVR
Butch Atwood	Illinois Department of Natural Resources
Bernie Schonhoff	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
Bill Franz	U.S. Environmental Protection Agency, Region 5

**Others in Attendance**

Charles Barton	U.S. Army Corps of Engineers, MVD
Elizabeth Ivy	U.S. Army Corps of Engineers, MVD
Jeff DeZellar	U.S. Army Corps of Engineers, MVP
Rebecca Soileau	U.S. Army Corps of Engineers, MVP
Chuck Spitzack	U.S. Army Corps of Engineers, MVR
Karen Hagerty	U.S. Army Corps of Engineers, MVR
Marvin Hubbell	U.S. Army Corps of Engineers, MVR
T. Leo Keller	U.S. Army Corps of Engineers, MVR
Brian Johnson	U.S. Army Corps of Engineers, MVS
Bob Clevestine	U.S. Fish and Wildlife Service, RIFO
Jon Duyvejonck	U.S. Fish and Wildlife Service, RIFO
Don Hultman	U.S. Fish and Wildlife Service, UMR Refuge
Rick Frietsche	U.S. Fish and Wildlife Service, UMR Refuge
Mike Jawson	U.S. Geological Survey, UMESC
Barry Johnson	U.S. Geological Survey, UMESC
Bernie Hoyer	Iowa Department of Natural Resources
Dru Buntin	Missouri Department of Natural Resources
Mark Muller	Institute of Agriculture and Trade Policy
Doug Albin	Minnesota Corn Growers Association/National Corn Growers Association
Christine Favilla	Sierra Club
Brad Walker	Izaak Walton League
Todd Strole	The Nature Conservancy/U.S. Army Corps of Engineers
Vince Shay	The Nature Conservancy
Gretchen Benjamin	The Nature Conservancy
Paul Rohde	Waterways Council, Inc.
Dan McGuiness	Dan McGuiness and Associates
Mark Gorman	Northeast-Midwest Institute
Tom Boland	MACTEC
Barb Naramore	Upper Mississippi River Basin Association
Peg Donnelly	Upper Mississippi River Basin Association/U.S. Environmental Protection Agency, Region 5
Dave Hokanson	Upper Mississippi River Basin Association
Kirsten Mickelsen	Upper Mississippi River Basin Association