

**Minutes of the
87th Quarterly Meeting
of the
Upper Mississippi River Basin Association**

**August 6, 2003
Bloomington, Minnesota**

The meeting was called to order at 9:00 a.m. by UMRBA Chair Mike Wells. The following State Representatives and Alternates and Federal Liaison Representatives were present:

Gary Clark	Illinois Alternate (IL DNR)
John Hey	Iowa Representative (IA DOT)
Dick Vegors	Iowa Representative (IADED)
Steve Johnson	Minnesota Alternate (MN DNR)
Mike Wells	Missouri Alternate (MO DNR)
Chuck Ledin	Wisconsin (WI DNR)
Gretchen Benjamin	Wisconsin (WI DNR)
Ellen Fisher	Wisconsin Alternate (WI DOT)
Steve Cobb	U.S. Army Corps of Engineers (MVD)
Larry Shepard	U.S. Environmental Protection Agency (Region 7)
Leslie Holland-Bartels	U.S. Geological Survey (UMESC)
Charlie Wooley	U.S. Fish and Wildlife Service (Region 3)

Others in attendance:

Marvin Hora	Minnesota PCA
John Seaberg	Minnesota PCA
Steve Lee	Minnesota PCA
Tim Schlagenhaft	Minnesota DNR
Rich Worthington	U.S. Army Corps of Engineers (HQ)
Greg Ruff	U.S. Army Corps of Engineers (MVD)
Colonel Duane Gapinski	U.S. Army Corps of Engineers (MVR)
Gary Loss	U.S. Army Corps of Engineers (MVR)
Denny Lundberg	U.S. Army Corps of Engineers (MVR)
Ken Barr	U.S. Army Corps of Engineers (MVR)
Dave Busse	U.S. Army Corps of Engineers (MVS)
Tim Yager	U.S. Fish and Wildlife Service (Region 3)
Sharonne Baylor	U.S. Fish and Wildlife Service
Jon Duyvejonck	U.S. Fish and Wildlife Service (UMRCC)
Jeff Stoner	U.S. Geological Survey (MN)
Jim Nelson	Marathon Ashland Petroleum
Chris Brescia	MARC 2000

Chris Oshikata	St. Paul Riverfront Corporation
Jay Downie	Grand Excursion, Inc.
Renay Leone	The Conservation Fund
Dan McGuinness	Audubon
Tom Edwards	River Rescue
Angela Anderson	Mississippi River Basin Alliance
Barb Naramore	Upper Mississippi River Basin Association
Holly Stoerker	Upper Mississippi River Basin Association
Margie Daniels	Upper Mississippi River Basin Association

Meeting Minutes

Steve Johnson moved and Gretchen Benjamin seconded a motion to approve the minutes of the May 14, 2003 meeting as drafted. The motion was approved by consensus.

Executive Director's Report

Holly Stoerker reported that the UMR Floodway Group had a conference call on June 3 to discuss the floodway computation work being done by the Corps of Engineers. As a result, the "Points of Interagency Agreement," originally endorsed in April 2003, were revised to further clarify the methodology and consultation process that will be used to fine-tune the floodway alignment, following initial model runs. Stoerker noted that, in response to a question raised at the May UMRBA meeting, the Corps confirmed that point #5 of the agreement, which specifies that the floodway boundary be placed at the landside toe of existing levees, is indeed the intended approach. That definition places existing levees within the floodway for regulatory purposes.

Stoerker described recent UMRBA staff changes. In particular, Megan Finnessy, who has been working on the water quality coordination project, will be leaving the staff at the end of September. Project staffing under the Oil Pollution Act (OPA) cooperative agreement will be decreased in FY 04 from 3 FTE to approximately 1.75 FTE. Greg Lundin, the OPA Mapping Project Coordinator will be leaving the UMRBA staff at the end of August.

