

**Minutes of the
79th Quarterly Meeting
of the
Upper Mississippi River Basin Association**

**August 7, 2001
La Crosse, Wisconsin**

The meeting was called to order at 9:05 a.m. by Steve Morse. The following State Representatives and Federal Liaison Representatives were present:

Gary Clark	Illinois Alternate (IL DNR)
Tom Jackson	Iowa Representative (IA DOT)
Kevin Szcodronski	Iowa Alternate (IA DNR)
Steve Morse	Minnesota Alternate (MN DNR)
Steve Johnson	Minnesota Alternate (MN DNR)
Mike Wells	Missouri Alternate (MO DNR)
Jerry Vineyard	Missouri Alternate (MO DNR)
Terry Moe	Wisconsin Alternate (WI DNR)
Ellen Fisher	Wisconsin Alternate (WI DOT)
Gary Loss	U.S. Army Corps of Engineers (MVR)
Charlie Wooley	U.S. Fish and Wildlife Service (Region 3)
Dave Carvey	U.S. Department of Agriculture (NRCS, Midwest Office)
Larry Shepard	U.S. Environmental Protection Agency (Region 7)
Albert Schulz	Federal Emergency Management Agency (Region 7)
Al Ames	Maritime Administration
Jason Neubauer	U.S. Coast Guard (MSD - St. Paul)

Others in attendance:

Scott Stuewe	Illinois DNR
Norman Senjem	Minnesota PCA
Ken Brummett	Missouri DOC
Gordon Farabee	Missouri DOC
Gary Christoff	Missouri DOC
Steve Cobb	U.S. Army Corps of Engineers (MVD)
Greg Ruff	U.S. Army Corps of Engineers (MVD)
Steve Jones	U.S. Army Corps of Engineers (MVD)
Don Powell	U.S. Army Corps of Engineers (MVP)
Steve Tapp	U.S. Army Corps of Engineers (MVP)
Dan Krumholz	U.S. Army Corps of Engineers (MVP)
Ken Barr	U.S. Army Corps of Engineers (MVR)
Mike Cox	U.S. Army Corps of Engineers (MVR)
Owen Dutt	U.S. Army Corps of Engineers (MVS)
Deb Foley	U.S. Army Corps of Engineers (MVS)

John Barko	U.S. Army Corps of Engineers (ERD)
Norman Francingues	U.S. Army Corps of Engineers (WES)
Dan Stinnett	U.S. Fish and Wildlife Service
Keith Beseke	U.S. Fish and Wildlife Service
John Lindell	U.S. Fish and Wildlife Service
Joyce Collins	U.S. Fish and Wildlife Service
Jon Duyvejonck	U.S. Fish and Wildlife Service/UMRCC
Robin Grawe	Minnesota-Wisconsin Boundary Area Commission
Karrie Jackson	Representative Ron Kind's Office
Rick Moore	Izaak Walton League
Mark Berkrem	Mississippi River Basin Alliance
Dan McGuiness	Audubon Upper Mississippi River Campaign
Tom Edwards	Private Citizen
Barb Naramore	Upper Mississippi River Basin Association
Holly Stoerker	Upper Mississippi River Basin Association

Meeting Minutes

Gary Clark moved and Kevin Szcodronski seconded a motion to approve the minutes of the May 15, 2001 meeting as drafted. The motion was approved by consensus.

Executive Director's Report

Holly Stoerker reported that UMRBA staff had submitted comments to the Corps of Engineers on the draft guidance manual for EMP habitat projects. The comments were the result of consultation with State EMP project coordinators and represented the consensus perspective of the State EMP-CC members.

On July 9, a partnering agreement was executed between UMRBA and the Federal Emergency Management Agency (FEMA). Points-of-contact have been identified at FEMA Region 5 and 7. Stoerker welcomed FEMA as a new Federal Liaison Member of the UMRBA.

Stoerker explained that the FY 2002 budget approved at the UMRBA quarterly meeting in May contained a summation error. All of the individual line item expense figures were correct, but the total should have been \$441,200, rather than \$432,000. Kevin Szcodronski moved and Gary Clark seconded a motion to approve the corrected FY 2002 budget as printed in the agenda packet. The motion passed by consensus.

