

**Minutes of the
91st Quarterly Meeting
of the
Upper Mississippi River Basin Association**

**August 11, 2004
Davenport, Iowa**

The meeting was called to order at 9:05 a.m. by UMRBA Chair Gary Clark. The following were present:

UMRBA Representatives and Alternates:

Gary Clark	Illinois (IL DNR)
Dick Vegors	Iowa (IA Dept of Economic Development)
John Hey	Iowa (IA DOT)
Mark Holsten	Minnesota (MN DNR)
Mike Wells	Missouri (MO DNR)
Charles Burney	Wisconsin (WI DNR)
Gretchen Benjamin	Wisconsin (WI DNR)

Federal Liaisons:

Charles Barton	U.S. Army Corps of Engineers (MVD)
Bill Franz	U.S. Environmental Protection Agency (Region 5)
Rick Nelson	U.S. Fish and Wildlife Service
Gary Wooten	Natural Resources Conservation Service (NRCS)

Others in attendance:

Marc Miller	Illinois Lt. Governor Pat Quinn
Janet Sternburg	Missouri DOC
Tim Schlagenhaft	Minnesota DNR
Rebecca Wooden	Minnesota DNR
Tim Scherkenbach	Minnesota PCA
Rich Worthington	U.S. Army Corps of Engineers (HQ)
Greg Ruff	U.S. Army Corps of Engineers (MVD)
Don Powell	U.S. Army Corps of Engineers (MVP)
Gary Loss	U.S. Army Corps of Engineers (MVR)
Roger Perk	U.S. Army Corps of Engineers (MVR)
Denny Lundberg	U.S. Army Corps of Engineers (MVR)
Chuck Spitzak	U.S. Army Corps of Engineers (MVR)
Ken Barr	U.S. Army Corps of Engineers (MVR)
Marvin Hubbell	U.S. Army Corps of Engineers (MVR)
John Barko	U.S. Army Corps of Engineers (R&D)

Tim Yager	U.S. Fish and Wildlife Service (Region 3)
Jon Duyvejonck	U.S. Fish and Wildlife Service (RIFO)
Sharonne Baylor	U.S. Fish and Wildlife Service (Upper Miss NW&FR)
Michael Hoff	U.S. Fish and Wildlife Service (Region 3, Fisheries)
Don Hultman	U.S. Fish and Wildlife Service (Upper Miss NW&FR)
Dick Steinbach	U.S. Fish and Wildlife Service (Mark Twain Refuge)
Al Fenedick	U.S. Environmental Protection Agency (Region 5)
Tim Henry	U.S. Environmental Protection Agency (Region 5)
Larry Shepard	U.S. Environmental Protection Agency (Region 7)
Mark Davis	Coalition to Restore Coastal Louisiana
Angela Anderson	Mississippi River Basin Alliance
Dick Hegle	Upper Mississippi Basin Stakeholder Network
Tom Edwards	River Rescue, Peoria
Mark Beorkrem	Illinois Stewardship Alliance
Dan McGuiness	Audubon
Gretchen Bonfert	McKnight Foundation
Barb Naramore	Upper Mississippi River Basin Association
Holly Stoerker	Upper Mississippi River Basin Association

Meeting Minutes

Gretchen Benjamin advised that the name “Bonfert” should be changed to “Benjamin” in the final paragraph of the Navigation Study Overview on pages A-4 and A-5 of the minutes of the May 19, 2004 meeting. Mike Wells moved and Chuck Burney seconded a motion to approve the minutes with Benjamin’s suggested revision. The motion was approved by consensus.

Executive Director’s Report

Holly Stoerker reported that, on July 8, the Joint Governors’ statement in support of the Corps of Engineers’ preferred plan from the draft Navigation Study feasibility report was signed at the National Governors’ Association office in Washington, D.C. Stoerker thanked Governor Blagojevich’s staff for their help in this process. The Joint Governors’ statement was transmitted to the Corps of Engineers by UMRBA as part of UMRBA’s comments on the draft feasibility report.

On June 24, UMRBA Chairman Gary Clark testified at a House Water Resources Subcommittee hearing on the Corps’ proposals for navigation improvements and ecosystem restoration on the UMR. While in Washington, Clark and Stoerker also visited a variety of House and Senate members’ offices to urge their support for the plan.

On July 8, the House Mississippi River Caucus held a hearing on the Corps’ Navigation Study. Stoerker provided testimony on behalf of UMRBA, using the same statement Clark used at the June 24 House Water Resources Subcommittee hearing.