Stoerker distributed a summary table that UMRBA staff prepared to describe the status of FY 04 federal appropriations for various river-related programs in seven federal agencies. The table compares the program amounts requested by the Administration, supported by UMRBA in its testimony, proposed by the House, and proposed by the Senate. Stoerker noted that, while the Administration had requested full funding of \$33.32 million for the UMRS-EMP, the House bill includes only \$18.32 million and the Senate bill includes only \$20 million. Stoerker also summarized the status of funding for the Corps of Engineers' UMR Comprehensive Plan and Navigation Study, Fish and Wildlife Service refuge operations and land acquisition, FEMA's hazard mitigation grants and flood map modernization, and EPA's Clean Water State Revolving Fund and watershed grants.

Steve Johnson commented that both the House and Senate have included less funding for the Corps' O&M of the navigation system than the UMRBA testimony had endorsed. He asked how those Congressional proposals compare to FY 03 funding levels. Gary Loss explained

that the proposed FY 04 O&M funding for Rock Island District is close to the district's FY 03 funding level. However, the major maintenance that had been planned in Rock Island is not included in the Administration nor Congressional funding levels.

In response to a question from Chris Brescia, Charlie Wooley attributed the disparity between House and Senate funding for refuge land acquisition to the effect of Congressional earmarks.

Minnesota's Environmental Data Access System

Marvin Hora of Minnesota PCA explained that the Minnesota legislature provided \$1 million in 2001 to address deficiencies in the accessibility of surface water quality data. Although the initial focus of the Environmental Data Access (EDA) project was to be the Upper Mississippi River Basin (defined by Minnesota PCA as the basin north of the Twin Cities), it was possible to expand the project statewide within available funds.

John Seaberg, the manager of the EDA effort, explained that, although Minnesota has a significant amount of surface water quality data, access has been quite limited. Thus, EDA was designed as a user-friendly Internet-based data system, which includes water quality data from lake and stream stations, USGS discharge data, biological data, and data from discharge facilities. Seaberg demonstrated how site-specific data can be accessed using either text-based or map-based searches. Pages for each monitoring site include a photo of the site, data summaries, and options for downloading data from that station. Seaberg noted that map-based searches are particularly useful for displaying information from 305(b) assessments and 303(d) listings.

Seaberg explained that the EDA system was launched in July 2003 and PCA is currently seeking feedback on the water quality data portion. Next steps include working to incorporate air quality data by the end of 2004 and ramping up to include groundwater data by the end of 2005. The system does not serve real time data, but data sets will likely be updated on a semi-annual basis.

UMRBA Water Quality Coordination Project

Holly Stoerker provided an overview of the draft final report resulting from the UMRBA's water quality coordination project. The report, which was developed under the auspices of the UMRBA Water Quality Task Force, explores the differences and similarities among the five basin states' Clean Water Act activities on the Mississippi River. In particular, it focuses on four issues: monitoring and data, river reaches, 305(b) assessments, and 303(d) impaired waters lists. Stoerker briefly described each of the draft conclusions, including:

- Monitoring data on the Upper Mississippi River is currently inadequate for assessing use support and impairment. Contributing factors include: size and structural complexity of the river, data suitability for Clean Water Act reporting needs, limited resources, and the low priority of the UMR.
- Data sharing among states varies, but is generally limited. Factors include lack of data, data accessibility, data requirements, data applicability, and limited time.

- Existing numeric criteria are not sufficient to fully assess UMR ecosystem health.
- Inconsistencies among the 5 states' assessments, 303(d) listings, designated uses, and standards result from differences in the functions and uses of the river, data interpretation and utilization, state law and regulation, and level of resources devoted to the UMR.
- Differences are not necessarily bad. The target is equivalency of protection. Some differences are explainable and appropriate.
- There is potential for enhanced consistency and coordination, including utilizing similar assessment reaches, designing a monitoring strategy, consulting on 305(b) assessments and 303(d) listings, and coordinating fish consumption advisories.
- Constraints to achieving uniformity on the UMR include the inherent tension between inter-and intra-state inconsistencies, time constraints associated with the 2 year reporting cycle, and level of priority placed on UMR by the states and EPA.
- Developing TMDLs on the UMR will be a significant challenge, due in part to the size of the watershed, differences in state standards and use support criteria, political and policy implications of protecting downstream interests, lack of guidance and resources, and lack of a mechanism or process for coordination.