Flood Loss Reduction Act (H.R. 2021)

Holly Stoerker explained that no hearings had yet been scheduled on the Flood Loss Reduction Act (H.R. 2021), but that UMRBA staff had prepared draft comments on the bill for consideration by the UMRBA representatives. She described the major provisions of the bill and the proposed comments that UMRBA may want to offer:

- Section 3 of the bill amends the Comprehensive Plan authority in the 1999 Water Resource Development Act by redefining the purpose of the plan and reducing the timeframe to six months. UMRBA's draft comments suggest that development of such a plan could still be useful, but that six months is too short.
- Section 4 amends the authorization for the Challenge 21 program by increasing its authorized appropriations from \$30 million to \$100 million. In addition, nine Mississippi River counties are added to the existing national list of 28 priority areas. UMRBA draft comments support the Challenge 21 program, but note that the program has never been funded. The states' concern about identifying specific counties, to the exclusion of others, is also noted.
- Section 5 amends disaster relief laws to increase the percentage of disaster funds available for mitigation. UMRBA comments express support for mitigation, but note that the rules for implementing existing mitigation funding have not yet been issued by FEMA. In addition, the comments explain that funding for pre-disaster mitigation programs is actually more important than post-disaster funding.
- Section 6 requires FEMA and the Corps to develop an annual priority list of flood damage reduction projects based on a variety of specific criteria. The UMRBA draft comments recommend deleting this provision because the criteria listed should not be the sole determinants of which projects are funded and ranking projects on a national basis fails to recognize the differing needs and conditions in individual states and regions.

Gary Clark expressed concern about the changes that H.R. 2021 would make in the Comprehensive Plan authority and the shortened timeframe for plan development. He noted that levee setbacks and other flood damage reduction options need to be evaluated following the conclusion of the Flow Frequency Study. He questioned whether a narrower scope for the plan would be as useful as the existing broad scope. He also suggested that UMRBA's comments more directly address the shortened time frame. Steve Morse noted that the draft comments appear to address Clark's concerns already.

Terry Moe requested additional time to review the UMRBA draft comments and consult with other state agency staff. Steve Morse asked that all UMRBA representatives provide their comments to UMRBA staff by August 22. If no changes are suggested, the draft comments will be considered to be approved.

Mayors' Flood Recovery Summit

Barb Naramore reported that UMRBA staff had participated in the planning group for a Mayors' Flood Summit, to be held in Davenport, Iowa on August 23-24. The Association of State Floodplain Managers and the mayors of Davenport and La Crosse are sponsoring the Summit, with funding from the McKnight Foundation. The focus of the meeting is on sharing the experiences from this year's flood event and developing recommendations regarding future programs, policies, education, and data needs. The Summit's target audience is local elected officials, state and federal agency staff, NGOs, and the public.

Mark Beorkrem commented that the Summit is designed primarily for government planners, rather than the public.

Flood Insurance Rate Maps

Holly Stoerker reported that the UMRBA had received a letter from FEMA headquarters on August 1, proposing a 3-way funding split among FEMA, the Corps of Engineers, and the basin states to support updates of the Flood Insurance Rate Maps (FIRMs). FEMA had first suggested such a strategy at the June 21 meeting of the Flow Frequency Task Force. The state representatives at that meeting expressed some concerns about the approach, but encouraged FEMA to submit its proposal for further discussion. According to Stoerker, Al Schulz of FEMA Region 7 suggested to FEMA Headquarters that UMRBA be the venue for discussion of the issue.

Al Schulz commented that the 3-way funding proposal is open to negotiation. The states' costs under such an approach would total approximately \$2 million per year over five years. He noted that, if UMRBA facilitates the discussion of the proposal, the States of Nebraska and Kansas would also need to be brought into the discussion.

Gary Loss explained that the Corps does not likely have the authority to fund FIRM updates and cautioned against assuming that the Corps could participate in the approach outlined by FEMA. In response to a question, Loss agreed that the Corps would, however, be willing to participate in a meeting to discuss the proposal. Steve Cobb indicated that the Corps' role may be related to data provision rather than map production. Al Schulz asserted that the Corps does have the necessary authority.