Stoerker reported that EPA Region 5 had approved UMRBA’s grant request for \$76,700 to support the ongoing interstate coordination work of the UMRBA Water Quality Task Force

over the next two years. The next meeting of the Task Force is scheduled for August 25-26 in the Quad Cities. The first day will be devoted to hands-on training in the use of the LTRMP water quality data and Query Tool. Stoerker thanked the Rock Island District Corps of Engineers for allowing the Task Force to use the District's computer training facility for the LTRMP training session.

Stoerker reported that the next conference call of the UMR Floodway Group is scheduled for August 17. Topics of discussion will include the distribution and use of the floodway computation products prepared by the Corps for FEMA and the formulation of alternatives for the Corps' Comprehensive Plan.

Stoerker also reported that UMRBA has been invited to participate in the first annual National Flood Policy Forum on September 21-23 in Washington, D.C. None of the State floodplain managers from UMRBA member agencies will be able to attend. However, George Reidel of the Missouri State Emergency Management Agency, who will be participating in the Forum as a member of the Association of State Floodplain Managers, has agreed to monitor the events for UMRBA.

With regard to financial matters, Stoerker said that the independent accounting firm of Mahoney, Ulbrich, Christiansen and Russ will be conducting UMRBA's biennial audit for FY 03 and FY 04 during the last week of August.

Barb Naramore reported that UMRBA's FY 2005 Oil Pollution Act (OPA) cooperative agreement with EPA will likely be increased from the FY 2004 funding level. The funding supports ongoing work on inland sensitivity maps and sub-area planning.

Naramore also reported that UMRBA staff was involved in two Net Environmental Benefits Analysis (NEBA) workshops on the Upper Mississippi River. The NEBA process for evaluating the ecological consequences of spill response strategies was piloted in Pool 7 and Pool 19. In addition, the UMR will be the site of a national-level exercise for a Spill of National Significance.

Water Resources Development Act

Holly Stoerker reported that the Senate Environment and Public Works Committee approved a 2004 Water Resources Development Act that includes authorization of UMR navigation improvements and ecosystem restoration. She distributed copies of the S. 2554 language approved by the Committee on June 23 and explained that three new provisions were added to the UMR section during mark-up. The provisions would require 1) establishment of ecosystem restoration goals and performance measures, 2) the National Academies of Sciences (NAS) to develop a ranking system for ecosystem restoration projects, and 3) comparable progress between implementation of navigation improvements and ecosystem restoration. Given that there is now specific legislative language for the UMR authorization in a draft WRDA bill, Stoerker asked if UMRBA would like to prepare comments on the provisions.

Gretchen Benjamin suggested UMRBA prepare comments that express general support for moving the legislation forward and describe the States' understanding of the UMR

provisions, but do not offer any specific alternative language. Chuck Burney recommended that UMRBA's comments be organized around the same themes as the Joint Governors' statement.

Stoerker noted that the Governors' statement supports adaptive management. Thus, she would assume that UMRBA's comments on the Senate WRDA bill would support the provisions requiring establishment of ecosystem goals and performance measures. Stoerker noted, however, that the legislation does not reflect an adaptive implementation approach to navigation improvements, as recommended in the preferred plan and endorsed by the Governors. She asked how the Corps would implement the navigation improvements if the legislation did not specify an adaptive management approach, even though the Corps' plan had recommended such an approach.

Rich Worthington said he did not know how the absence of a specific legislative directive for adaptive implementation would affect the Corps' approach to implementing the navigation improvements. He noted that the Senate WRDA language references the draft feasibility study report's preferred plan with regard to the ecosystem restoration authorization, but not with regard to the authorization of the navigation improvements. Worthington also noted that the legislation does not mention the 50-year framework.

Holly Stoerker asked if the Corps believes that the Senate WRDA language in fact provides the dual authority recommended in the preferred plan. Worthington offered the opinion that it does, noting that the bill modifies the UMR navigation project in the interest of ecosystem restoration. He further explained that the concept of dual authority is only meaningful in the context of an authorized and funded program to implement the new ecosystem restoration authority.

Gretchen Benjamin sought clarification of the dual authority concept using the example often cited by Ken Barr that such an authority would allow a dredge that is doing channel maintenance work to also dredge an adjacent backwater to restore habitat. Worthington explained that such complementary work would be possible if the backwater dredging was, in fact, an approved and funded ecosystem restoration project. However, navigation channel O&M funding could not be used to accomplish backwater dredging related to ecosystem restoration, just because there is a "dual authority." Mark Beorkrem said the language proposed in WRDA legislation does not change the fact that navigation is still the authorized purpose of the UMR and there is no program for O&M of the ecosystem. He indicated that the WRDA language prohibiting adverse impacts to navigation is unacceptable to the environmental community. Rich Worthington disagreed with Beorkrem's interpretation of the WRDA language.