Marvin Hora reported that the five states had developed an interstate agreement, which identifies a set of river reaches that each state will utilize in preparing its UMR Clean Water Act assessments. The set of 13 reaches is viewed to be a minimum. Four states have thus far agreed to sign the agreement and are awaiting a decision from Missouri.

Hora commented that a logical next step would be to design a comprehensive UMR water quality monitoring strategy. According to Hora, additional interstate coordination efforts, such as seeking agreement on UMR standards and use classifications, will be significantly more challenging. Hora commented that the UMRBA Water Quality Task Force offers an important opportunity and a good mechanism for the basin states to coordinate their river-related water quality efforts.

Larry Shepard explained that EPA originally supported the UMRBA coordination project as a pilot. The original intent was to seek common approaches on the UMR and define common terms. EPA believed that the transparency and coordination resulting from the project would benefit both EPA and the states, by dealing with potential problems and inconsistencies up front. While the project has been successful, Shepard explained that EPA has no source of funding to support these types of projects on an on-going basis. Thus he encouraged the states to find another funding mechanism to support the interstate coordination work, so that it can become an ongoing process, rather than a snapshot in time. Shepard also noted that this type of interstate coordination is particularly important in light of the potential for litigation. Of note, the Sierra Club petitioned EPA in February 2003 to set uniform standards for several pollutants on the Missouri River between Omaha and St. Louis and on the Mississippi River between Burlington and Memphis. EPA has one year to respond.

Chuck Ledin said it is important for UMRBA to continue to facilitate discussions among the states through the UMRBA Water Quality Task Force, while EPA and the states pursue options for longer term solutions. Those options should include funding from EPA. As an interim measure, Ledin suggested that the UMRBA staff continue to support quarterly or semi-annual meetings of the Water Quality Task Force.

Marvin Hora commented that Minnesota PCA has found the Water Quality Task Force to be very valuable, not just as a means of increasing consistency among the states, but also as a means of explaining the inconsistencies.

Gary Clark characterized the Water Quality Task Force discussions over the past two years and the report resulting from those discussions as very valuable and meaningful. He urged that UMRBA continue to support the Water Quality Task Force for another year or two, but emphasized that the long-term solution needs to be a federal responsibility.

Larry Shepard emphasized that EPA's discretionary funding is typically targeted to 2-year projects. Having already funded the Upper Mississippi River project for 2 years, it is difficult to secure funding again. He noted that EPA Regions 5 and 7 have communicated the importance of this big river coordination work to EPA Headquarters, but encouraged the states to make their views known to Headquarters as well.

Holly Stoerker said that UMRBA staff will seek to keep the basic discussions of the UMRBA Water Quality Task Force going on a limited basis and continue to seek opportunities for additional funding support. Chuck Ledin suggested that the Task Force prioritize its work and identify the major issues it believes need to be addressed in the short-term.

Ellen Fisher Recognition

UMRBA Chair Mike Wells presented Ellen Fisher with a certificate of appreciation, recognizing her contributions to interstate water resources management. Fisher, who will be retiring from the Wisconsin Department of Transportation at the end of August 2003, has worked for Wisconsin DOT for 17 years and has been an Alternate Representative to UMRBA since 1987.