Tom Jackson suggested that the states advocate additional funding for FEMA to do the FIRM updates. Al Schulz expressed some concern about that approach, noting that budget earmarks are typically offset by budget cuts in other categories.

Steve Morse observed that the states, Corps, and FEMA have different perspectives on FIRM updates and that further discussion is needed. He suggested that UMRBA staff arrange a meeting for the states, Corps, and FEMA to discuss FIRM funding strategies. Stoerker indicated that she would also prepare a letter in response to FEMA's offer, explaining the role that UMRBA is prepared to serve. She added that she has already consulted Nebraska's representative to the Flow Frequency Task Force regarding that state's interest in participating in a meeting that the UMRBA might sponsor.

Ballast Water Management

Ron Martin, Chair of the Great Lakes Panel on Aquatic Nuisance Species, provided background on the issue of ballast water management. He explained that over 140 exotic species, including zebra mussels, ruffe, and round goby, have been introduced to the Great Lakes since the early 1800s. Many of the species come from the Caspian and Black Sea, given the increased amount of U.S. trade with this region. While there are many vectors, ballast water from ocean-going vessels is a major source of such invasive species. Ocean vessels use ballast water for ship stability and safety, although the number of tanks and amount of water in them vary considerably. Since 1993 the Coast Guard has regulated

ballast water exchange, requiring that it be exchanged on the high seas before entering the Great Lakes, retained on board, or exchanged using an environmentally sound alternative. However, the exchange is often incomplete, some organisms are resistant to the high salinity, and many vessels have “no ballast on board (NOBOB)” and are thus exempt from regulation. While there are varieties of treatment alternatives to ballast exchange, more research is needed on their effectiveness.

Martin explained that the National Invasive Species Act of 1996 requires the Coast Guard to establish standards for ballast water treatment. However, frustrated by the lack of progress, individual states have been developing their own standards. Michigan, Minnesota, and New York are considering legislation that would require sterilization of ballast water or establish permits for ballast water discharge. While a state-by-state approach can raise awareness of the importance of the issue and pressure the federal government to act, it is generally not considered to be the best solution. Individual state regulations can be inconsistent, presenting compliance problems for carriers. In addition, existing technology cannot yield a zero discharge. The Great Lakes Ballast Water Management Policy thus recommends federal criteria and uniform regulations.

Following Martin’s presentation, the UMRBA members discussed a draft resolution, prepared by UMRBA staff, endorsing the Great Lakes Ballast Water Management Policy. Steve Morse questioned how strongly the Great Lakes policy discourages individual states from pursuing their own ballast water regulations. He noted that the possibility of having individual state laws can often serve as a catalyst for federal action. Martin explained that the policy does not prevent states from acting on their own, but strongly encourages a federal regulatory approach. Charlie Wooley noted that California prohibits ballast releases with biological pollutants, as a direct violation of the Clean Water Act. Larry Shepard commented that there are varying opinions about whether EPA should regulate biological pollutants. However, it has been determined that vessel discharges are not covered by NPDES permits. EPA and the Navy are working on national standards for discharge from military vessels.

Al Ames commented that the Maritime Administration is involved in ballast water research in experimental vessels in Baltimore. He also said that MarAd is compiling an e-mail list for distributing information about ballast water research and management issues.

Kevin Szcodronski said that the UMRBA resolution supporting the Great Lakes Ballast Water Management Policy is an excellent first step in response to the invasive species issues raised in the UMRCC report. Terry Moe moved and Kevin Szcodronski seconded a motion to approve the resolution as drafted. The motion passed unanimously.