Holly Stoerker summarized the issues to be addressed in UMRBA's comments as follows:

- adaptive management for both ecosystem restoration and navigation improvements
- endorsement of the 50-year framework plan
- comparable progress
- NAS involvement that is collaborative, not directive
- dual authority

Gary Clark said the UMRBA comments should express a desire to have these issues addressed in WRDA, but should not offer specific legislative language.

Mike Wells moved that UMRBA staff be directed to draft comments on the UMR provisions in the Senate WRDA bill by August 20.

In response to a question from John Hey concerning the format and distribution of the comments, Stoerker recommended that the comments be structured as a statement, rather than a letter. This would allow the comments to be transmitted to a variety of offices, including Congressional members and committee staff, with customized cover letters.

Gary Clark outlined the following schedule for approval of the comments:

- Staff draft transmitted to UMRBA representatives by August 20
- UMRBA representatives' comments on draft to staff by August 27
- Conference call, if necessary, on August 31 to finalize comments

Mark Beorkrem asked if UMRBA representatives supported the legislative language prohibiting adverse impacts on navigation, noting again that this is an important issue for the environmental community. Rich Worthington noted that the pool water level management and dam point control projects included in the plan are designed to avoid adverse impacts to navigation by conducting advance dredging. Gretchen Benjamin noted that “no adverse impacts” has been part of all the pool draw downs undertaken thus far. Tim Yager said that the Pool Plans are also explicitly limited to what can be done without adversely affecting navigation on the system.

Gretchen Benjamin seconded Mike Wells' motion. It passed unanimously.

Limiting the Invasion of Asian Carp

Mike Hoff of the U.S. Fish and Wildlife Service provided an overview of a March 2004 study evaluating the feasibility of limiting or stopping the northward movement of Asian carp into the Upper Mississippi River. The study, funded by Minnesota DNR, Wisconsin DNR, and the U.S. Fish and Wildlife Service, includes recommendations regarding education, research and monitoring, regulation and enforcement, management, ecological risk assessment, and barriers and deterrents. In particular, 16 types of barriers were evaluated with regard to efficiency, risk of failure of the technology, navigation impact, construction and implementation complexity, operation and maintenance issues, safety concerns, and cost. The recommended barrier is a hybrid bubble acoustic system, or “screaming bubble fish fence.” The sound can be adjusted to the frequency that most effectively repels Asian carp.

The study recommends that the barriers be located either in or downstream of a lock and dam. Selection of the lock and dam locations would depend on the physical features of the dams, such as the percent of time tainter gates are out of the water; distribution of established Asian carp populations; and estimated length of time to implement barrier technologies. Proposed locations include Locks and Dams 19, 15, 14, 11, and 8. Locks and

Dams 8 and 11 would be most strategic because they are north of the current range of both silver carp and bighead carp.

Cost estimates for the Sound Projector Array-based acoustic bubble barrier range from \$1.2 million to \$1.6 million, if located at a lock entrance; and \$8.5 million to \$10.5 million, if located downstream of the spillway.

Next steps include developing audiograms for silver and bighead carp, integrating those results into the bubble array, and testing the systems.

In response to questions, Hoff explained that the affect of the bubbler system on native species is not yet known. Research is needed on developing barriers, as well as passages, that are species-selective. The barriers should also be implemented in the context of integrated management, which may involve harvesting. He emphasized that there are trade-offs between limiting the spread of undesirable species and facilitating the movement of native species. According to Hoff, the focus should be on net benefits.

Larry Shepard commented that simplification of the river's ecology over time has made it more vulnerable to invasive species. Thus, the issues of ecosystem restoration and exotic species control are related. Shepard urged that proposals for ecosystem restoration, such as the Corps of Engineers plan, make this connection explicit for decision makers.

Minnesota and Wisconsin Governors' Water Quality Initiative

Tim Scherkenbach of the Minnesota Pollution Control Agency said the Grand Excursion event this summer provided an opportunity for Governor Pawlenty to focus attention on the need to protect Mississippi River water quality. The Governor had established a Clean Water Cabinet a year ago to help coordinate water quality efforts within the State and now wants to reach beyond, to other States in the basin, as well. Governors Pawlenty and Doyle issued a joint press release on June 30, expressing their commitment to a Mississippi River water quality effort with a number of general goals, including reducing nutrient loads and Gulf hypoxia and restoring impaired waters.

Chuck Burney explained that, in Wisconsin, the Mississippi River water quality initiative originated within Governor Doyle's office and was not forwarded up from the agencies. Therefore, there are still many unanswered questions about specific plans and projects. However, there will not likely be any new funding provided. Burney commented that one of the outstanding questions is how to involve the other basin States.