Cost Sharing for Ecosystem Restoration

Holly Stoerker distributed copies of joint comments on ecosystem restoration cost-sharing that UMRBA and the Governors' Liaison Committee submitted to the Corps of Engineers on July 11, 2003. In particular, the states' comments were in response to a draft Memorandum for Record (MFR) that the Corps had prepared, describing the options under consideration for the ecosystem restoration component of the UMR-IWW Navigation Feasibility Study. Stoerker summarized the comments by noting that the states were pleased that options were being considered which would significantly increase the federal responsibility. In particular, the July 11 comments express the states' general preliminary support for option 6(c), which would provide 100 percent federal funding for measures involving modification of structures and operations, measures on project lands and refuges, and measures in connected backwaters. Other stakeholder groups were invited to offer their perspectives on the ecosystem cost sharing MFR.

Angela Anderson said that the Mississippi River Basin Alliance believes a strong case can be made for 100 percent funding, given the national significance of the river system, the presence of endangered species, and the environmental impacts of the navigation system. She encouraged the navigation industry to contribute funding for ecosystem restoration.

Anderson also summarized the comments of the Sierra Club, which urge that O&M funding be used to maintain healthy backwaters, as well as the navigation system. Such efforts should not be considered restoration, but rather an operating requirement. The Sierra Club also believes that floodplain management should be addressed in the navigation study.

Chris Brescia explained that MARC 2000 has not yet formulated its position on ecosystem cost sharing because it is an issue that needs to be vetted nationally within the commercial navigation industry. Brescia commented that discord and competing visions for the future of the UMRs make it difficult for this region to successfully compete in Congress for limited resources. He applauded UMRBA for its testimony on the Corps' FY 04 appropriations, but observed that despite such efforts, UMR programs such as EMP actually lost ground in Congress, compared to the President's budget. In addition to getting the UMR Congressional delegation to work together more effectively, Brescia commented that state leaders need to recognize the UMR as a priority. He said MARC 2000 will be seeking to meet with each of the five Governors in the basin.

Dan McGuinness explained that Audubon has not yet formally submitted its comments on the cost sharing MFR, but intends to focus on the following points: 1) ecosystem restoration must be declared a federal project purpose of the UMRs; 2) 100 percent federal funding should be extended at least to contiguous backwaters; 3) scientific, political, and financial resources should be leveraged by including significant roles for local communities, NGOs, and industry; and 4) pool planning and water level management should be more formally integrated into river management.

Denny Lundberg thanked UMRBA for consolidating the states' perspectives on the cost sharing MFR. He said the Corps had thus far received comments that both supported and opposed the MFR options. The Corps will continue to take comments until August 15, after which time the MFR will be revised. In addition, cost breakdowns will be provided in early October, in time for the public meetings scheduled for later that month. Lundberg explained that the goal is to build a regional consensus, though there will be national views and considerations that will also need to be factored into the recommendation.

Steve Cobb concurred with Chris Brescia's remarks, emphasizing that it will require significant support from the region's Congressional delegation to move this project forward, given the strong competition for increasingly limited funding. In particular, the Everglades, Puget Sound, Coastal Louisiana, Great Lakes, and Chesapeake Bay are all competing ecosystem restoration programs within the Corps' budget.

Grand Excursion 2004

Chris Oshikata and Jay Downie showed a video explaining the origins and plans for Grand Excursion 2004. The Grand Excursion 2004 will bring together communities along the

Mississippi River to celebrate and promote the environmental, recreational, and economic values of the river. Building on the history of the 1854 Grand Excursion, there are hundreds of educational and commemorative events planned for the summer of 2004 in 55 river towns from the Quad Cities to the Twin Cities. Oshikata described some of the plans, including curriculum and steamer trunks filled with educational resources for grades K-12; designation of “Legacy Projects” like the museum complexes in Dubuque and St. Paul; commemorative discovery markers; and a grand flotilla that includes the MV Mississippi, Delta Queen, and Audubon Ark.

Downie explained that Grand Excursion was incorporated in 2001. The McKnight Foundation helped to support the organization in the beginning. Roughly \$7.3 million has been raised to support the efforts. In addition, the U.S. House of Representatives passed a resolution in March 2003, expressing its support for the Grand Excursion celebration and activities. A similar resolution has been introduced in the Senate.