Corporate Wetlands Restoration Partnership

Owen Dutt described the Corporate Wetlands Restoration Partnership (CWRP), noting that the UMRBA and Midwest Natural Resources Group had agreed in February to undertake a joint evaluation of CWRP’s applicability to the UMR. Currently, the CWRP operates only in coastal areas and is affiliated with the Coastal America Program. Under CWRP, corporations provide funding for wetland and aquatic habitat restoration projects that are approved by Coastal America Regional Implementation Teams. Dutt explained that the

planning team that studied CWRP included UMRBA staff, NRCS, EPA, and the Corps. The team arranged meetings in each of the basin states to discuss the CWRP with wetlands staff in state agencies and interested NGOs. As a result of these initial discussions, Missouri DNR and DOC are developing a joint proposal to establish a CWRP in Missouri.

Holly Stoerker described the major issues that the planning team explored in preparing its report on the feasibility of establishing CWRP in the UMRB. Those issues included organizational structure, the relationship to Coastal America, establishing and maintaining the trust fund, project selection criteria, the potential size of corporate donations, competition for funding, fund-raising and corporate recruitment, conflict of interest, and level of effort.

Owen Dutt reviewed the conclusions and recommendations in the feasibility report prepared by the UMRBA/MNRG planning team. Those conclusions included:

- CWRP offers potential for establishing new partnerships for wetland restoration. However, CWRP is still evolving and real-world experience is limited.
- Individual state CWRP programs are likely to be more successful and easier to establish than a regional or basin-wide CWRP. Also, CWRP will be easier to establish in states that have existing wetland restoration programs of their own.
- States that wish to establish a CWRP should define a process for identifying and evaluating projects, establish a state advisory council, establish a state trust fund, and work with the National CWRP to recruit and organize corporate partners.
- MNRG can serve as a Coastal America Regional Implementation Team, but its role should be limited to CWRP project review functions.

Dave Carvey indicated that NRCS would support establishing CWRP in the UMRB if the states find it useful. Dan Stinnett expressed some skepticism, but indicated that the Fish and Wildlife Service would participate if a state decided to pursue it.

In response to a question, Mike Wells and Jerry Vineyard said they were unaware of the status of the CWRP proposal in Missouri or whether corporations had yet been approached. Scott Stuewe reported that Illinois DNR has discussed CWRP with those involved in the Massachusetts CWRP. Illinois DNR is currently exploring the potential for establishing a CWRP in Illinois to help fund projects that don't meet criteria for other programs.

Steve Morse said that the feasibility report presented by Stoerker and Dutt fulfilled the UMRBA's and MNRG's original request for additional information. He summarized the discussion by stating that he anticipates individual states may continue to consider establishing CWRP, but that the UMRBA will not be actively pursuing it further. However, the topic will be put on future UMRBA agendas, when appropriate, as a way of sharing individual states' experiences.

Water Quality Coordination Project

Holly Stoerker reported that EPA had approved the UMRBA's grant proposal for \$166,500 in federal funds to support the two-year Water Quality Coordination Project. On June 29, a more detailed work plan was submitted to EPA for approval. In addition, a job description for the Coordinator Position has been prepared and is being reviewed by the Water Quality Task Force. It is anticipated that the Coordinator will be hired by October 1. The Task Force is scheduled to meet on October 22-23. [Note: This meeting was subsequently rescheduled to November 19-20.]

Upper Mississippi River Basin Conservation Act

Barb Naramore described H.R. 1800, the Upper Mississippi River Basin Conservation Act, introduced on May 10 by Representative Ron Kind and others. The bill is a slightly modified version of H.R. 4013, which UMRBA testified on last year. Naramore noted that H.R. 1800 includes essentially the same provisions for sediment and nutrient monitoring and modeling and for a basin-wide organizational structure to coordinate sediment and nutrient reduction efforts. However, it does not include the conservation implementation provisions from last year's legislation.

Naramore summarized the draft comments on H.R. 1800 that UMRBA staff had developed following consultation with the UMRBA Water Quality Task Force. Those comments:

- Acknowledge changes made in response to the UMRBA's comments on the previous version
- Emphasize the need for linkages between monitoring, modeling, and implementation efforts
- Identify scoping issues for the monitoring effort
- Reiterate concerns about how the cost-sharing provisions will be implemented
- Suggest that technical assistance be a higher priority than BMP research
- Raise concerns about the relationship of the new initiative to existing programs and efforts such as TMDLs, nutrient criteria, Corps of Engineers O&M authority, and WRDA 2000 provisions for sediment modeling
- Recommend inclusion of state agency representation on the Advisory Council
- Express concern about the lack of a funding mechanism or authorized appropriations.