Gary Clark thanked Minnesota and Wisconsin for taking the lead on this important issue. He noted that the Governors' Mississippi River initiative relates to much of what the UMRBA Water Quality Task Force has been working on for the past few years. Clark observed that the UMRBA Water Quality Task Force might be an appropriate forum for the States to use to advance the initiative. Stoerker noted that the Governors' initiative involves two distinct, but related, issues: hypoxia and nutrients, for which the Hypoxia Task Force has the lead; and impaired waters, which has been the UMRBA Water Quality Task Force's emphasis. She said that the Governors might want to consider how these issues relate to each other and how we can build on existing efforts where there is already momentum.

Chuck Burney agreed, saying that duplication of effort needs to be avoided. Tim Henry also emphasized the importance of integrating existing efforts and not creating additional institutions and bureaucracies.

Holly Stoerker suggested that the UMRBA Water Quality Task Force further discuss the Governors' initiative, at its next meeting. She also commented that, in the long term, it may be appropriate to consider whether funding through Section 106 of the Clean Water Act could be made available for interstate water quality efforts on the UMR. She noted that only six river basin commissions nationwide receive Section 106 funding. Tim Henry commented that providing Section 106 funding to the UMR would necessitate an amendment to the Clean Water Act, and thus require the support of the Governors. He suggested that the Governors consider issuing a joint statement supporting the work of the UMRBA Water Quality Task Force.

Coastal Louisiana Restoration

Mark Davis, of the Coalition to Restore Coastal Louisiana, described the varied uses of Louisiana's coastal area, including fishing, oil and gas production, ports and navigation, and a buffer from Gulf storms. However, the delta is gradually being lost, with 1 million acres turned to open water in the last 100 years. The Mississippi River's sediment load, which is needed to renew the delta, has decreased by 50 percent as a result of the construction of the locks and dams on the Upper Mississippi and Missouri Rivers.

Davis said that the Corps' draft feasibility study for restoring coastal Louisiana is out for public review through August 23. It proposes a \$14 billion program over 30 years to replumb the delta. Davis explained that the landscape is too large for individual site-specific projects. Instead, the focus is on recreating the natural hydrograph and sediment and nutrient patterns.

Davis also explained that WRDA currently includes a coastal Louisiana provision, with an initial investment of \$380 million. The President has indicated that the Administration could support up to \$2 billion. Davis commented that \$2 billion would be a good start, but would not be adequate in the long term. Davis also encouraged advocates of Upper Mississippi River ecosystem restoration and advocates of coastal Louisiana restoration to work together. He cautioned against viewing these investments as a zero-sum game and making the process competitive.

With regard to cost sharing, Davis explained that the coastal Louisiana study is being cost shared 50-50 and the implementation will require a 35 percent nonfederal cost share.

In response to the question of whether there is a relationship between the Corps' coastal Louisiana study and the UMR navigation study, Charles Barton explained that the coastal Louisiana study is focused primarily on the delta, but the long term effects of upper basin activities are recognized.

Upper Mississippi Basin Stakeholder Network (UMBSN)

Dick Hegle reported that UMBSN used the Grand Excursion earlier this summer to promote clean water efforts and distribute over 6000 copies of the *Mississippi Monitor* newsletter.

Discussion Forum: Institutional Arrangements for Interstate and Interagency Coordination on the UMR (Summarized in a separate document)

UMRBA Budget Revision

Holly Stoerker explained that two recent developments require revisions to the UMRBA's FY 05 budget approved in May. First, Minnesota paid its FY 04 dues in full, thus requiring an adjustment of its FY 05 allocation for travel reimbursement. That allocation would increase from \$2,250 to \$3,000. Second, EPA Region 5 approved UMRBA's grant request to support water quality coordination work. Therefore, UMRBA's FY 05 budget should reflect an additional \$25,700 in income and \$3,950 in expenses.

Stoerker explained that these proposed revisions would result in an amended FY 05 budget reflecting total income of \$403,600 and total expenses of \$400,526, resulting in projected net income of \$3,074.

Tim Schlagenhaft moved and Gretchen Benjamin seconded a motion to approve the FY 05 budget revisions as proposed by staff. The motion passed unanimously.

State Dues

Holly Stoerker explained that UMRBA annual dues amounts are set every two years, one year in advance of their effective date. Dues have been \$48,000 per State since FY 2000. Mike Wells moved and Chuck Burney seconded a motion establishing annual dues for FY 2006 and FY 2007 at \$48,000 per State. The motion passed unanimously.

Future Meeting Dates

The future quarterly meeting schedule for the combined GLC, UMRBA, and EMP-CC meetings includes November 16-18, 2004 in St. Louis and February 22-24, 2005 in La Crosse. It was agreed that the spring meetings will be held May 24-26, 2005 in the Twin Cities.

With no further business, the meeting was adjourned at 2:45 pm.