Twin Cities Spills Planning and Preparedness

Barb Naramore explained that UMRBA, EPA, USGS, and the states have been working together on an inland sensitivity mapping and planning project since 1992. Under the leadership of Minnesota PCA, these efforts have been expanded in the Twin Cities metropolitan area. Naramore introduced Steve Lee, from Minnesota PCA, who provided an overview of the Twin Cities sub-area planning activities.

Lee thanked the UMRBA for its leadership in spills planning, noting the Minneapolis-Saint Paul Sub-area committee includes agencies from all levels of government, as well as several local industries. Lee described the spill response plan developed by the committee and showed examples of information included in the atlas that accompanies the plan. The plan includes strategies for dealing with oil spills at each mile of the river, including identification of access points, areas where the oil can be collected, and sensitive areas to be protected, such as drinking water intakes and endangered species habitat. According to Lee, thinking about spills in advance and developing a response plan has numerous benefits, including giving facility planners a target for equipment and manpower, giving the planning sector a head start in an actual incident, identifying areas that need further study, and identifying areas where no response can likely be made. However, advance planning has limitations, including the inability to predict river level, flow rate, and wind and ice conditions, as well as the fact that not all possible spill areas can be visited.

Jim Nelson of Marathon Ashland Petroleum described the steps that industry is taking in the Twin Cities to prepare for spills. In particular, an industry cooperative, called Wakota CAER, has purchased oil spill response equipment (primarily containment boom) and stored it in 6 locations along the river between St. Paul and Hastings. Any member of the cooperative may use the cached equipment and count it toward their required response preparedness. In addition, a mutual aid approach is employed for response and training. In 2002, a spill drill was conducted at 7 sites, based on a scenario involving a storm sewer spill of unknown origin. Future activities include updating the sub-area contingency plan response strategies based on drill experience, completing equipment deployment with \$20,000 in project funding, planning additional drills, and sponsoring a training session.

In response to the question of whether this type of planning is underway in other communities, Barb Naramore explained that response strategies are also being developed for the Quad Cities, under the leadership of EPA Region 7.

In response to a question regarding evidence collection for Natural Resource Damage Assessments, Steve Lee said that the Twin Cities plan has a protocol for notifying natural resource trustees, including the U.S. Fish and Wildlife Service, if dead or oil-covered fish or waterfowl are found.

Water Level Management

Gretchen Benjamin described water level management activities in the St. Paul District. Interagency discussions, under the auspices of the district's Water Level Management Task Force, began in 1995. In 1996-1999, three small-scale drawdowns were undertaken in backwaters. The first large-scale drawdown was conducted in Pool 8. In 2000, the Pool 8 drawdown needed to be abbreviated to 40 days, but in 2002 an 18-inch drawdown was accomplished for the full 90 days. It resulted in minimal adverse impacts and good biological response. In 2003, the Task Force had planned minor drawdowns for Pools 6 and 9, but they had to be cancelled. The Pool 6 drawdown was cancelled as a result of recreational access issues and the Pool 9 project had archeological resources that presented problems. Those 2 pools will be candidates for small-scale drawdowns again next year. Pool 5 is the next pool for which a large-scale drawdown is being planned.

Benjamin described the lessons learned from a biological perspective, including:

- The plants produced by a water level reduction closely match the seedbank.
- The time to start a drawdown depends on a large number of variables and it may be best to follow the natural decrease from spring runoff to summer low flow conditions.
- Flexibility is the key to conducting a drawdown.
- The water level for a drawdown should be brought down by .10 feet a day rather than .20 feet a day, to provide more time for native mussels to move to deeper water.
- Two years of drawdown appears to be better than one year.
- Avian Botulism did not appear to increase as a result of the drawdown.
- Purple loosestrife did occur on monitoring transects, but did not overtake exposed mudflats.