Naramore said that the Farm Bill introduced by the House Agriculture Committee includes the provision from H.R. 1800 establishing an Advisory Council and Federal Interagency Working Group. While the Farm Bill will not likely include the USGS monitoring and modeling provision, the sponsors of H.R. 1800 are hopeful that, as part of the Conservation

Title, the Farm Bill will address some of the implementation provisions related to USDA programs such as CRP and EQIP.

Jerry Vineyard moved and Terry Moe seconded a motion approving the UMRBA draft comments on H.R. 1800. The motion passed unanimously.

Channel Maintenance and Dredged Material Disposal

As part of its ongoing efforts to focus on each of the objectives in the UMRCC's report entitled "A River That Works and a Working River," the UMRBA heard presentations related to Objective # 7 (using channel maintenance and dredged material disposal to support ecosystem objectives).

Mike Cox provided an overview of the channel maintenance activities in the three upper river Corps Districts. He described the differences among the Districts in terms of average maximum daily flows and sediment input, both of which increase downstream. He also described various types of dredged material placement, including bankline, upland, beneficial use, and temporary placement. He noted that MVP and MVR have been doing more upland placement in recent years. MVS has the highest volume and variability of dredging amounts.

Cox also described the interagency coordination mechanisms used by each District and the ways in which the Corps coordinates with the navigation industry and the Coast Guard. He explained that long-term channel maintenance planning challenges include the amount of time it takes for planning and the appropriate level of detail for such planning. For instance, MVR is 15 years behind MVP, which completed its channel maintenance plan in 1996. The level of detail of the plans is an obvious tradeoff when there is limited funding. Interagency review can be time consuming. There are also differences in how real estate issues are handled. MVR considers placement behind levees a physical taking, requiring compensation. In contrast, MVP uses long term zero dollar leases. Cox noted that funding is also a challenge and that cost sharing, through such authorities as Section 204, may be the key to increasing environmental enhancement opportunities.

Cox also described the Districts' use of micro-modeling and new technologies, such as the dry dredge, eddy pump, and belt press dewatering system. With regard to beneficial uses, Cox noted that MVP has had the most success with commercial uses of dredged material. MVR has had moderate success, enhanced by advertising and offering to load the material for free. MVS is constrained by the opinion of its legal counsel that giving away dredged material competes with the private sector.

Cox identified future challenges, including determining wants and needs, improving coordination, being open to new ideas, reducing the time it takes for long term planning, O&M budget limitations, and the potential for cost-sharing with states.

Steve Jones explained that MVD had formed a Regional Dredging Team to discuss the differences in dredging needs and approaches among all the Districts in MVD. He noted that there have been concerns about whether the Regional Team will force Districts to change their current coordination approaches or dredging procedures. However, he

emphasized that the intention is to provide information-sharing opportunities. The Regional Team has had four meetings involving non-Corps agencies. Another meeting is being planned for this fall to highlight the cost-shared wetlands restoration work being done by the New Orleans District.

In response to a question from Gary Clark, Mike Cox explained that rockwork can reduce dredging volumes. However, some of the reductions that have been achieved are due to improved risk assessment using flow forecasting models. Also, decreased dredging in one area can lead to increased dredging needs downstream.

In response to a question regarding cost, Steve Jones said that dredging costs for the entire river valley total approximately \$100 million annually, which is about one dollar per cubic yard. In the New Orleans District, the cost is approximately \$70 million and is paid in part from the port trust fund.

Norman Francingues described dredging research and new technologies being addressed by the Corps' Engineer Research and Development Center at the Waters Experiment Station. The Dredging Operations Technical Support (DOTS) program has a web site that offers technical assistance and technology transfer. The Dredging Operations and Environmental Research (DOER) program focuses on six research topics, including environmental windows, contaminated sediment, innovative technologies, instrumentation, nearshore placement, and risk. Francingues explained that the criteria for evaluating new technologies include the Corps' program needs, positive benefit/cost relationship, a high probability for implementation, and availability of a demonstration co-sponsor. Examples of new technology include the telescoping weir, the SILT wing excavator system, and the flexible dustpan and line.

Jon Duyvejonck summarized the perspectives of natural resource agencies regarding channel maintenance. He noted that MVS is the only upper river District that is implementing the Avoid and Minimize program, which is viewed as an obligation from the Record of Decision on the second lock at Lock and Dam 26. According to Duyvejonck, the other two Corps Districts should also be pursuing Avoid and Minimize strategies. In addition, Duyvejonck recommended more research on regulatory structures that can enhance habitat, rather than just minimizing the adverse environmental effects of such structures. Similarly, existing policy and authority constraints need to be evaluated and changed in order to increase the Corps' flexibility to integrate environmental restoration and channel maintenance activities.

Duyvejonck also commented on the value of the Regional Dredging Team, noting that it should build upon the excellent coordination and planning work already underway in the Districts. The Team's emphasis on consistency would be welcome if it applied to NEPA compliance and other policy and regulatory issues. However, he cautioned that the differences in river character and needs between the upper and lower river should be recognized.

Duyvejonck also emphasized that O&M effects need to be addressed in the Navigation Study and that the Navigation Study may offer an opportunity to resolve some of the

environmental issues related to O&M. He also described some of the problems associated with traditional channel maintenance approaches such as wing dikes and notching.

Kevin Szcodronski commented that the Corps has made remarkable advancements in channel maintenance since the GREAT studies in the 1970s. Both the techniques and the attitudes have improved. However, given that the O&M budget is flat and the cost of environmentally sensitive channel maintenance is increasing, Szcodronski suggested that UMRBA put more emphasis on O&M funding in its annual budget testimony.

Terry Moe noted that there was insufficient time for discussion of potential UMRBA follow-up activities associated with the presentations on channel maintenance activities. He cited pool planning and MVP's major rehabilitation of embankments as examples of issues that UMRBA should discuss further from a policy perspective. Moe commented that natural resource agencies often have different opinions about how channel maintenance activities should be undertaken. For example, Moe indicated that many states believe cost sharing is inappropriate.

Kevin Szcodronski recommended that the next UMRBA meeting focus on UMRCC objective #6 related to side channels, sand bars, and islands. After that, the only UMRCC objectives left to discuss will be those related to water quality and sedimentation, issues that UMRBA already addresses on a fairly regular basis.

FY 2002 Federal Appropriations

Barb Naramore distributed copies of a chart comparing UMRBA's testimony on eight federal agencies' FY 2002 budgets to the President's request and the House and Senate proposals. She noted there are limitations on the ability to make such comparisons because the UMRBA testimony sometimes addresses items that are not separately identified in House or Senate bills. Naramore summarized the highlights of the comparison:

- Both the House and Senate have followed the Administration's lead by not providing for additional enrollments in the Conservation Reserve Program (CRP) or Wetlands Restoration Program (WRP).
- In the Corps budget, the UMRBA request for O&M is higher than either the Senate or House have provided. The Senate is below both the Administration and House funding for EMP. Both the House and Senate have included funding for the UMR Comprehensive Plan.
- Congressional funding for USGS and the Fish and Wildlife Service is higher than the Administration's request.
- Congressional funding for the Coast Guard is generally higher than the Administration's request, except for boating safety. The Coast Guard budget emphasizes blue water programs.
- The House and Senate both rejected the Administration's proposal to cut wastewater revolving loan funding in favor of combined sewer overflow grants.

- In FEMA's budget, Congress rejected the Administration's proposal to reduce the federal share of Hazard Mitigation Grant Program (HMGP) grants. There is increased funding for flood mapping.

Future Meetings

The future Quarterly Meeting schedule for the combined GLC, UMRBA, and EMP-CC meetings includes November 13-15, 2001 (St. Louis), February 26-28, 2002 (Twin Cities), and May 14-16, 2002 (Quad Cities).

With no further business, the meeting was adjourned at 3:20 p.m.