Lessons learned from an operational perspective include:

- Public involvement is pivotal to project success.
- Spending the time to plan the project is well worth the effort.
- Drawdowns will not occur without some way to provide recreational access to river users.
- River agencies need to define reasonable river recreation access.

- Main channel dredging has a number of different parameters to consider:
 - Normal — routine dredging to maintain the 9' channel
 - Advanced — over dredging to 13' prior to a drawdown
 - Supplemental — any dredging beyond 13' as needed for a drawdown.
- Cultural resource issues must be adequately addressed.

Tim Schlagenhaft described the agencies' experience with water level management in Pool 5, noting that social issues are critical to the success of water level management projects. In particular, maintaining recreational access is critical. However, finding appropriate funding sources for recreational dredging can be difficult. Other issues include the costs and logistics of commercial dredging and coordination with other habitat restoration efforts.

In response to a question about the use of EMP funds to cover the incremental cost of recreational access dredging, Schlagenhaft explained that there is a range of opinion on that issue. Charlie Wooley suggested that funds might be available for recreational access dredging through the Fish and Wildlife Service, as a state aid project.

In response to a question regarding how water level management compares to other ecosystem restoration measures, Benjamin explained that the answer depends on what part of the river one is interested in. Water level management can renew plant growth, but would not, for instance, be able to remedy island loss. Therefore, a successful ecosystem restoration strategy needs to include a variety of measures.

Dave Busse described the water level management activities in the St. Louis District, where drawdowns have been conducted every year since 1994. In the St. Louis District, the optimal drawdown is about 2 feet. Lower drawdowns may actually cause excessive vegetative growth and have other unintended consequences. Originally, drawdowns were viewed as a benefit to waterfowl. However, the number and diversity of fish have also increased as a result of drawdowns in the St. Louis District. Analysis of data over the past 40 years suggests that the only years when drawdowns would not have been successful were the flood year 1993 and the drought year 1988.

Ken Barr described the water level management efforts in the Rock Island District. In particular, drawdowns were attempted in Pool 13 in 1998, 2001, and 2003. However none were successful because flows were outside of the target range. If advanced dredging in two key areas had been undertaken, the drawdowns would have been successful in 8 out of 10 years.

Barr also described some of the results of the Water Level Management Work Group, charged with evaluating water level management options as part of the Navigation Feasibility Study. In making its recommendations regarding water level management priorities, the group considered factors such as the hydrologic chance of success; benefit-to-cost efficiency, including dredging cost considerations; and acceptability considerations, including potential conflicts with recreational access and commercial fishing. Among other things, the group recommended growing season drawdowns in Pools 5, 7, 8, 9, 11, 13, 16, 18, 19, 24, 25, and 26 and modifying operation from hinge point to dam point control for Pools 16, 24, 25, and 26.

Barr noted that one of the challenges of changing from hinge point to dam point control is securing all the necessary lands from willing sellers.

Holly Stoerker asked about the advantages of securing a new separate authority for water level management, rather than undertaking such actions, as has been done to-date, under existing authority. Rich Worthington explained that funding for national continuing authorities, such as Section 206 and Section 1135, is limited and often fully dedicated to Congressional earmarks.

Other Business

Steve Johnson announced that the National Park Service will be hosting the grand opening of its Mississippi River Visitor Center this weekend at the Minnesota Science Museum.

Holly Stoerker announced that the future quarterly meeting schedule for the combined GLC, UMRBA, and EMP-CC meetings includes November 18-20, 2003 in La Crosse, Wisconsin and February 24-26, 2004 in St. Louis, Missouri. The February meeting will be held jointly with the Missouri River Basin Association. It was agreed that the spring meetings will be held May 18-20, 2004 in downtown St. Paul, to take advantage of the activities planned for the Grand Excursion 2004.

With no further business, the meeting was adjourned at 3:00 pm.